

PARLIAMENTARY INFORMATION CENTRE



20073271

REPUBLIC OF SOUTH AFRICA

DEBATES

OF THE

NATIONAL ASSEMBLY

(HANSARD)

FOURTH SESSION – THIRD PARLIAMENT

21 August to 20 September 2007

(VOLS 103 TO 108 – DEBATES;
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PRESIDENT

Mr T M Mbeki

DEPUTY PRESIDENT

Ms P G Mlambo-Ngcuka

MINISTRY

CABINET MINISTERS

MINISTER OF FOREIGN AFFAIRS	Dr N C Dlamini-Zuma
MINISTER OF DEFENCE	Mr M G P Lekota
MINISTER OF FINANCE	Mr T A Manuel
MINISTER FOR PROVINCIAL AND LOCAL GOVERNMENT	Mr F S Mufamadi
MINISTER OF TRANSPORT	Mr J T Radebe
MINISTER OF SOCIAL DEVELOPMENT	Dr Z S T Skweyiya
MINISTER FOR PUBLIC ENTERPRISES	Mr A Erwin
MINISTER OF COMMUNICATIONS	Dr I F Matsepe-Casaburri
MINISTER FOR THE PUBLIC SERVICE AND ADMINISTRATION	Mrs G J Fraser-Moleketi
MINISTER OF LABOUR	Mr M M S Mdladlana
MINISTER OF PUBLIC WORKS	Mrs A T Didiza
MINISTER FOR INTELLIGENCE	Mr R Kasrils
MINISTER OF HEALTH.....	Dr M E Tshabalala-Msimang
MINISTER IN THE PRESIDENCY.....	Dr E G Pahad
MINISTER OF CORRECTIONAL SERVICES	Mr B M N Balfour
MINISTER OF HOUSING	Dr L N Sisulu
MINISTER OF SAFETY AND SECURITY	Mr C Nqakula
MINISTER FOR JUSTICE AND CONSTITUTIONAL DEVELOPMENT	Mrs B S Mabandla
MINISTER OF EDUCATION	Mrs G N M Pandor
MINISTER OF ARTS AND CULTURE.....	Dr Z P Jordan
MINISTER OF SPORT AND RECREATION.....	Rev M A Stofile
MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM	Mr M C J van Schalkwyk
MINISTER OF TRADE AND INDUSTRY	Mr M B Mpahlwa
MINISTER OF SCIENCE AND TECHNOLOGY.....	Mr M A Mangena
MINISTER OF MINERALS AND ENERGY	Ms B P Sonjica
MINISTER OF HOME AFFAIRS	Ms N N Mapisa-Nqakula
MINISTER OF WATER AFFAIRS AND FORESTRY	Ms L B Hendricks
MINISTER FOR AGRICULTURE AND LAND AFFAIRS	Ms L M Xingwana

DEPUTY MINISTERS

DEPUTY MINISTER OF FOREIGN AFFAIRS	Mr A G E Fakrad
DEPUTY MINISTER OF SCIENCE AND TECHNOLOGY	Mr D A Enekeun
DEPUTY MINISTER OF SAFETY AND SECURITY	Ms S Shabangu
DEPUTY MINISTER FOR AGRICULTURE AND LAND AFFAIRS	Adv D C du Toit
DEPUTY MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM	Mrs T R Mabudafane
⁽¹⁾ DEPUTY MINISTER OF HEALTH	Vacant
DEPUTY MINISTER OF ARTS AND CULTURE	Ms N G W Eshra
DEPUTY MINISTER FOR PROVINCIAL AND LOCAL GOVERNMENT	Ms N E Ehangwa
DEPUTY MINISTER OF FINANCE	Mr P I Molekati
DEPUTY MINISTER OF SOCIAL DEVELOPMENT	Dr J Swansen-Jacobs
DEPUTY MINISTER FOR JUSTICE AND CONSTITUTIONAL DEVELOPMENT	Adv J E de Lange
DEPUTY MINISTER OF DEFENCE	Mr M E George
DEPUTY MINISTER OF HOME AFFAIRS	Mr M K N Gogira
DEPUTY MINISTER OF COMMUNICATIONS	Mr R L Fatayachie
⁽²⁾ DEPUTY MINISTER OF MINERALS AND ENERGY	Vacant
DEPUTY MINISTER OF FOREIGN AFFAIRS	Ms S C van der Merwe
DEPUTY MINISTER OF EDUCATION	Mr M E Surtz
DEPUTY MINISTER OF PUBLIC WORKS	Dr N M Kganyago
DEPUTY MINISTER OF SPORT AND RECREATION	Mr C G Oosthuizen
DEPUTY MINISTER OF TRADE AND INDUSTRY	Dr R E Davies
DEPUTY MINISTER OF TRADE AND INDUSTRY	Ms E Thabathe
DEPUTY MINISTER OF CORRECTIONAL SERVICES	Ms L Jacobs

⁽¹⁾ Vacant wef 8 August 2007 owing to Ms N C Madlala-Routledge being removed from Office as Deputy Minister of Health.

⁽²⁾ Vacant wef 22 May 2006 owing to the appointment of Ms L M Kganyago as Minister for Agriculture and Land Affairs wef the same date.

OFFICE-BEARERS OF THE NATIONAL ASSEMBLY

THE SPEAKER	Ms E Mbete
THE DEPUTY SPEAKER	Ms G L Mhlangu-Nkabinde
HOUSE CHAIRPERSON	Mr G Q M Dlodge
⁽¹⁾ HOUSE CHAIRPERSON	Mr M E Skesane
HOUSE CHAIRPERSON	Mr K O Bapela
THE LEADER OF THE OPPOSITION	Ms C-S Eshia
THE CHIEF WHIP OF THE MAJORITY PARTY	Mr I D Moya
THE CHIEF WHIP OF THE OPPOSITION	Mr E O Davidson

⁽¹⁾ Appointed wef 4 September 2007 viz Ms C-S Eshia, who resigned as House Chairperson wef the same date.

EXPLANATORY NOTE

In terms of the constitutional amendment that took effect on 20 March 2003, members are able, during a specified "window period", to change their party membership, or "cross the floor", without thereby losing their seats in Parliament.

For this reason this bound volume of the Debates of the National Assembly of 2007 contain two sets of members' lists.

The first set (pp viii-xix) consists of—

- a list of the Members of the National Assembly;
- a list of National Representatives;
- a list of Regional Representatives; and
- a State of Parties table

representing the position as at 31 August 2007, immediately prior to the date on which the window period for floor-crossing opened.

The second set (pp xx-xxxii) consists of—

- a list of Members of the National Assembly;
- a list of National Representatives;
- a list of Regional Representatives; and
- a State of Parties table

representing the position as at 20 September 2007, the last day of the Third Term of the Fourth Session of the Third Parliament.

MEMBERS OF THE NATIONAL ASSEMBLY

(As at 31 August 2007)

PARTIES: African National Congress = ANC, Democratic Alliance = DA,
Inkatha Freedom Party = IFP, United Democratic Movement = UDM,
Independent Democrats = ID, African Christian Democratic Party = ACDP,
Freedom Front Plus = FF Plus, United Christian Democratic Party = UCDP,
Pan Africanist Congress of Azania = PAC, Minority Front = MF,
Azanian People's Organisation = AZAPO, Progressive Independent Movement = PIM,
United Independent Front = UIF; Federation of Democrats = FD;
APC = African People's Convention; NADECO = National Democratic Convention

Abram, Mr Salamuddi	ANC	Carrim, Mr Yunus Ismail	ANC
Ainslie, Mr Arthur Roy	ANC	Cele, Mr Mosie Antony	ANC
Anthony, Mr Tuelo Gibson	ANC	Chalmers, Mrs Judy	ANC
Arendse, Mr Jonathan Doneley	ANC	Chang, Prof Eugenia Shi-Chia	IFP
Asiya, Mr Spetho Enoch	ANC	Chauke, Mr Hlomane Patrick	ANC
Asmal, Prof Abdul Kader	ANC	Chikunga, Mrs Lydia Sindiswe	ANC
		Chohan, Ms Fatima Ismail	ANC
Balfour, Mr Bryce Mathemba Ngconde	ANC	Coetzee, Mr Ryan	DA
Baloyi, Mr Masenyani Richard	ANC	Combrinck, Mr Johannes Jacobus	ANC
Bapela, Mr Kopeng Obed	ANC	Cronin, Mr Jeremy Patrick	ANC
Baty, Ms Florence	ID	Cupido, Mr Hendry Benjamin	ACDP
Bekker, Mr Hendrik Jacobus	IFP	Cwele, Dr Siyabonga Cyprian	ANC
Beukman, Mr Francois	ANC		
⁽¹⁾ Vacant		Dambuza, Ms Beauty Nomhle	ANC
Bhengu, Mr Fezile	ANC	Davidson, Mr Ian Ormiston	DA
Bhengu, Mr Mfuniselwa John	IFP	Daniels, Ms Pamela	ANC
Bhengu, Ms Phumzile	ANC	Davies, Dr Robert Haydn	ANC
Bhoola, Mr Royith Baloo	MF	De Lange, Adv Johannes Hendrik	ANC
Bici, Mr Jackson	UDM	De Lille, Mrs Patricia	ID
Biyela, Chief Bekizwe Phillemon	IFP	Delpont, Dr Jacobus Tertius	DA
Blanché, Mr Johannes Petrus Izak	DA	Dhlamini, Mr Bonginkosi Wesley	IFP
Bloem, Mr Dennis Victor	ANC	Diale, Mr Letsau Nelson	ANC
Bogopane-Zulu, Mrs Hendrietta Ipeleng	ANC	Didiza, Mrs Angela Thokozile	ANC
Boinamo, Mr George Gaolatlhe	DA	Dikgacwi, Mr Mgolodi Moses	ANC
Bonhomme, Mr Trevor John	ANC	Direko, Ms Isabella Winkie	ANC
Booi, Mr Mnyamezeli Shedrack	ANC	Dithebe, Mr Sello Leon	ANC
Botha, Mr Andries Johannes	DA	Ditshetelo, Mr Paul Harry Kgomo... ..	UCDP
Botha, Mrs Celia-Sandra	DA	Dlali, Mr David Mtheteleli	ANC
Botha, Ms Ntombazana Gertrude		Dlamini-Zuma, Dr Nkosazana Clarice ...	ANC
Winifred	ANC	Doidge, Mr Geoffrey Quinton Michael ..	ANC
Burgess, Mr Cecil Valentine	ANC	Doman, Mr Willem Phillips	DA
Buthlezi, Dr Mangosuthu Gatsha	IFP	Dreyer, Ms Anchen Margaretha	DA
		Dudley, Mrs Cheryllyn	ACDP
Cachalia, Mr Ismail Mahomed	ANC	Du Toit, Adv Dirk Cornelis	ANC
Camerer, Mrs Sheila Margaret	DA		

Ellis, Mr Michael James	DA	Joubert, Mr Leonardus Kolbé	DA
Erwin, Mr Alexander	ANC	Julies, Mr Isaac Frederick	DA
Farrow, Mr Stuart Brian	DA	Kalako, Mr Mziwamadoda Uppington ...	ANC
Fihla, Mr Nkosinathi Benson	ANC	Kalyan, Mrs Santosh Vinita	DA
Fraser-Moleketi, Mrs Geraldine Joslyn .	ANC	Kasienyane, Ms Onewang Rebecca	ANC
Frolick, Mr Cedric Thomas	ANC	Kasrils, Mr Ronald	ANC
Fubbs, Ms Joanmariae Louise	ANC	Kekana, Mr Charles Danny	ANC
Gabanakgosi, Mr Pico Shadrack	ANC	Kganyago, Prof Ntopile Marcel	UDM
Gaum, Adv André Hurtley	ANC	Khoarai, Mr Lefu Peter	ANC
Gcwabaza, Mr Ndabakayise Erasmus	ANC	Kholwane, Mr Sikhumbuzo Eric	ANC
George, Mr Mluleki Editor	ANC	Khumalo, Mr Kenneth Kayilo	ANC
Gerber, Mr Pierre-Jeanne Alexander	ANC	Khumalo, Mr Kgotso Moses	ANC
Gibson, Mr Douglas Harvey Monro	DA	Khunou, Ms Nthabiseng Pauline	ANC
Gigaba, Mr Knowledge Malusi		King, Mr Ryno Johannes	DA
Nkanyezi	ANC	Kohler-Barnard, Ms Dianne	DA
(2) Vacant		Komphela, Mr Butana Moses	ANC
Godi, Mr Nelson Themba	PAC	Kondlo, Ms Ncumisa Chwayita	ANC
Gogotya, Mr Ntsiza John	ANC	Koornhof, Dr Gerhardus Willem	ANC
Gololo, Mr Christopher Lancaster	ANC	Kota, Ms Zoliswa Albertina	ANC
Gomomo, Mr Pumzile John	ANC	Kotwal, Mr Zunaid	ANC
(3) Vacant			
Gore, Mr Vincent Charles	ID	Labuschagne, Mr Leslie Bernardus	DA
Green, Mr Louis Michael	FD	Landers, Mr Luwellyn Tyrone	ANC
Greyling, Mr Carl Heinrich Friederich ...	ANC	Lebenya, Ms Seeng Patricia	IFP
Greyling, Mr Lance William	ID	Lee, Mr Trevor Donald	DA
Groenewald, Mr Petrus Johannes	FF Plus	Lekgetho, Mr George	ANC
Gumede, Mr Donald Mlindwa	ANC	(6) Vacant	
Gumede, Mrs Mogomotsi Mary	ANC	Lekota, Mr Mosiuoa Gerard Patrick	ANC
Gxowa, Mrs Nonkumbi Bertha	ANC	Leon, Mr Anthony James	DA
		Likotsi, Mr Mofihli Thomas	PAC
Hajaig, Ms Fatima	ANC	Lishivha, Ms Tshiwela Elidah	ANC
Hanekom, Mr Derek André	ANC	Loe, Ms Shelley Joy	DA
Hangana, Ms Nomatyala Elizabeth	ANC	Louw, Mr Samuel Kolman	ANC
(4) Vacant		Louw, Mr Tsietsi Joseph	ANC
Hendricks, Ms Lindiwe Benedicta	ANC	Lowe, Mr Christopher Mark	DA
Hendrickse, Mr Peter Alroy		Lucas, Mr Eric James	IFP
Charles	ANC	Ludwabe, Mrs Cikizwa Ivy	ANC
(5) Hlangwana, Ms Nomvula	ANC	Luthuli, Dr Albertinah Nomathuli	ANC
Hogan, Ms Barbara Anne	ANC		
Holomisa, Mr Bantubonke Harrington ..	UDM	Maake, Mr Jerome Joseph	ANC
Holomisa, Adv Sango Patekile	ANC	Mabandla, Mrs Brigitte Sylvia	ANC
Huang, Mr Shiaan-Bin	ANC	Mabe, Ms Lorato Louisa	ANC
		Mabena, Mr Daniel Curtis	ANC
Jacobus, Ms Loretta	ANC	Mabudafhasi, Mrs Thizwilondi	
Jeffery, Mr John Harold	ANC	Rejoyce	ANC
Johnson, Ms Carol Beatrix	ANC	Madasa, Adv Zweletu Lukanyiso	ANC
Johnson, Mr Mlungisi	ANC	Madella, Mr Andrew Frans	ANC
Jordan, Dr Zweledinga Pallo	ANC	Madikiza, Mr George Tembela	UDM

Madlala-Routledge, Ms Nozizwe Charlotte	ANC	Mbombo, Mrs Nozizwe Diana	ANC
Maduma, Mr Lawrence Daluxolo.....	ANC	Mdaka, Ms Nomakhaya Mavis.....	UIF
Madumise, Mrs Meisi Maureen.....	ANC	Mdladlana, Mr Membathisi Mphumzi Shepherd	ANC
Magau, Ms Kgomotso Ruth.....	ANC	Mdlalose, Ms Makhosazana Mpho	Nadeco
Magubane, Mr Ntando Emmanuel	ANC	Mentor, Ms Mabel Patronella	ANC
Magwanishe, Mr Gratitude Bulelani	ANC	Meruti, Ms Maseokwane Violet.....	ANC
Mahlaba, Mr Themba Louis	ANC	Meshoe, Rev Kenneth Raselabe Joseph	ACDP
Mahlangu-Nkabinde, Ms Gwendoline Lindiwe	ANC	Mfundisi, Mr Isaac Siphos	UCDP
Mahlawe, Ms Nomhle Maria.....	ANC	Mgabadel, Ms Hlengiwe Christophina..	ANC
Mahomed, Mrs Farida.....	ANC	Minnie, Mr Karel Johannes	DA
Mahote, Mr Samson.....	ANC	Mkhize, Mr Zakhele Siphos	ANC
Maine, Mrs Makatse Sophia.....	ANC	Mkongi, Mr Bongani Michael	ANC
Maja, Mr Shoahlane John	ANC	Mlambo-Ngcuka, Ms Pumzile Gloria.....	ANC
Makasi, Mrs Xoliswa Caroline.....	ANC	Mlangeni, Mr Andrew.....	ANC
Makgate, Ms Mamosoeu Wendy	ANC	Mncwango, Mr Mangaqa Albert	IFP
Malahlela, Mr Mamaroba Johannes	ANC	Mnguni, Mr Bafunani Aaron	ANC
Maloney, Mrs Lorna.....	ANC	Mnyandu, Mr Bhekinhlaha Jeremia	ANC
Maluleka, Mr Homes Peter.....	ANC	Moatshe, Mr Monako Stephen	ANC
Maluleke, Mr Daniel Kapeni	ANC	Modisenyan, Mr Lewele John.....	ANC
Manana, Ms Millicent Ntombizodwa Sibongile.....	ANC	Mofokeng, Mr Tsokudu Ronald.....	ANC
(7) Vacant		Mogale, Mr Ohentse Moses.....	ANC
Manuel, Mr Trevor Andrew.....	ANC	Mogase, Mr Isaac Dank.....	ANC
Mapisa-Nqakula, Ms Nosiviwe Noluthando	ANC	Mohamed, Prof Ismail Jacobus.....	ANC
Marais, Mr Sarel Jacobus Francois	DA	Mohlaloga, Mr Manyaba Rubben.....	ANC
Mars, Mrs Inka	IFP	Mokoena, Mr Aubrey Dundubala.....	ANC
Martins, Mr Benedict Anthony Duke	ANC	Mokoto, Ms Nthibane Rebecca	ANC
Masango, Mr Suhla James.....	DA	Molefe, Mr Christopher Thabo.....	ANC
Maserumule, Mr Frans Tlokwe	ANC	Moleketi, Mr Phillip Jabulani	ANC
Mashangoane, Ms Puleng Roseline.....	ANC	Moloto, Mr Koena Arthur.....	ANC
Mashiane, Ms Lorraine Mmakgosi.....	ANC	Monareng, Mr Oupa Ephraim.....	ANC
Mashigo, Ms Refilwe Junior.....	ANC	Montsitsi, Mr Sediane Danny	ANC
Mashile, Mr Buoang Lemias	ANC	Moonsamy, Mr Kay	ANC
Masutha, Mr Tshililo Michael	ANC	Morgan, Mr Gareth Richard.....	DA
Mathebe, Mr Piet Mohlamme.....	ANC	Morkel, Mr Craig Mervyn	PIM
Mathibela, Ms Nomvula Frieda.....	ANC	Morobi, Mrs Dimakatso Martha.....	ANC
Matlala, Mr Motswaledi Hezekiel	ANC	Morutoa, Ms Masefele Rosalia.....	ANC
Matsemela, Ms Mmaphefo Lucy	ANC	Morwamoche, Mr Kgoloko Walter.....	ANC
Matsepe-Casaburri, Dr Ivy Florence	ANC	Mosala, Mr Bahlakoana Godfrey	ANC
Matsomela, Ms Mothusiemang Johanna Jane	ANC	Moss, Ms Linda Nellie	ANC
Maunye, Mrs Maggie Margaret.....	ANC	Moss, Mr Maxwell Izekiel.....	ANC
Mayatula, Prof Shepherd Malusi	ANC	Motubatse-Houkpatin, Ms Semamanyane Dorothy.....	ANC
Maziya, Mr Alpheus Mokabhe.....	ANC	Mpahlwa, Mr Mandisi Bongani.....	ANC
Mbete, Ms Baleka.....	ANC	Mpontshane, Mr Alfred Mkhapheni	IFP
Mbili, Mr Mandlenkosi Enock	ANC	Mshudulu, Mr Sithole Assistance	ANC
		Mthembu, Mr Ben.....	ANC
		Mthethwa, Mr Emmanuel Nkosinathi	ANC

Mtshali, Mr Eric..... ANC
 Mufamadi, Mr Fholisani Sydney..... ANC
 Mulder, Dr Cornelius Petrus..... FF Plus
 Mulder, Dr Pieter Willem Adriaan..... FF Plus
 Mzondeki, Mr Monontsi Joseph
 George ANC
 Nawa, Ms Zipporah Noisey..... ANC
⁽⁸⁾ Ndlazi, Ms Xintle Alexia..... UIF
 Ndlovu, Mr Velaphi Bethuel IFP
 Ndzanga, Mrs Rita Alita ANC
 Nefolovhodwe, Mr Pandelani
 Jeremia AZAPO
 Nel, Mr Andries Carl ANC
 Nel, Mr Adriaan Hermanus DA
 Nene, Mr Mdudu Joshua..... ANC
 Nene, Mr Nhlanhla Musa ANC
 Newhoudt-Druchen, Mrs Wilma Susan.. ANC
 Ngaleka, Ms Elizabeth..... ANC
 Ngcengwane, Ms Nompndiko Doris..... ANC
 Ngcobo, Ms Beatrice Thembekile ANC
 Ngcobo, Mr Eugene Nhlanhla Nqaba..... ANC
 Ngcobo, Mr Ndawoyakhe Wilson ANC
 Ngculu, Mr Lincoln Vumile James..... ANC
 Ngele, Ms Nombuyiselo Joyce ANC
 Ngema, Mr Mzikayise Vincent Nadeco
 Ngiba, Mr Bonginkosi Christopher..... Nadeco
 Ngwenya, Mrs Makwena Lydia ANC
 Ngwenya, Ms Winnie ANC
 Nhlapo, Mr Vusi Herbert ANC
 Nhlengethwa, Mrs Dumisile Goodness.. ANC
 Njikelana, Mr Sisa James ANC
 Njobe, Mrs Makhosazana Abigail
 Alicia ANC
 Nkabinde, Ms Nonhlanhla Claribel UDM
⁽⁹⁾ Vacant
 Nkuna, Ms Constance ANC
 Nogumla, Mr Robert Zamxolo ANC
 Nonkonyana, Chief Mwelo..... ANC
 Nqakula, Mr Charles..... ANC
 Ntombela, Ms Sefora Hixsonia..... ANC
 Ntuli, Mrs Bongi Maria ANC
 Ntuli, Ms Makhoni Maria..... ANC
 Ntuli, Mr Richard Sibusiso..... ANC
 Ntuli, Mr Somangamane Benjamin..... ANC
 Nwamitwa-Shilubana, Mrs Tinyiko
 Lwandlamuni Phillia ANC
 Nxumalo, Ms Muntu Doreen..... ANC
 Nxumalo, Mr Samuel Neocleous..... ANC

Nyambi, Mr Archibold Jomo..... ANC
 Nzimande, Mr Lewis Paul
 Musawenkosi ANC
 Olifant, Mr Daniel April Andrew ANC
 Oliphant, Mr Geolatlhe Godfrey..... ANC
 Oosthuizen, Mr Gerhardus Cornelius ANC
 Opperman, Mr Sydney Edward..... DA
 Padayachie, Mr Radhakrishna
 Lutchmana ANC
 Pahad, Mr Aziz Goolam Hoosein..... ANC
 Pahad, Dr Essop Goolam..... ANC
 Pandor, Mrs Grace Naledi Mandisa..... ANC
 Phadagi, Mr Muthundinne George ANC
 Phala, Mr Mahwidi John..... ANC
 Pheko, Dr Salzwedel Ernest Motsuoko ... PAC
 Phungula, Mr Johannes Phumani ANC
 Pieterse, Mr Randy Desmond..... ANC
 Pule, Mr Bafitlhile Edmund..... UCDP
 Rabie, Dr Pierre Jacques DA
 Rabinowitz, Dr Ruth..... IFP
 Radebe, Mr Bhikizizwe Abram..... ANC
 Radebe, Mr Jeffrey Thamsanqa ANC
 Rajbally, Ms Sunklavathy..... MF
 Ramakaba-Lesiea, Ms Mandu Mildred .. ANC
 Ramgobin, Mr Mawalal ANC
 Ramodibe, Ms Dorothy Mapula ANC
 Ramotsamai, Ms Cecilia Mampe
 Papadi ANC
⁽¹⁰⁾ Vacant
 Rasmeni, Mr Solomon Mandlenkosi ANC
 Reid, Mr Lanval Roderick Robin ANC
 Roopnarain, Dr Usha IFP
 Rwexana, Ms Sindiswa Patricia ANC
 Saloojee, Mr Ebrahim (Cassim) ANC
 Sayedali-Shah, Moulana Mohammed
 Rafeek DA
 Schippers, Mr Johannes ANC
 Schmidt, Adv Hendrik Cornelius DA
 Schneemann, Mr Gregory David..... ANC
 Schoeman, Dr Emanuel Andreas ANC
 Seadimo, Ms Mokgothu Dorcas ANC
 Seaton, Mrs Sybil Anne..... IFP
 Sefularo, Dr Molefi ANC
 Sekgobela, Ms Priscilla Sindisiwe..... ANC
 Selau, Mr Gaolaolwe Joseph ANC
 Selfe, Mr James DA

Semple, Ms Janet Audrey	DA	Tolo, Bishop Lekoba Jack.....	ANC
September, Ms Cornelia Carol.....	ANC	Trent, Mr Edward William	DA
Seremane, Mr Wetshotsile Joseph.....	DA	Tsenoli, Mr Solomon Lechesa	ANC
Shabangu, Ms Susan	ANC	Tshabalala-Msimang, Dr Mantombazana	
Sibande, Mr Mtikeneni Patrick.....	ANC	Edmie.....	ANC
Sibanyoni, Mr Jonas Ben	ANC	Tshivhase, Mrs Tovhowani Josephine	ANC
Siboza, Mr Sipho	ANC	Tshwete, Ms Pamela	ANC
Sibuyana, Mr Mabalana Willias	IFP	Turok, Prof Benjamin	ANC
Sigcau, Ms Sylvia Nomatamsanqa	UDM	Twala, Ms Ntombikayise Margaret	ANC
Sikakane, Mr Mdumiseni Richard.....	ANC		
Simmons, Mr Stanley.....	UPSA	Vadi, Mr Ismail	ANC
⁽¹¹⁾ Singh, Mr Narend	IFP	Van den Heever, Mr Randall Paul	
Sisulu, Dr Lindiwe Nonceba.....	ANC	Zachariah	ANC
Sithole, Mr Dumisani Job	ANC	Van der Merwe, Mr Jacobus Hercules	IFP
Skhosana, Mr Windvoël Mlomabo	ANC	Van der Merwe, Ms Susan Comber.....	ANC
Skosana, Mr Moleeane Ben.....	IFP	Van der Walt, Mrs Desirée.....	DA
Skweyiya, Dr Zola Sidney Themba.....	ANC	Van Dyk, Dr Salomon Maritz.....	DA
Smith, Mr Peter Francis.....	IFP	Van Niekerk, Dr André Isak	DA
Smith, Mr Vincent George.....	ANC	Van Schalkwyk, Mr Marthinus Christoffel	
Smuts, Ms Mudene	DA	Johannes.....	ANC
Solo, Mr Bangilizwe Mlindiwekhaya.....	ANC	Van Wyk, Ms Annelizé	ANC
Solomon, Mr Gassan.....	ANC	Vezi, Mr Temba Ellis.....	IFP
Sonjica, Ms Buyelwa Patience	ANC	Vos, Ms Suzanne Christina.....	IFP
Sonto, Mr Mzunani Roseberry	ANC	Vundisa, Mr Sifanelo Shadrack	ANC
Sosibo, Ms Jabu Elsie	ANC		
Sotyu, Ms Makhotsa Magdeline.....	ANC	Wang, Mr Yi-Ju.....	ANC
Spies, Mr Willie Durand.....	FF Plus	Waters, Mr Michael	DA
Stephens, Mr John Joseph Martin	DA	Weber, Ms Hilda.....	DA
Steyn, Mr Arron Cecil	DA	Woods, Dr Gavin Gower.....	Nadeco
Surty, Mr Mohamed Enver	ANC		
Swanson-Jacobs, Dr Jean.....	ANC	Xingwana, Ms Lulama Marytheresa.....	ANC
Swart, Mr Marius.....	DA	Xolo, Mr Everson Thobigunya	ANC
Swart, Adv Paul Stephanus	DA		
Swart, Mr Steven Nicholas.....	ACDP	Yengeni, Mrs Lumka Elizabeth	ANC
Swathe, Mr Mpowele Mexan	DA		
		Zikalala, Ms Constance Ntombikayise	
Thabethe, Ms Elizabeth	ANC	Zerish.....	IFP
Thomson, Ms Barbara.....	ANC	Zita, Mr Langa	ANC
Tinto, Mrs Bulelwa	ANC	Zondi, Rev Keith Muntuwenkosi	IFP
Tlake, Ms Manana Florence	ANC	Zulu, Mr Bhekizizwe Zebon	ANC
Tobias, Ms Thandi Vivian.....	ANC		

⁽¹⁾ Vacant wef 10 August 2007 owing to the resignation of Mr Y S Bhamjee.

⁽²⁾ Vacant wef 17 August 2007 owing to the resignation of Dr F N Ginwala.

⁽³⁾ Vacant wef 14 December 2006 owing to Mr M T Goniwe having lost his seat.

⁽⁴⁾ Vacant wef 22 August 2007 owing to Mr A Harding having lost his seat.

⁽⁵⁾ Nominated wef 25 June 2007 *vice* Mr P D N Maloyi, who resigned wef the same date.

⁽⁶⁾ Vacant wef 1 August 2007 owing to the resignation of Mr M M S Lekgoro.

⁽⁷⁾ Vacant wef 1 March 2007 owing to the resignation of Mr M S Manie.

⁽⁸⁾ Nominated wef 15 August 2007 *vice* Mr M Diko, who passed away on 28 July 2006.

⁽⁹⁾ Vacant wef 1 February 2007 owing to the resignation of Dr E Nkem-Abonta.

⁽¹⁰⁾ Vacant wef 1 October 2006 owing to the resignation of Mr T D H Ramphele.

⁽¹¹⁾ Nominated wef 23 August 2007 *vice* Prince N E Zulu, who passed away on 15 June 2007.

NATIONAL REPRESENTATIVES

(As at 31 August 2007)

Asmal, Prof A K
 Balfour, B M N
 Batyi, Ms F
 Bekker, H J
 Bhoola, R B
 Biyela, Chief B P
 Bloem, D V
 Bonhomme, T J
 Booï, M S
 Buthelezi, Dr M G
 Carrim, Y I
 Chang, Prof E S
 Chauke, H P
 Chohan, Ms F I
 Cronin, J P
 Davies, Dr R H
 De Lange, Adv J H
 Didiza, Mrs A T
 Dikgacwi, M M
 Direko, Ms I W
 Dithebe, S L
 Dlali, D M
 Dlamini-Zuma, Dr N C
 Dudley, Mrs C
 Du Toit, Adv D C
 Erwin, A
 Fraser-Moleketi, Mrs G J
 Gabanakgosi, P S
 Gerber, P A
⁽¹⁾ Vacant
 Godi, N T
 Gogotya, N J
 Gore, V C
 Green, L M
 Greyling, L W
 Groenewald, P J
 Gumede, D M
 Gumede, Mrs M M
 Hanekom, D A
 Hangana, Ms N E
 Holomisa, B H
 Jeffery, J H
 Jordan, Dr Z P
 Joubert, L K
 Kalako, M U

Kasrils, R
 Kganyago, Dr N M
 Khumalo, K K
 Koornhof, Dr G W
 Kota, Ms Z A
 Landers, L T
 Lekgetho, G
⁽²⁾ Vacant
 Lekota, M G P
 Likotsi, M T
 Louw, T J
 Mabandla, Mrs B S
 Mabe, Ms L L
 Mabena, D C
 Madikiza, G T
 Magubane, N E
 Magwanishe, G B
 Mahlaba, T L
 Mahlangu-Nkabinde, Ms G L
 Mahomed, Mrs F
 Mahote, S
 Malahlela, M J
⁽³⁾ Vacant
 Manuel, T A
 Mapisa-Nqakula, Ms N N
 Mars, Mrs I
 Martins, B A D
 Mashiane, Ms L M
 Masutha, T M
 Matsemela, Ms M L
 Matsepe-Casaburri, Dr I F
 Matsomela, Ms M J J
 Maziya, A M
 Mbete, Ms B
 Mbombo, Mrs N D
 Mdladlana, M M S
 Meruti, Ms M V
 Meshoe, Rev K R J
 Mfundisi, I S
 Mgabadeli, Ms H C
 Mlambo-Ngcuka, Ms P G
 Mncwango, M A
 Mofokeng, T R
 Mogale, O M
 Mogase, I D

Mohamed, Prof I J	Ramakaba-Lesiea, Ms M M
Mohlaloga, M R	Ramgobin, M
Montsitsi, S D	Ramotsamai, Ms C M P
Moonsamy, K	⁽⁵⁾ Vacant
Morobi, Mrs D M	Reid, L R R
Mpahlwa, M B	Rwexana, Ms S P
Mshudulu, S A	Saloojee, E (Cassim)
Mthembu, B	Seadimo, Ms M D
Mthethwa, E N	Sefularo, Dr M
Mtshali, E	September, Ms C C
Mufamadi, F S	Shabangu, Ms S
Mulder, Dr C P	Sibuyana, M W
Mulder, Dr P W A	Sikakane, M R
Mzondeki, M J G	Sisulu, Dr L N
Nawa, Ms Z N	Skosana, M B
⁽⁴⁾ Ndlazi, Ms X A	Skweyiya, Dr Z S T
Ndzanga, Mrs R A	Solo, B M
Nefolovhodwe, P J	Solomon, G
Nene, N M	Sonto, M R
Newhoudt-Druchen, Mrs W S	Sosibo, Ms J E
Ngaleka, Ms E	Stephens, J J M
Ngcobo, Ms B T	Swanson-Jacobs, Dr J
Ngcobo, E N N	Swart, S N
Ngculu, L V J	Thomson, Ms B
Nhlapo, V H	Tobias, Ms T V
Nkabinde, Ms N C	Tsenoli, S L
Nonkonyana, Chief M	Tshabalala-Msimang, Dr M E
Nqakula, C	Tshivhase, Mrs T J
Ntuli, S B	Turok, Prof B
Nzimande, L P M	Van den Heever, R P Z
Oliphant, G G	Van der Merwe, J H
Oosthuizen, G C	Van der Merwe, Ms S C
Padayachie, R L	Van Wyk, Ms A
Pahad, A G H	Vos, Ms S C
Pahad, Dr E G	Vundisa, S S
Pandor, Mrs G N M	Wang, Y
Pheko, Dr S E M	Woods, Dr G G
Phungula, J P	Yengeni, Mrs L E
Pule, B E	Zikalala, Ms C N Z
Rabinowitz, Dr R	Zulu, B Z
Radebe, J T	

⁽¹⁾ Vacant wef 17 August 2007 owing to the resignation of Dr F N Ginwala.

⁽²⁾ Vacant wef 1 August 2007 owing to the resignation of Mr M M S Lekgoro.

⁽³⁾ Vacant wef 1 March 2007 owing to the resignation of Mr M S Manie.

⁽⁴⁾ Nominated wef 15 August 2007 *vice* Mr M Diko, who passed away on 28 July 2006.

⁽⁵⁾ Vacant wef 1 October 2006 owing to the resignation of Mr T D H Ramphele.

REGIONAL REPRESENTATIVES

(As at 31 August 2007)

EASTERN CAPE

(30 representatives)

Bhengu, F
Bici, J
Botha, Ms N G W
Chalmers, Mrs J
Delport, Dr J T
Doidge, G Q M
Farrow, S B
Fihla, N B
Frolick, C T
George, M E
Gomomo, P J
(¹) Vacant
Hendricks, Ms L B
Hendrickse, P A C
Holomisa, Adv S P

Johnson, M
Kondlo, Ms N C
Lee, T D
Ludwabe, Mrs C I
Mahlawe, Ms N M
Mayatula, Prof S M
Mdaka, Ms N M
Njobe, M A A
Nogumla, R Z
Schoeman, Dr E A
Sigcau, Ms S N (Sylvia N)
Sonjica, Ms B P
Trent, E W
Tshwete, Ms P
Twala, Ms N M

FREE STATE

(14 representatives)

Abram, S
Botha, A J
Botha, Mrs C-S
Khoarai, L P
Khunou, Ms N P
Komphele, B M
Madumise, Mrs M M

Magau, Ms K R
Mnguni, B A
Modisenyane, L J
Mosala, B G
Ntombela, Ms S H
Radebe, B A
Soty, Ms M M

GAUTENG

(53 representatives)

Bapela, K O
Blanché, J P I
Bogopane-Zulu, Mrs H I
Boinamo, G G
Cachalia, I M
Camerer, Mrs S M
Coetzee, R
Daniels, Ms P
Davidson, I O
De Lille, Mrs P
Dhlamini, B W

Dreyer, Ms A M
Fubbs, Ms J L
Gibson, D H M
Gxowa, Mrs N B
Hajaig, Ms F
Hogan, Ms B A
Jacobus, Ms L
Kekana, C D
Labuschagne, L B
Leon, A J
Madasa, Adv Z L

Maluleka, H P
 Maluleke, D K
 Maunye, Mrs M M
 Minnie, K J
 Mlangeni, A
 Mokoena, A D
 Moleketi, P J
 Monareng, O E
 Morutoa, Ms M R
 Motubatse-Houkpatin, Ms S D
 Nel, A C
 Ngcengwane, Ms N D
 Ngele, Ms N J
 Ngwenya Ms W
 Njikelana, S J
 Ntuli, R S

Nxumalo, S N
 Ramodibe, Ms D M
 Schmidt, Adv H C
 Schneemann, G D
 Semple, Ms J A
 Sithole, D J
 Smith, V G
 Spies, W D
 Steyn, A C
 Thabethe, Ms E
 Vadi, I
 Van Dyk, Dr S M
 Waters, M
 Xingwana, Ms L M
 Zita, L

KWAZULU-NATAL

(41 representatives)

Ainslie, A R
⁽²⁾ Vacant
 Bhengu, M J
 Bhengu, Ms P
 Cele, M A
 Cwele, S C
 Dambuza, Ms B N
 Ellis, M J
 Gcwabaza, N E
 Gigaba, K M N
 Huang, S
 Kalyan, Mrs S V
 Kohler-Barnard, Ms D
 Lebenya, Ms S P
 Lowe, C M
 Lucas, E J
 Luthuli, Dr A N
 Madlala-Routledge, Ms N C
 Mbili, M E
 Mdlalose, Ms M M
 Mkhize, Z S

Mnyandu, B J
 Morgan, G R
 Mpontshane, A M
 Ndlovu, V B
 Nene, M J
 Ngcobo, N W
 Ngema, M V
 Ngiba, B C
⁽³⁾ Vacant
 Ntuli, Ms M M
 Nxumalo, Ms M D
 Rajbally, Ms S
 Roopnarain, Dr U
 Sayedali-Shah, Moulana M R
 Seaton, Mrs S A
⁽⁴⁾ Singh, Mr N
 Smith, P F
 Tlake, Ms M F
 Xolo, E T
 Zondi, Rev K M

LIMPOPO
(22 representatives)

Baloyi, M R
Diale, L N
Lishivha, Ms T E
Maake, J J
Mabudafhasi, Mrs T R
Maja, S J
Maserumule, F T
Mashangoane, Ms P R
Mashigo, Ms R J
Mashile, B L
Mathibela, Ms N F

Matlala, M H
Moloto, K A
Morwamoche, K W
Ngwenya, Mrs M L
Nkuna, Ms C
Nwamitwa-Shilubana, Mrs T L P
Phadagi, M G
Phala, M J
Swathe, M M
Tolo, Bishop L J
Van der Walt, Mrs D

MPUMALANGA
(15 representatives)

Chikunga, Mrs L S
Gololo, C L
Kholwane, S E
Kotwal, Z
Manana, Ms M N S
Masango, S J
Mathebe, P M
Nhlengethwa, Mrs D G

Ntuli, Mrs B M
Nyambi, A J
Sekgobela, Ms P S
Sibande, M P
Sibanyoni, J B
Siboza, S
Weber, Ms H

NORTHERN CAPE
(5 representatives)

Asiya, S E
Combrinck, J J
Loe, Ms S J

Mentor, Ms M P
Nel, A H

NORTH WEST
(18 representatives)

Anthony, T G
Ditshetelo, P H K
(⁵) Hlangwana, Ms N
Kasienyane, Ms O R
Khumalo, K M
Louw, S K
Maine, Mrs M S
Makgate, Ms M W
Maloney, Mrs L

Moatshe, M S
Mokoto, Ms N R
Molefe, C T
Rasmeni, S M
Selau, G J
Seremane, W J
Skhosana, W M
Surty, M E
Swart, Adv P S

WESTERN CAPE
(31 representatives)

Arendse, J D
Beukman, F
Burgess, C V
Cupido, H B
Doman, W P
Gaum, Adv A H
Greyling, C H F
(⁶) Vacant
Johnson, Ms C B
Julies, I F
King, R J
Madella, A F
Maduma, L D
Makasi, Mrs X C
Marais, S J F
Mkongi, B M

Morkel, C M
Moss, Ms L N
Moss, M I
Olifant, D A A
Opperman, S E
Pieterse, R D
Rabie, Dr P J
Schipper, J
Selfe, J
Simmons, S
Smuts, Ms M
Swart, M
Tinto, Mrs B
Van Niekerk, Dr A I
Van Schalkwyk, M C J

- (1) Vacant wef 14 December 2006 owing to Mr M T Goniwe having lost his seat.
- (2) Vacant wef 10 August 2007 owing to the resignation of Mr Y S Bhamjee.
- (3) Vacant wef 1 February 2007 owing to the resignation of Dr E Nkem-Abonta.
- (4) Nominated wef 23 August 2007 *vice* Prince N E Zulu, who passed away on 15 June 2007.
- (5) Nominated wef 25 June 2007 *vice* Mr P D N Maloyi, who resigned wef the same date.
- (6) Vacant wef 22 August 2007 owing to Mr A Harding having lost his seat.

STATE OF PARTIES

(as at 31 August 2007)

PARTY	NATIONAL REPRESENTATIVES	REGIONAL REPRESENTATIVES (see: Section 40(1), Act 200-93)									
		Eastern Cape	Free State	Gauteng	Kwa- Zulu- Natal	Lim- popo	Mpuma- langa	North- ern Cape	North West	West- ern Cape	Total
ANC	130	22	12	35	19	20	13	3	15	17	286
DA	2	4	2	15	6	2	2	2	2	10	47
IFP	12	—	—	1	10	—	—	—	—	—	23
UDM	4	2	—	—	—	—	—	—	—	—	6
ID	3	—	—	1	—	—	—	—	—	—	4
FD	1	—	—	—	—	—	—	—	—	—	1
ACDP	3	—	—	—	—	—	—	—	—	1	4
FF PLUS	3	—	—	1	—	—	—	—	—	—	4
UCDP	2	—	—	—	—	—	—	—	1	—	3
PAC	3	—	—	—	—	—	—	—	—	—	3
MF	1	—	—	—	1	—	—	—	—	—	2
AZAPO	1	—	—	—	—	—	—	—	—	—	1
UPSA	—	—	—	—	—	—	—	—	—	1	1
NADECO	1	—	—	—	3	—	—	—	—	—	4
UIF	1	1	—	—	—	—	—	—	—	—	2
PIM	—	—	—	—	—	—	—	—	—	1	1
VACANCIES	4	1	—	—	2	—	—	—	—	1	8
TOTAL	171	30	14	53	41	22	15	5	18	31	400

MEMBERS OF THE NATIONAL ASSEMBLY

(As at 20 September 2007)

PARTIES: African National Congress = ANC, Democratic Alliance = DA,
Inkatha Freedom Party = IFP, United Democratic Movement = UDM,
Independent Democrats = ID, African Christian Democratic Party = ACDP,
Freedom Front Plus = FF Plus, United Christian Democratic Party = UCDP,
Pan Africanist Congress of Azania = PAC, Minority Front = MF,
Azanian People's Organisation = AZAPO, APC = African People's Convention;
NA = National Alliance; Federation of Democrats = FD

Abram, Mr Salamuddi	ANC	Chang, Prof Eugenia Shi-Chia	IFP
Ainslie, Mr Arthur Roy	ANC	Chauke, Mr Hlomane Patrick	ANC
Anthony, Mr Tuelo Gibson	ANC	Chikunga, Mrs Lydia Sindiswe	ANC
Arendse, Mr Jonathan Doneley	ANC	Chohan, Ms Fatima Ismail	ANC
Asiya, Mr Spetho Enoch	ANC	Coetzee, Mr Ryan	DA
Asmal, Prof Abdul Kader	ANC	Combrinck, Mr Johannes Jacobus	ANC
Balfour, Mr Bryce Mathemba Ngconde	ANC	Cronin, Mr Jeremy Patrick	ANC
Baloyi, Mr Masenyani Richard	ANC	Cupido, Mr Hendry Benjamin	ACDP
Bapela, Mr Kopeng Obed	ANC	Cwele, Dr Siyabonga Cyprian	ANC
Bekker, Mr Hendrik Jacobus	IFP	Dambuza, Ms Beauty Nomhle	ANC
Beukman, Mr Francois	ANC	Davidson, Mr Ian Ormiston	DA
Bhengu, Mr Fezile	ANC	Daniels, Ms Pamela	ANC
Bhengu, Mr Mfuniselwa John	IFP	Davies, Dr Robert Haydn	ANC
Bhengu, Ms Phumzile	ANC	De Lange, Adv Johannes Hendrik	ANC
Bhoola, Mr Royith Baloo	MF	De Lille, Mrs Patricia	ID
Bici, Mr Jackson	UDM	Delpont, Dr Jacobus Tertius	DA
Biyela, Chief Bekizwe Phillemon	IFP	Dhlamini, Mr Bonginkosi Wesley	IFP
Blanché, Mr Johannes Petrus Izak	DA	Diale, Mr Letsau Nelson	ANC
Bloem, Mr Dennis Victor	ANC	Didiza, Mrs Angela Thokozile	ANC
Bogopane-Zulu, Mrs Hendrietta Ipeleng	ANC	Dikgacwi, Mr Mgolodi Moses	ANC
Boinamo, Mr George Gaolatlhe	DA	Direko, Ms Isabella Winkie	ANC
Bonhomme, Mr Trevor John	ANC	Dithebe, Mr Sello Leon	ANC
Booi, Mr Mnyamezeli Shedrack	ANC	Ditshetelo, Mr Paul Harry Kgomoetso	UCDP
Botha, Mr Andries Johannes	DA	Dlali, Mr David Mtheteleli	ANC
Botha, Mrs Celia-Sandra	DA	Dlamini-Zuma, Dr Nkosazana Clarice	ANC
Botha, Ms Ntombazana Gertrude		Doidge, Mr Geoffrey Quinton Michael	ANC
Winifred	ANC	Doman, Mr Willem Phillips	DA
Burgess, Mr Cecil Valentine	ANC	Dreyer, Ms Anchen Margaretha	DA
Buthelezi, Dr Mangosuthu Gatsha	IFP	Dudley, Mrs Cheryllyn	ACDP
Cachalia, Mr Ismail Mahomed	ANC	Du Toit, Adv Dirk Cornelis	ANC
Camerer, Mrs Sheila Margaret	DA	Ellis, Mr Michael James	DA
Carrim, Mr Yunus Ismail	ANC	Erwin, Mr Alexander	ANC
Cele, Mr Mosie Antony	ANC	Farrow, Mr Stuart Brian	DA
Chalmers, Mrs Judy	ANC		

(1) Fazzie, Mr Mutile Henry.....ANC
 Fihla, Mr Nkosinathi Benson.....ANC
 (2) Forane, Ms Kegakgametse Sinna.....ANC
 Fraser-Moleketi, Mrs Geraldine Joslyn . ANC
 Frolick, Mr Cedric ThomasANC
 Fubbs, Ms Joanmariae LouiseANC

 Gabanakgosi, Mr Pico Shadrack.....ANC
 (3) Gasebonwe, Ms Tshoganetso Mpho
 AdolphinaANC
 Gaum, Adv André Hurtley.....ANC
 Gwabaza, Mr Ndabakayise ErasmusANC
 George, Mr Mluleki EditorANC
 Gerber, Mr Pierre-Jeanne AlexanderANC
 Gibson, Mr Douglas Harvey MonroDA
 Gigaba, Mr Knowledge Malusi
 NkanyeziANC
 (4) Godi, Mr Nelson ThembaAPC
 Gogotya, Mr Ntsiza John.....ANC
 Gololo, Mr Christopher Lancaster.....ANC
 Gomomo, Mr Pumzile John.....ANC
 (5) Gore, Mr Vincent CharlesANC
 Green, Mr Louis Michael.....FD
 Greyling, Mr Carl Heinrich Friederich...ANC
 Greyling, Mr Lance William.....ID
 Groenewald, Mr Petrus JohannesFF Plus
 Gumede, Mr Donald Mlindwa.....ANC
 Gumede, Mrs Mogomotsi MaryANC
 Gxowa, Mrs Nonkumbi Bertha.....ANC

 Hajaig, Ms Fatima.....ANC
 Hanekom, Mr Derek AndréANC
 Hanganana, Ms Nomatyala ElizabethANC
 Hendricks, Ms Lindiwe BenedictaANC
 Hendrickse, Mr Peter Alroy
 CharlesANC
 Hlangwana, Ms NomvulaANC
 Hogan, Ms Barbara AnneANC
 Holomisa, Mr Bantubonke Harrington..UDM
 Holomisa, Adv Sango Patekile.....ANC
 (6) Hoosen, Mr Mohammed HaniffID
 Huang, Mr Shiaan-Bin.....ANC

 Jacobus, Ms LorettaANC
 Jeffery, Mr John HaroldANC
 (7) Jenner, Mr Izak EdwardID
 Johnson, Ms Carol BeatrixANC
 Johnson, Mr MlungisiANC
 Jordan, Dr Zweledinga PalloANC
 Joubert, Mr Leonardus Kolbé.....DA

Julies, Mr Isaac FrederickDA

 Kalako, Mr Mziwamadoda Uppington...ANC
 Kalyan, Mrs Santosh Vinita.....DA
 Kasiennyane, Ms Onewang Rebecca.....ANC
 Kasrils, Mr Ronald.....ANC
 (8) Kekana, Mr Bantutu MatthewsANC
 Kekana, Mr Charles DannyANC
 Kganyago, Prof Ntopile Marcel.....UDM
 (9) Khauoe, Mr Michael Kagiso.....ANC
 Khoarai, Mr Lefu Peter.....ANC
 Kholwane, Mr Sikhumbuzo EricANC
 Khumalo, Mr Kenneth KayiloANC
 Khumalo, Mr Kgotso Moses.....ANC
 Khunou, Ms Nthabiseng PaulineANC
 King, Mr Ryno Johannes.....DA
 Kohler-Barnard, Ms DianneDA
 Komphela, Mr Butana MosesANC
 Kondlo, Ms Ncumisa Chwayita.....ANC
 Koornhof, Dr Gerhardus WillemANC
 Kota, Ms Zoliswa Albertina.....ANC
 Kotwal, Mr ZunaidANC

 Labuschagne, Mr Leslie Bernardus.....DA
 Landers, Mr Luwellyn TyroneANC
 Lebenya, Ms Seeng PatriciaIFP
 Lee, Mr Trevor Donald.....DA
 Lekgetho, Mr George.....ANC
 Lekota, Mr Mosiuoa Gerard Patrick.....ANC
 Leon, Mr Anthony JamesDA
 (10) Likotsi, Mr Mofihli Thomas.....APC
 Lishivha, Ms Tshiwela ElidahANC
 Loe, Ms Shelley JoyDA
 Louw, Mr Samuel KolmanANC
 Louw, Mr Tsietsi JosephANC
 Lowe, Mr Christopher MarkDA
 Lucas, Mr Eric JamesIFP
 Ludwabe, Mrs Cikizwa IvyANC
 Luthuli, Dr Albertinah NomathuliANC

 Maake, Mr Jerome JosephANC
 Mabandla, Mrs Brigitte SylviaANC
 Mabe, Ms Lorato Louisa.....ANC
 Mabena, Mr Daniel CurtisANC
 Mabudafhasi, Mrs Thizwilondi
 RejoyceANC
 Madasa, Adv Zweletu LukanyisoANC
 Madella, Mr Andrew Frans.....ANC
 Madikiza, Mr George TembelaUDM

Madlala-Routledge, Ms Nozizwe Charlotte	ANC	(11) Mdaka, Ms Nomakhaya Mavis.....	ANC
Maduma, Mr Lawrence Daluxolo.....	ANC	Mdladlana, Mr Membathisi Mphumzi Shepherd	ANC
Madumise, Mrs Meisi Maureen.....	ANC	Mdlalose, Ms Makhosazana Mpho	Nadeco
Magau, Ms Kgomo Ruth.....	ANC	Mentor, Ms Mabel Patronella	ANC
Magubane, Mr Ntando Emmanuel	ANC	Meruti, Ms Maseokwane Violet.....	ANC
Magwanishe, Mr Gratitude Bulelani	ANC	Meshoe, Rev Kenneth Raselabe Joseph	ACDP
Mahlaba, Mr Themba Louis	ANC	Mfundisi, Mr Isaac Siphos	UCDP
Mahlangu-Nkabinde, Ms Gwendoline Lindiwe	ANC	Mgabadeli, Ms Hlengiwe Christophina..	ANC
Mahlawe, Ms Nomhle Maria.....	ANC	Minnie, Mr Karel Johannes	DA
Mahomed, Mrs Farida.....	ANC	Mkhize, Mr Zakhele Siphos	ANC
Mahote, Mr Samson.....	ANC	Mkongi, Mr Bongani Michael	ANC
Maine, Mrs Makatse Sophia	ANC	Mlambo-Ngcuka, Ms Pumzile Gloria.....	ANC
Maja, Mr Shoahlane John	ANC	Mlangeni, Mr Andrew.....	ANC
Makasi, Mrs Xoliswa Caroline	ANC	Mncwango, Mr Mangaqa Albert	IFP
Makgate, Ms Mamosoeu Wendy	ANC	Mnguni, Mr Bafunani Aaron	ANC
Malahlela, Mr Mamaroba Johannes	ANC	Mnyandu, Mr Bhekinhlahla Jeremia	ANC
Maloney, Mrs Lorna.....	ANC	Moatshe, Mr Monako Stephen	ANC
Maluleka, Mr Homes Peter.....	ANC	Modisenyan, Mr Lewele John.....	ANC
Maluleke, Mr Daniel Kapeni	ANC	Mofokeng, Mr Tsokudu Ronald.....	ANC
Manana, Ms Millicent Ntombizodwa Sibongile.....	ANC	Mogale, Mr Ohentse Moses.....	ANC
Manuel, Mr Trevor Andrew	ANC	Mogase, Mr Isaac Dank.....	ANC
Mapisa-Nqakula, Ms Nosiviwe Nolutando	ANC	Mohamed, Prof Ismail Jacobus.....	ANC
Marais, Mr Sarel Jacobus Francois	DA	Mohlaloga, Mr Manyaba Rubben.....	ANC
Mars, Mrs Inka	IFP	Mokoena, Mr Aubrey Dundubala.....	ANC
Martins, Mr Benedict Anthony Duke	ANC	Mokoto, Ms Nthibane Rebecca	ANC
Masango, Mr Suhla James.....	DA	Molefe, Mr Christopher Thabo.....	ANC
Maserumule, Mr Frans Tlokwe	ANC	Moleketi, Mr Phillip Jabulani	ANC
Mashangoane, Ms Puleng Roseline.....	ANC	Moloto, Mr Koena Arthur.....	ANC
Mashiane, Ms Lorraine Mmakgosi.....	ANC	Monareng, Mr Oupa Ephraim.....	ANC
Mashigo, Ms Refilwe Junior.....	ANC	Montsitsi, Mr Sediane Danny	ANC
Mashile, Mr Buoang Lemias	ANC	Moonsamy, Mr Kay	ANC
Masutha, Mr Tshililo Michael	ANC	Morgan, Mr Gareth Richard	DA
Mathebe, Mr Piet Mohlamme.....	ANC	(12) Morkel, Mr Craig Mervyn.....	ANC
Mathibela, Ms Nomvula Frieda.....	ANC	Morobi, Mrs Dimakatso Martha.....	ANC
Matlala, Mr Motswaledi Hezekiel	ANC	Morutoa, Ms Masefele Rosalia.....	ANC
Matsemela, Ms Mmaphefo Lucy	ANC	Morwamoche, Mr Kgoloko Walter.....	ANC
Matsepe-Casaburri, Dr Ivy Florence	ANC	Mosala, Mr Bahlakoana Godfrey	ANC
Matsomela, Ms Mothusiemang Johanna Jane	ANC	Moss, Ms Linda Nellie	ANC
Maunye, Mrs Maggie Margaret.....	ANC	Moss, Mr Maxwell Izekiel.....	ANC
Mayatula, Prof Shepherd Malusi	ANC	Motubatse-Houkpatin, Ms Semamanyane Dorothy.....	ANC
Maziya, Mr Alpheus Mokabhe.....	ANC	Mpahlwa, Mr Mandisi Bongani.....	ANC
Mbete, Ms Baleka.....	ANC	Mpontshane, Mr Alfred Mkhapheni	IFP
Mbili, Mr Mandlenkosi Enock	ANC	Mshudulu, Mr Sithole Assistance	ANC
Mbombo, Mrs Nozizwe Diana	ANC	Mthembu, Mr Ben.....	ANC
		Mthethwa, Mr Emmanuel Nkosinathi	ANC
		Mtshali, Mr Eric.....	ANC

Mufamadi, Mr Fholisani Sydney	ANC	Nzimande, Mr Lewis Paul	
Mulder, Dr Cornelius Petrus	FF Plus	Musawenkosi	ANC
Mulder, Dr Pieter Willem Adriaan	FF Plus		
Mzondeki, Mr Monontsi Joseph		Olifant, Mr Daniel April Andrew	ANC
George	ANC	Oliphant, Mr Geolatlhe Godfrey	ANC
		Oosthuizen, Mr Gerhardus Cornelius	ANC
Nawa, Ms Zipporah Noisey	ANC	Opperman, Mr Sydney Edward	DA
⁽¹³⁾ Ndlazi, Ms Xintle Alexia	ANC		
Ndlovu, Mr Velaphi Bethuel	IFP	Padayachie, Mr Radhakrishna	
Ndzanga, Mrs Rita Alita	ANC	Lutchmana	ANC
Nefolovhodwe, Mr Pandelani		Pahad, Mr Aziz Goolam Hoosein	ANC
Jeremia	AZAPO	Pahad, Dr Essop Goolam	ANC
Nel, Mr Andries Carl	ANC	Pandor, Mrs Grace Naledi Mandisa	ANC
Nel, Mr Adriaan Hermanus	DA	Phadagi, Mr Muthundinne George	ANC
Nene, Mr Mdudu Joshua	ANC	Phala, Mr Mahwidi John	ANC
Nene, Mr Nhlanhla Musa	ANC	Pheko, Dr Salzwedel Ernest Motsuoko ...	PAC
Newhoudt-Druchen, Mrs Wilma Susan ..	ANC	Phungula, Mr Johannes Phumani	ANC
Ngaleka, Ms Elizabeth	ANC	Pieterse, Mr Randy Desmond	ANC
Ngcengwane, Ms Nompndiko Doris	ANC	Pule, Mr Bafithile Edmund	UCDP
Ngcobo, Ms Beatrice Thembekile	ANC		
Ngcobo, Mr Eugene Nhlanhla Nqaba	ANC	Rabie, Dr Pierre Jacques	DA
Ngcobo, Mr Ndawoyakhe Wilson	ANC	Rabinowitz, Dr Ruth	IFP
Ngculu, Mr Lincoln Vumile James	ANC	Radebe, Mr Bhekizizwe Abram	ANC
Ngele, Ms Nombuyiselo Joyce	ANC	Radebe, Mr Jeffrey Thamsanqa	ANC
Ngema, Mr Mzikayise Vincent	Nadeco	Rajbally, Ms Sunklavathy	MF
Ngiba, Mr Bonginkosi Christopher	Nadeco	Ramakaba-Lesiea, Ms Mandu Mildred ..	ANC
Ngwenya, Mrs Makwena Lydia	ANC	Ramgobin, Mr Mawalal	ANC
Ngwenya, Ms Winnie	ANC	Ramodibe, Ms Dorothy Mapula	ANC
Nhlapo, Mr Vusi Herbert	ANC	Ramotsamai, Ms Cecilia Mampe	
Nhlengethwa, Mrs Dumisile Goodness ..	ANC	Papadi	ANC
Njikelana, Mr Sisa James	ANC	Rasmeni, Mr Solomon Mandlenkosi	ANC
Njobe, Mrs Makhosazana Abigail		Reid, Mr Lanval Roderick Robin	ANC
Alicia	ANC	Roopnarain, Dr Usha	IFP
Nkabinde, Ms Nonhlanhla Claribel	UDM	Rwexana, Ms Sindiswa Patricia	ANC
Nkuna, Ms Constance	ANC		
Nogumla, Mr Robert Zamxolo	ANC	Saloojee, Mr Ebrahim (Cassim)	ANC
Nonkonyana, Chief Mwelo	ANC	Sayedali-Shah, Moulana Mohammed	
Nqakula, Mr Charles	ANC	Rafeek	DA
Ntombela, Ms Sefora Hixsonia	ANC	Schippers, Mr Johannes	ANC
Ntuli, Mrs Bongzi Maria	ANC	Schmidt, Adv Hendrik Cornelius	DA
Ntuli, Ms Makhoni Maria	ANC	Schneemann, Mr Gregory David	ANC
Ntuli, Mr Richard Sibusiso	ANC	Schoeman, Dr Emanuel Andreas	ANC
Ntuli, Mr Somangamane Benjamin	ANC	Seadimo, Ms Mokgothu Dorcas	ANC
Nwamitwa-Shilubana, Mrs Tinyiko		Seaton, Mrs Sybil Anne	IFP
Lwandlamuni Phillia	ANC	Sefularo, Dr Molefi	ANC
Nxumalo, Ms Muntu Doreen	ANC	⁽¹⁴⁾ Sehlare, Mr Lepota Jeffrey	ANC
Nxumalo, Mr Samuel Neocleous	ANC	Sekgobela, Ms Priscilla Sindisiwe	ANC
Nyambi, Mr Archibold Jomo	ANC	Selau, Mr Gaolaolwe Joseph	ANC
		Selfe, Mr James	DA
		Semple, Ms Janet Audrey	DA

September, Ms Cornelia Carol.....	ANC	Tobias, Ms Thandi Vivian.....	ANC
Seremane, Mr Wetshotsile Joseph.....	DA	Tolo, Bishop Lekoba Jack.....	ANC
Shabangu, Ms Susan.....	ANC	Trent, Mr Edward William.....	DA
Sibande, Mr Mtiken Patrick.....	ANC	Tsenoli, Mr Solomon Lechesa.....	ANC
Sibanyoni, Mr Jonas Ben.....	ANC	Tshabalala-Msimang, Dr Mantombazana	
⁽¹⁵⁾ Sibhidla, Ms Ntombi Kayise		Edmie.....	ANC
Nomawisile.....	ANC	Tshivhase, Mrs Tovhowani Josephine	ANC
Siboza, Mr Sipho.....	ANC	Tshwete, Ms Pamela.....	ANC
Sibuyana, Mr Mabalana Willias.....	IFP	Turok, Prof Benjamin.....	ANC
Sigcau, Ms Sylvia Nomatamsanqa.....	UDM	Twala, Ms Ntombikayise Margaret.....	ANC
Sikakane, Mr Mdumiseni Richard.....	ANC		
⁽¹⁶⁾ Simmons, Mr Stanley.....	NA	Vadi, Mr Ismail.....	ANC
Singh, Mr Narend.....	IFP	Van den Heever, Mr Randall Paul	
Sisulu, Dr Lindiwe Nonceba.....	ANC	Zachariah.....	ANC
Sithole, Mr Dumisani Job.....	ANC	Van der Merwe, Mr Jacobus Hercules.....	IFP
Skhosana, Mr Windvoël Mlomabo.....	ANC	Van der Merwe, Ms Susan Comber.....	ANC
Skosana, Mr Moleeane Ben.....	IFP	Van der Walt, Mrs Desirée.....	DA
Skweyiya, Dr Zola Sidney Themba.....	ANC	Van Dyk, Dr Salomon Maritz.....	DA
Smith, Mr Peter Francis.....	IFP	Van Niekerk, Dr André Isak.....	DA
Smith, Mr Vincent George.....	ANC	Van Schalkwyk, Mr Marthinus Christoffel	
Smuts, Ms Mudene.....	DA	Johannes.....	ANC
Solo, Mr Bangilizwe Mlindiwekhaya.....	ANC	Van Wyk, Ms Annelizé.....	ANC
Solomon, Mr Gassan.....	ANC	Vezi, Mr Temba Ellis.....	IFP
Sonjica, Ms Buyelwa Patience.....	ANC	Vos, Ms Suzanne Christina.....	IFP
Sonto, Mr Mzunani Roseberry.....	ANC	Vundisa, Mr Sifanelo Shadrack.....	ANC
Sosibo, Ms Jabu Elsie.....	ANC		
Soty, Ms Makhotsi Magdeline.....	ANC	Wang, Mr Yi-Ju.....	ANC
Spies, Mr Willie Durand.....	FF Plus	Waters, Mr Michael.....	DA
Stephens, Mr John Joseph Martin.....	DA	Weber, Ms Hilda.....	DA
Steyn, Mr Arron Cecil.....	DA	Woods, Dr Gavin Gower.....	Nadeco
Surty, Mr Mohamed Enver.....	ANC		
Swanson-Jacobs, Dr Jean.....	ANC	Xingwana, Ms Lulama Marytheresa.....	ANC
Swart, Mr Marius.....	DA	Xolo, Mr Everson Thobigunya.....	ANC
Swart, Adv Paul Stephanus.....	DA		
Swart, Mr Steven Nicholas.....	ACDP	Yengeni, Mrs Lumka Elizabeth.....	ANC
Swathe, Mr Mpowele Mexan.....	DA		
		Zikalala, Ms Constance Ntombikayise	
Thabethe, Ms Elizabeth.....	ANC	Zerish.....	IFP
Thomson, Ms Barbara.....	ANC	Zita, Mr Langa.....	ANC
Tinto, Mrs Bulelwa.....	ANC	Zondi, Rev Keith Muntuwenkosi.....	IFP
Tlake, Ms Manana Florence.....	ANC	Zulu, Mr Bhekizizwe Zeblon.....	ANC

⁽¹⁾ Nominated wef 19 September 2007 *vice* Mr M T Goniwe, who lost his seat wef 14 December 2006.

⁽²⁾ Nominated wef 19 September 2007 *vice* Mr M S Manie, who resigned wef 1 March 2007.

⁽³⁾ Nominated wef 19 September 2007 *vice* Mr T D J Ramphela, who resigned wef 1 October 2006.

⁽⁴⁾ Left the PAC on 3 September 2007 *ito* item 4(3) of Schedule 6A to the Constitution and joined the African People's Convention.

- (5) Left the ID on 12 September 2007 ito item 4(3) of Schedule 6A to the Constitution and joined the ANC.
- (6) Nominated wef 5 September 2007 *vice* Mr A Harding, who lost his seat wef 22 August 2007.
- (7) Nominated wef 11 September 2007 *vice* Ms F Batyi, who lost her seat wef 28 August 2007.
- (8) Nominated wef 19 September 2007 *vice* Mr M M S Lekgoro, who resigned wef 1 August 2007.
- (9) Nominated wef 19 September 2007 *vice* Dr E Nkem-Abonta, who resigned wef 1 February 2007.
- (10) Left the PAC on 6 September 2007 ito item 4(3) of Schedule 6A to the Constitution and joined the African People's Convention.
- (11) Left the UIF on 12 September 2007 ito item 4(3) of Schedule 6A to the Constitution and joined the ANC.
- (12) Left the PIM on 12 September 2007 ito item 4(3) of Schedule 6A to the Constitution and joined the ANC.
- (13) Left the UIF on 12 September 2007 ito item 4(3) of Schedule 6A to the Constitution and joined the ANC.
- (14) Nominated wef 19 September 2007 *vice* Dr F N Ginwala, who resigned wef 17 August 2007.
- (15) Nominated wef 12 September 2007 *vice* Mr Y S Bhamjee, who resigned wef 10 August 2007.
- (16) Left the UPSA on 14 September 2007 ito item 4(3) of Schedule 6A to the Constitution and joined the National Alliance.

NATIONAL REPRESENTATIVES

(As at 20 September 2007)

Asmal, Prof A K
 Balfour, B M N
 Bekker, H J
 Bhoola, R B
 Biyela, Chief B P
 Bloem, D V
 Bonhomme, T J
 Booï, M S
 Buthelezi, Dr M G
 Carrim, Y I
 Chang, Prof E S
 Chauke, H P
 Chohan, Ms F I
 Cronin, J P
 Davies, Dr R H
 De Lange, Adv J H
 Didiza, Mrs A T
 Dikgacwi, M M
 Direko, Ms I W
 Dithebe, S L
 Dlali, D M
 Dlamini-Zuma, Dr N C
 Dudley, Mrs C
 Du Toit, Adv D C
 Erwin, A
⁽¹⁾ Forane, Ms K S
 Fraser-Moleketi, Mrs G J
 Gabanakgosi, P S
⁽²⁾ Gasebonwe, Ms T M A
 Gerber, P A
⁽³⁾ Godi, N T
 Gogotya, N J
⁽⁴⁾ Gore, V C
 Green, L M
 Greyling, L W
 Groenewald, P J
 Gumede, D M
 Gumede, Mrs M M
 Hanekom, D A
 Hangana, Ms N E
 Holomisa, B H
 Jeffery, J H
⁽⁵⁾ Jenner, I E
 Jordan, Dr Z P
 Joubert, L K

Kalako, M U
 Kasrils, R
⁽⁶⁾ Kekana B M
 Kganyago, Dr N M
 Khumalo, K K
 Koornhof, Dr G W
 Kota, Ms Z A
 Landers, L T
 Lekgetho, G
 Lekota, M G P
⁽⁷⁾ Likotsi, M T
 Louw, T J
 Mabandla, Mrs B S
 Mabe, Ms L L
 Mabena, D C
 Madikiza, G T
 Magubane, N E
 Magwanishe, G B
 Mahlaba, T L
 Mahlangu-Nkabinde, Ms G L
 Mahomed, Mrs F
 Mahote, S
 Malahlela, M J
 Manuel, T A
 Mapisa-Nqakula, Ms N N
 Mars, Mrs I
 Martins, B A D
 Mashiane, Ms L M
 Masutha, T M
 Matsemela, Ms M L
 Matsepe-Casaburri, Dr I F
 Matsomela, Ms M J J
 Maziya, A M
 Mbete, Ms B
 Mbombo, Mrs N D
 Mdladlana, M M S
 Meruti, Ms M V
 Meshoe, Rev K R J
 Mfundisi, I S
 Mgabadelì, Ms H C
 Mlambo-Ngcuka, Ms P G
 Mncwango, M A
 Mofokeng, T R
 Mogale, O M
 Mogase, I D

Mohamed, Prof I J
 Mohlaloga, M R
 Montsitsi, S D
 Moonsamy, K
 Morobi, Mrs D M
 Mpahlwa, M B
 Mshudulu, S A
 Mthembu, B
 Mthethwa, E N
 Mtshali, E
 Mufamadi, F S
 Mulder, Dr C P
 Mulder, Dr P W A
 Mzondeki, M J G
 Nawa, Ms Z N
⁽⁸⁾ Ndlazi, Ms Z A
 Ndzanga, Mrs R A
 Nefolovhodwe, P J
 Nene, N M
 Newhoudt-Druchen, Mrs W S
 Ngaleka, Ms E
 Ngcobo, Ms B T
 Ngcobo, E N N
 Ngculu, L V J
 Nhlapo, V H
 Nkabinde, Ms N C
 Nonkonyana, Chief M
 Nqakula, C
 Ntuli, S B
 Nzimande, L P M
 Oliphant, G G
 Oosthuizen, G C
 Padayachie, R L
 Pahad, A G H
 Pahad, Dr E G
 Pandor, Mrs G N M
 Pheko, Dr S E M
 Phungula, J P
 Pule, B E
 Rabinowitz, Dr R
 Radebe, J T

Ramakaba-Lesiea, Ms M M
 Ramgobin, M
 Ramotsamai, Ms C M P
 Reid, L R R
 Rwexana, Ms S P
 Saloojee, E (Cassim)
 Seadimo, Ms M D
 Sefularo, Dr M
⁽⁹⁾ Sehlare, L J
 September, Ms C C
 Shabangu, Ms S
 Sibuyana, M W
 Sikakane, M R
 Sisulu, Dr L N
 Skosana, M B
 Skweyiya, Dr Z S T
 Solo, B M
 Solomon, G
 Sonto, M R
 Sosibo, Ms J E
 Stephens, J J M
 Swanson-Jacobs, Dr J
 Swart, S N
 Thomson, Ms B
 Tobias, Ms T V
 Tsenoli, S L
 Tshabalala-Msimang, Dr M E
 Tshivhase, Mrs T J
 Turok, Prof B
 Van den Heever, R P Z
 Van der Merwe, J H
 Van der Merwe, Ms S C
 Van Wyk, Ms A
 Vos, Ms S C
 Vundisa, S S
 Wang, Y
 Woods, Dr G G
 Yengeni, Mrs L E
 Zikalala, Ms C N Z
 Zulu, B Z

- ⁽¹⁾ Nominated wef 19 September 2007 *vice* Mr M S Manie, who resigned wef 1 March 2007.
⁽²⁾ Nominated wef 19 September 2007 *vice* Mr T D J Ramphela, who resigned wef 1 October 2006.
⁽³⁾ Left the PAC on 3 September 2007 *ito* item 4(3) of Schedule 6A to the Constitution and joined the African People's Convention.

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REGIONAL REPRESENTATIVES

(As at 20 September 2007)

EASTERN CAPE

(30 representatives)

Bhengu, F
Bici, J
Botha, Ms N G W
Chalmers, Mrs J
Delpont, Dr J T
Doidge, G Q M
Farrow, S B
(¹) Fazzie, M H
Fihla, N B
Frolick, C T
George, M E
Gomomo, P J
Hendricks, Ms L B
Hendrickse, P A C
Holomisa, Adv S P

Johnson, M
Kondlo, Ms N C
Lee, T D
Ludwabe, Mrs C I
Mahlawe, Ms N M
Mayatula, Prof S M
(²) Mdaka, Ms N M
Njobe, M A A
Nogumla, R Z
Schoeman, Dr E A
Sigcau, Ms S N (Sylvia N)
Sonjica, Ms B P
Trent, E W
Tshwete, Ms P
Twala, Ms N M

FREE STATE

(14 representatives)

Abram, S
Botha, A J
Botha, Mrs C-S
Khoarai, L P
Khunou, Ms N P
Komphele, B M
Madumise, Mrs M M

Magau, Ms K R
Mnguni, B A
Modisenyane, L J
Mosala, B G
Ntombela, Ms S H
Radebe, B A
Sotyu, Ms M M

GAUTENG

(53 representatives)

Bapela, K O
Blanché, J P I
Bogopane-Zulu, Mrs H I
Boinamo, G G
Cachalia, I M
Camerer, Mrs S M
Coetzee, R
Daniels, Ms P
Davidson, I O
De Lille, Mrs P
Dhlamini, B W

Dreyer, Ms A M
Fubbs, Ms J L
Gibson, D H M
Gxowa, Mrs N B
Hajaig, Ms F
Hogan, Ms B A
Jacobus, Ms L
Kekana, C D
Labuschagne, L B
Leon, A J
Madasa, Adv Z L

Maluleka, H P
 Maluleke, D K
 Maunye, Mrs M M
 Minnie, K J
 Mlangeni, A
 Mokoena, A D
 Moleketi, P J
 Monareng, O E
 Morutoa, Ms M R
 Motubatse-Houkpatin, Ms S D
 Nel, A C
 Ngcengwane, Ms N D
 Ngele, Ms N J
 Ngwenya Ms W
 Njikelana, S J
 Ntuli, R S

Nxumalo, S N
 Ramodibe, Ms D M
 Schmidt, Adv H C
 Schneemann, G D
 Semple, Ms J A
 Sithole, D J
 Smith, V G
 Spies, W D
 Steyn, A C
 Thabethe, Ms E
 Vadi, I
 Van Dyk, Dr S M
 Waters, M
 Xingwana, Ms L M
 Zita, L

KWAZULU-NATAL (41 representatives)

Ainslie, A R
 Bhengu, M J
 Bhengu, Ms P
 Cele, M A
 Cwele, S C
 Dambuza, Ms B N
 Ellis, M J
 Gcwabaza, N E
 Gigaba, K M N
 Huang, S
 Kalyan, Mrs S V
⁽³⁾ Khauoe, M K
 Kohler-Barnard, Ms D
 Lebenya, Ms S P
 Lowe, C M
 Lucas, E J
 Luthuli, Dr A N
 Madlala-Routledge, Ms N C
 Mbili, M E
 Mdlalose, Ms M M
 Mkhize, Z S

Mnyandu, B J
 Morgan, G R
 Mpontshane, A M
 Ndlovu, V B
 Nene, M J
 Ngcobo, N W
 Ngema, M V
 Ngiba, B C
 Ntuli, Ms M M
 Nxumalo, Ms M D
 Rajbally, Ms S
 Roopnarain, Dr U
 Sayedali-Shah, Moulana M R
 Seaton, Mrs S A
⁽⁴⁾ Sibhidla, Ms N N
 Singh, Mr N
 Smith, P F
 Tlake, Ms M F
 Xolo, E T
 Zondi, Rev K M

LIMPOPO

(22 representatives)

Baloyi, M R
Diale, L N
Lishivha, Ms T E
Maake, J J
Mabudafhasi, Mrs T R
Maja, S J
Maserumule, F T
Mashangoane, Ms P R
Mashigo, Ms R J
Mashile, B L
Mathibela, Ms N F

Matlala, M H
Moloto, K A
Morwamoche, K W
Ngwenya, Mrs M L
Nkuna, Ms C
Nwamitwa-Shilubana, Mrs T L P
Phadagi, M G
Phala, M J
Swathe, M M
Tolo, Bishop L J
Van der Walt, Mrs D

MPUMALANGA

(15 representatives)

Chikunga, Mrs L S
Gololo, C L
Kholwane, S E
Kotwal, Z
Manana, Ms M N S
Masango, S J
Mathebe, P M
Nhlengethwa, Mrs D G

Ntuli, Mrs B M
Nyambi, A J
Sekgobela, Ms P S
Sibande, M P
Sibanyoni, J B
Siboza, S
Weber, Ms H

NORTHERN CAPE

(5 representatives)

Asiya, S E
Combrinck, J J
Loe, Ms S J

Mentor, Ms M P
Nel, A H

NORTH WEST

(18 representatives)

Anthony, T G
Ditshetelo, P H K
Hlangwana, Ms N
Kasienyane, Ms O R
Khumalo, K M
Louw, S K
Maine, Mrs M S
Makgate, Ms M W
Maloney, Mrs L

Moatshe, M S
Mokoto, Ms N R
Molefe, C T
Rasmeni, S M
Selau, G J
Seremane, W J
Skhosana, W M
Surty, M E
Swart, Adv P S

WESTERN CAPE

(31 representatives)

Arendse, J D
 Beukman, F
 Burgess, C V
 Cupido, H B
 Doman, W P
 Gaum, Adv A H
 Greyling, C H F
⁽⁵⁾ Hoosen, M H
 Johnson, Ms C B
 Julies, I F
 King, R J
 Madella, A F
 Maduma, L D
 Makasi, Mrs X C
 Marais, S J F
 Mkongi, B M

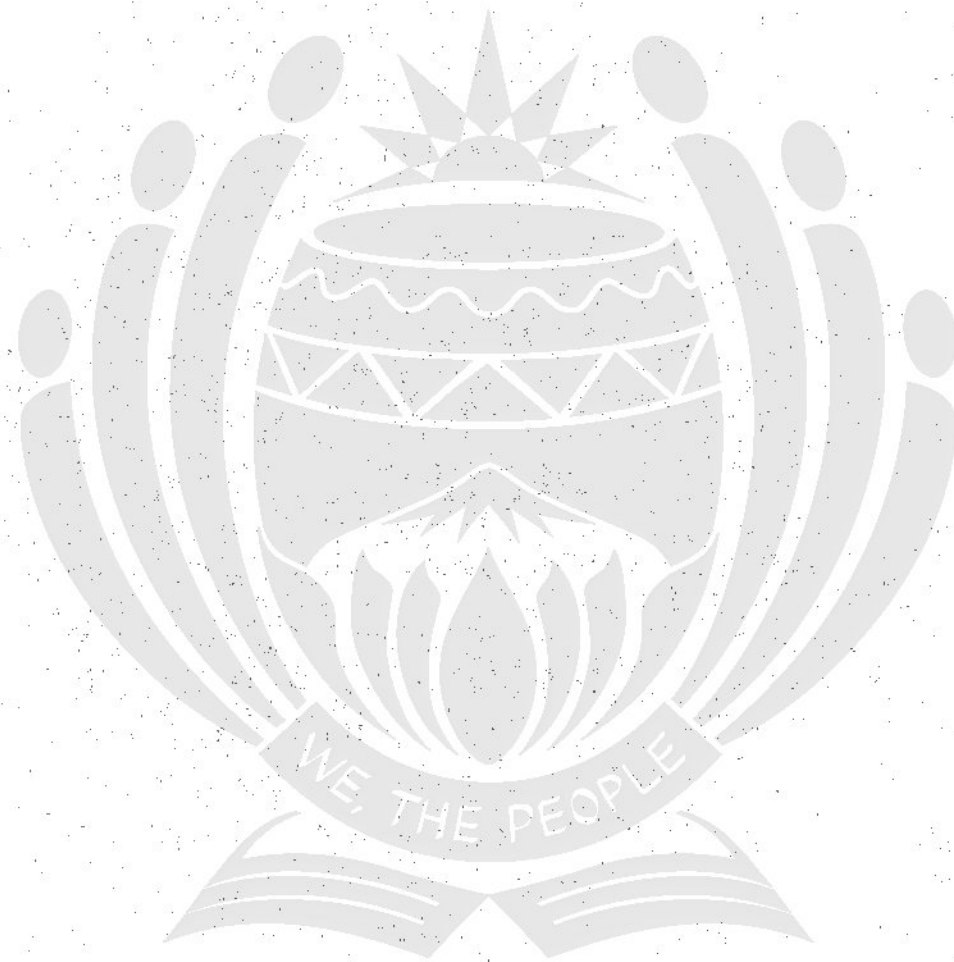
⁽⁶⁾ Morkel, C M
 Moss, Ms L N
 Moss, M I
 Olifant, D A A
 Opperman, S E
 Pieterse, R D
 Rabie, Dr P J
 Schippers, J
 Selfe, J
⁽⁷⁾ Simmons, S
 Smuts, Ms M
 Swart, M
 Tinto, Mrs B
 Van Niekerk, Dr A I
 Van Schalkwyk, M C J

- ⁽¹⁾ Nominated wef 19 September 2007 *vice* Mr M T Goniwe, who lost his seat wef 14 December 2006.
- ⁽²⁾ Left the UIF on 12 September 2007 ito item 4(3) of Schedule 6A to the Constitution and joined the ANC.
- ⁽³⁾ Nominated wef 19 September 2007 *vice* Dr E Nkem-Abonta, who resigned wef 1 February 2007.
- ⁽⁴⁾ Nominated wef 12 September 2007 *vice* Mr Y S Bhamjee, who resigned wef 10 August 2007.
- ⁽⁵⁾ Nominated wef 5 September 2007 *vice* Mr A Harding, who lost his seat wef 22 August 2007.
- ⁽⁶⁾ Left the PIM on 12 September 2007 ito item 4(3) of Schedule 6A to the Constitution and joined the ANC.
- ⁽⁷⁾ Left the UPSA on 14 September 2007 ito item 4(3) of Schedule 6A to the Constitution and joined the National Alliance.

STATE OF PARTIES

(as at 20 September 2007)

PARTY	NATIONAL REPRESENTATIVES	REGIONAL REPRESENTATIVES (see: Section 40(1), Act 200-93)									
		Eastern Cape	Free State	Gauteng	Kwa- Zulu- Natal	Lim- popo	Mpuma- langa	North- ern Cape	North West	West- ern Cape	Total
ANC	136	24	12	35	21	20	13	3	15	17	296
DA	2	4	2	15	6	2	2	2	2	10	47
IFP	12	—	—	1	10	—	—	—	—	—	23
UDM	4	2	—	—	—	—	—	—	—	—	6
ID	2	—	—	1	—	—	—	—	—	2	5
FD	1	—	—	—	—	—	—	—	—	—	1
ACDP	3	—	—	—	—	—	—	—	—	1	4
FF PLUS	3	—	—	1	—	—	—	—	—	—	4
UCDP	2	—	—	—	—	—	—	—	1	—	3
PAC	1	—	—	—	—	—	—	—	—	—	1
MF	1	—	—	—	1	—	—	—	—	—	2
AZAPO	1	—	—	—	—	—	—	—	—	—	1
NADECO	1	—	—	—	3	—	—	—	—	—	4
APC	2	—	—	—	—	—	—	—	—	—	2
NA	—	—	—	—	—	—	—	—	—	1	1
VACANCIES	—	—	—	—	—	—	—	—	—	—	—
TOTAL	171	30	14	53	41	22	15	5	18	31	400



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

EXPLANATORY NOTE:

In view of the fact that bound volumes will henceforth be published on a quarterly basis, the number in parentheses directly after the column reference number indicates the number of the volume in which the relevant information may be found.

INDEX TO PROCEEDINGS

(Bills, Draft Resolutions, etc)

Bound Volumes 103 = Cols 1-1992; 104 = Cols 1993-2626; 105 = Cols 2627-4758;
106 = Cols 4759-6262; 107 = Cols 6263-7656

Abbreviations: AhC = Ad hoc Committee; AhJC = Ad hoc Joint Committee; JBC = Joint Budget Committee; JC = Joint Committee; JMC = Joint Monitoring Committee; JPC = Joint Programming Committee; JPSC = Joint Programming Subcommittee; JR = Joint Rule; JSC = Joint Standing Committee; JTM = Joint Tagging Mechanism; NA = National Assembly; NCOP = National Council of Provinces; NHTL = National House of Traditional Leaders; PC = Portfolio Committee; RC = Rules Committee; SC = Select Committee; StC = Standing Committee

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Department of Public Service and Administration *see* Public Service and Administration, PC on

Department of Water Affairs and Forestry, *see* Water Affairs and Forestry, PC on

Public Service Commission *see* Public Service and Administration, PC on

SAA *see* Public Enterprises, PC on

SAMD I *see* Public Service and Administration, PC on

SITA *see* Public Service and Administration, PC on

South African Forestry Company Ltd and Transnet *see* Public Enterprises, PC on

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PROCEEDINGS OF THE NATIONAL ASSEMBLY

The House met at 14:05.

The Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS—see col 6298.

SOUND SYSTEM UPGRADED

(Announcement)

The SPEAKER: Hon members, it is my pleasure, first of all, to welcome you back and to announce that the sound system has been revamped. [Applause.] We are assured that we now have a vastly improved sound system which is far more reliable than the previous one. The interpretation devices have also been improved. You will notice the new devices on your desks. It is a wireless system. The floor language is on channel zero and English is on channel two. Members will be issued with a list indicating the allocation of channels to the different languages, for your convenience.

NEW MEMBER

The Speaker announced that Ms Z A Ndlazi had been nominated with effect from 15 August 2007 to fill the vacancy that arose as a result of the passing away of Mr M Diko.

OATH

Ms Z A Ndlazi, accompanied by Ms N M Mdaka, made and subscribed the oath, and took her seat.

NEW MEMBER AND OATH

The Speaker announced that the vacancy caused by the vacation of a seat in the National Assembly by Mr P D N Maloyi had

been filled by the nomination of Ms N Hlangwana with effect from 25 June 2007. The member had made and subscribed the oath in the Speaker's office.

The SPEAKER: Orde! Is daar enige lid wat kennis wil gee van 'n voorstel? [Applous.] [Order! Is there any member who wants to give notice of a motion? [Applause.]]

NOTICES OF MOTION

The LEADER OF THE OPPOSITION: Agb Speaker, ek kan hierdie mosie nie in Afrikaans doen nie. Ek is jammer. [Hon Speaker, I cannot move this motion in Afrikaans. I am sorry.]

Speaker, I hereby give notice that I intend moving the following substantive motion in the light of the following:

That this House—

- (a) has no confidence in the Minister of Health of the Republic of SA—the hon Manto Tshabalala-Msimang. The Minister, while holding the position of Medical Superintendent of the Athlone Hospital in Botswana, in the period 1973 to 1976, was convicted on a criminal charge of theft and was dismissed from her position and declared a prohibited immigrant by the Botswana government for a period of ten years. The existence of this conviction was never disclosed to the South African public, despite the position of trust she was placed in as Minister of Health, which made any conduct reflecting on her honesty and integrity highly pertinent;
- (b) the medical fraternity in particular and civil society in general have lost faith in the Minister's ability to effectively discharge her duties and responsibilities. The Minis-

ter's decision to downplay the crisis in Frere Hospital is the latest in a long list of examples of poor management of our nation's health care system. The Minister, together with the President, saw fit to have the former Deputy Minister of Health dismissed from office for political reasons, unrelated to her performance as Deputy Minister;

I will, therefore, move that this House has no confidence in the Minister of Health and that she should resign forthwith. If she fails to do so, the President should dismiss her. [Applause.]

The SPEAKER: I have listened carefully to the Notice of Motion from the hon Leader of the Opposition. I think there might be some confusion between a substantive motion or a motion of no confidence. What I am going to do is rather to take this for further consideration. I will come back to the House with a ruling.

Mr G R MORGAN: I hereby give notice that I intend to move on behalf of the DA:

That this House debates the contents of the Brenk Report, as commissioned by the National Nuclear Regulator into the radiological risks to the public within Wonderfontein Spruit catchment area.

Thank you.

BIRTHDAY OF FORMER PRESIDENT MANDELA ON 18 JULY

(Draft Resolution)

Mr N B FIHLA: Madam Speaker, I move without notice:

That the House—

(1) notes—

(a) that 18 July has become an important date on the South African calendar as a day

when we celebrate former President Nelson Rolihlahla Mandela's birthday; and

(b) that, as we mark the achievement of this milestone in his life, we celebrate together the contribution that he continues to make towards the realisation of the goal of a better life for all;

(2) recognises that his long years of commitment to the struggle for peace and social justice, and his exemplary leadership as the head of the Government of National Unity and the Republic of South Africa are some important landmarks in the path traversed towards democracy; and

(3) wishes Madiba a belated happy birthday.

Motion agreed to.

NATIONAL WOMEN'S DAY CELEBRATIONS

(Draft Resolution)

Mrs N B GXOWA: I move without notice:

That the House—

(1) notes that 9 August is National Women's Day;

(2) recalls that we observe this day to salute the millions of heroic South African women who engaged in struggle both before and after 9 August 1956, to whom we owe the freedom we enjoy today, and also remembers that on that day the women of South Africa converged on the Union Buildings from every corner of our land, thereby creating one of the enduring landmarks of our country's history;

- (3) recognises that, as long as women are bound by poverty and as long as they are looked down upon, human rights will lack substance and as long as outmoded ways of thinking prevent women from making a meaningful contribution to society, progress will be slow because if a nation refuses to acknowledge the equal role of more than half of itself, it is doomed to failure;
- (4) further recognises that it is the women who sustain life, who care for children and elders, and who do so against all odds and with little resources, support and infrastructure while many women in our country live in conditions of poverty and poor location in rural areas and that the underdevelopment in these areas is responsible for the poor conditions under which our people live;
- (5) believes that it is incumbent upon each and every one of us to be agents of change, to win the battle against sexism and racism and to shape the new nation; and
- (6) calls on all South Africans to ensure that the agenda for women's emancipation is given the consistent attention and the prominence it deserves so that we can move with due speed towards a nonsexist society.

Motion agreed to.

RECENT NATURAL DISASTERS IN SOUTH AFRICA

(Draft Resolution)

The ACTING CHIEF WHIP OF THE MAJORITY PARTY: I move without notice:

That the House—

- (1) notes that—

- (a) since 2 July 2007 various parts of our country have experienced different kinds of natural disasters: veld fires in the provinces of Mpumalanga, KwaZulu-Natal and the Free State and floods in the Western Cape; and
- (b) the veld fires have been described as the worst our country has experienced since the 1980s;
- (2) recalls that more than 49 areas in the Western Cape have been affected by floods and 38 000 people have been left homeless;
- (3) remembers that these disasters have resulted in great suffering to our people, especially the poor in the affected areas;
- (4) recognises the significant role played by disaster management and Working on Fire teams as well as the civil society organisations that came in to lend a hand in an effort to alleviate the pain of those affected;
- (5) calls on communities and municipalities always to take proactive steps aimed at preventing the recurrence of such painful situations; and
- (6) conveys its support and solidarity to all the communities who have been affected by the disasters and also its condolences to the families who lost their loved ones.

Motion agreed to.

RATIFICATION OF DECISION OF SPEAKER

(Draft Resolution)

THE ACTING CHIEF WHIP OF THE MAJORITY PARTY: Madam Speaker, I move the motion as it stands on the Order Paper:

That the House ratifies the decision of the Speaker to extend the deadline for report-

ing by the Ad Hoc Committee on the Review of Chapter Nine and Associated Institutions from 31 July 2007 to 21 August 2007.

Motion agreed to.

Ms L B HENDRICKS: On a point of order: I just want to say that the Order Paper is not coming up on the screen. Can we have that sorted out, please?

SUNDAY TIMES DISCLOSURE OF CONFIDENTIAL INFORMATION OF MINISTER OF HEALTH

(Member's Statement)

Mr L V J NGCULU (ANC): Hon Speaker, the publishing by the *Sunday Times* of the Minister of Health's confidential medical records is a deplorable act of insensitivity and a potential crime.

Section 10 of our Constitution guarantees the protection and the respect of everyone's human dignity. Section 14 of the Constitution entrenches the right to privacy, thereby giving legal expression to, among others, the long-established principle of the confidentiality of personal medical information. Section 14 of the National Health Act of 2003 stipulates that:

- (1) All information concerning a user, including information relating to his or her health status, treatment or stay in a health establishment, is confidential.
- (2) ... no person may disclose any information contemplated in subsection (1) unless—
 - (a) the user consented thereto in writing;
 - (b) a court order or any law requires that disclosure; or
 - (c) nondisclosure of the information represents a serious threat to public health.

The *Sunday Times* has not only acted in a shameful and barbaric manner, it has also acted in a manner that clearly militates against the fundamental values enshrined in our Constitution and the National Health Act. It has thus undermined the efforts and sacrifices of many of our patriots who suffered and lost their lives to ensure that these values become a defining feature of our society.

The continued violation of the Minister of Health, Comrade Manto Tshabalala-Msimang's human rights and dignity also undermines our people's confidence in the capacity of our constitutional and legal instruments to protect the country's citizens. The *Sunday Times* has abused press freedom and has acted in an unethical manner that deserves condemnation by all. Thank you. [Applause.]

VIOLENT ATTACK ON ELDERLY WOMAN

(Member's Statement)

Mrs S M CAMERER (DA): Madam Speaker, on Saturday 4 August 2007 Mrs Roos was assaulted, robbed and raped in her own home on The Hill in the southern suburbs of Johannesburg, my constituency for 13 years. She is 92 years old. She is well loved by her neighbours, as well as friends and family. What makes this particular event such a tragedy is not only Mrs Roos's age, but also the fact that the point has been reached where her story does not even make headline news. How many people outside her circle knew about her?

Every day men, women and children who are not rich or powerful or connected to the rich and powerful fall victim to violent crime; at work, at school and at home, and only their immediate circle knows. We are becoming desensitised by the violence that surrounds us.

Government needs to take a stand loud, firm and clear on the issue of crime and criminal justice. Their contradictory and misleading

statements made to the public do more harm than good. A non-negotiable emphasis on performance, as well as excellent standards of service delivery and professionalism need to be the defining characteristics of this time; not vagueness, corruption and political cronyism.

According to a recent survey, World Values Study 2006 by the University of Stellenbosch, South Africans have more faith and confidence in TV than in the South African government. This needs to change. [Applause.]

SADC ON ECONOMY OF ZIMBABWE

(Member's Statement)

Mr M B SKOSANA (IFP): Madam Speaker, the resolution by the SADC Heads of State at the Government Summit in Zambia should be viewed as positive and commendable. This resolution is to urgently put together an economic recovery plan for Zimbabwe, to be led jointly by the Finance Ministers of SADC member states. The economy of Zimbabwe is relatively on the periphery of all other economies of SADC members and communities, and therefore an indispensable entity in the current process of regional economic integration and development within SADC.

On 12 May 1789, William Wilberforce remarked in the British Parliament:

Let us make reparations to Africa, as far as we can, establishing a trade upon true commercial principles and we shall soon find a rectitude of our conduct rewarded by the benefits of a regular and growing commerce.

Perhaps it is now opportune for Britain to consider leading the European Union to review the economic sanctions against Zimbabwe and establish, with SADC, meaningful ways of making the envisaged economic recovery plan a reality.

It may be an appropriate development strat-

egy at this point in the history of Zimbabwe and the region for the Finance Ministers, so charged by SADC, to introduce a participatory economic system, with the people of Zimbabwe participating, directing and managing their economy at all levels beginning with the community-based economies to deal directly with the immense challenges of poverty, unemployment and hardship. This is one important requisite for fair and free elections. Thank you, Madam Speaker.

DOMESTIC ABUSE OF WOMEN AND CHILDREN

(Member's Statement)

Ms A VAN WYK (ANC): Madam Speaker, during Women's Month we have the opportunity to take stock of the progress we have made in improving the lives, not only of women, but also of children in a democratic South Africa. While we acknowledge that significant progress was made, it is overshadowed by the continuous violence perpetrated against women and children.

The Domestic Violence Act was put in place to address the issue of violence within the family unit and at home, there where the most protected and safe place for women and children should be. Despite the legislation, many challenges still remain. Amongst these challenges is the involvement of the community to curb these abuses. We need to further strengthen the social status of women and children within society and in the family. Boys need to be raised respecting their mothers, their sisters and women in general within the community.

In terms of policing domestic violence, we need to entrench the will and commitment of members of the South African Police Services to police these crimes with determination and vigour. In our courts when sentencing perpetrators of domestic violence, the punishment should reflect the seriousness with which government and society look at these crimes.

More places of safety for victims of domes-

tic violence and improved support for NGOs who work in the field are needed. Let us, in Women's Month, strengthen this partnership between government, the communities and the private sector. [Applause.]

REPORT BY PRESIDENT MBEKI ON ZIMBABWE TALKS

(Member's Statement)

Rev K R J MESHOE (ACDP): Madam Speaker, this past week, President Mbeki tabled a report at the SADC Heads of State Summit, which among other things stated that talks between the Zanu-PF government and the factions of the Movement for Democratic Change were "progressing smoothly". The MDC's spokesperson disputed the claims. The ACDP is disappointed that the SADC heads of state, on getting what should have been a progress report, failed to address issues raised by civil society groups and the opposition, or even to express their disapproval of the brutal assault of opposition leaders.

They again chose to ignore the suffering of millions of Zimbabweans, caused mainly by their colleague and comrade, President Robert Mugabe. Members of the opposition have been complaining for a long time that they are operating in a hostile environment with human rights abuses and restrictive media laws.

We question why the Zimbabwean President was cheered and given a hero's welcome when his decisions and policies are causing his people so much suffering amid predictions that the Zimbabwean economy could collapse within four months.

It was equally sad to hear the new SADC Chairman, President Levy Mwanawasa, say that the problems in Zimbabwe have been exaggerated. This can only mean that these heads of state do not care about their own people. May God help Africa, and give Africa leaders who care for the poor and suffering, and who will protect the most

vulnerable in society, rather than leaders who protect their colleagues and the rich and powerful in society. [Applause.]

CRISIS IN ZIMBABWE

(Member's Statement)

Mrs P DE LILLE (ID): Madam Speaker, the ID's national caucus met with representatives from the MDC today and they were trying to find solutions to the crisis in Zimbabwe. We will also be meeting with the delegation from the Zimbabwean government in the next two weeks.

The ID proposed the following steps to ensure that the Zimbabwean elections in March 2008 are free and fair and are a true representation of the will of the Zimbabwean people: an immediate end to violence, and a repeal of all legislation that represents the violation of basic human rights and that prevents free political activity from taking place.

The Zimbabwean crisis will only be resolved through a negotiated settlement. The settlement must be completed in time for the March 2008 elections. The ID also believes that President Mbeki should be assisted in his role as a mediator and it further proposes that SADC invite two former heads of state, hon Joaquim Chissano and hon Kenneth Kaunda, to assist President Thabo Mbeki.

In terms of refugees, we agreed that our brothers and sisters from Zimbabwe must be handled in a humane way and we need to look at ways of getting assistance from the United Nations High Commissioner for Refugees, UNHCR, to deal with the massive influx of refugees.

In trying to find solutions to the problems of Zimbabwe, the process must be led by Zimbabweans themselves, and any assistance from the international community must be complementary. I thank you.

IMPROVEMENT IN HEALTH CONDITIONS OF THE POOR

(Member's Statement)

Mrs M M MADUMISE (ANC): Congratulations to the leader of the ID on becoming the Head of State of the country.

Dankie, agb Speaker, vir die kans. [Thank you, hon Speaker, for this opportunity.]

Over the years the ANC has consistently worked to uplift the health status of our people. The mobilisation of our structures, communities and institutions in support of affordable medicines and the location of health workers in poor, rural and urban communities is the cornerstone of our health provision strategy. Our government is currently implementing, among others, the HIV and Aids and STI Strategic Plan for South Africa for 2007-2011—a product of the collective efforts by government and sectors of civil society over the past five years.

The recent malicious publications directed at our Minister of Health undermine our country's commendable efforts in the fight against HIV and Aids. [Interjections.] These negative comments ... Listen! ... and publications are not only aimed at the Minister, but are also an attempt to undermine the people's confidence in our country's policies and the executive. We wish to reiterate our confidence in the Minister of Health, Comrade Manto Tshabalala-Msimang, and the executive within which she serves as well as the health policies our country has developed. Dankie, Mevrou. [Thank you, Madam.] [Applause.]

FAILURE OF MUNICIPALITIES TO DELIVER BASIC SERVICES

(Member's Statement)

Mr M T LIKOTSI (PAC): Madam Speaker, the PAC of Azania wishes to bring to the attention of this House the causes of violent protests in the country that have claimed the lives of some councillors and officials due to

a lack of service delivery and a lack of protection. They are as follows.

Firstly, the total disregard for or violation of government policies by the lower spheres of government, provinces or municipalities. This has been evident in our oversight visits to provinces, where some municipalities or provinces are still battling to implement the Expanded Public Works Programme and other programmes. Secondly, the slow reaction of municipalities and provinces to communities' concerns on the delivery of basic services, especially water, electricity and ablution facilities. Some cases in point here are Mafing, Ward 27 settlement in Botshabelo in the Free State; the entire Fetakgomo Municipality in Sekhukhune, Mosepšhane village, and Ward 7 Straitskraal. The latter are all in the Limpopo province.

In the third place there is the racial tension between the whites and Africans in some farming communities, for instance the recent case of Mr Ramphethe Mofokeng of Reitz in the Free State who was abducted and almost beaten to death by two farmers.

Fourthly, there are the unresolved land claims such as in Kgotsong in Bothaville, where many residents are still waiting to hear from the Land Claims Commission regarding their claims and appeals. And lastly, the greediness of councillors of the ruling party, which results in fatal casualties among community members due to tenders and other opportunities found in the state.

The government must be supported in appointing the Public Protector to make in-depth findings about the causes of these violent protests, as they are destroying our economy. I thank you.

INDEBTEDNESS OF ZIMBABWE TO SOUTH AFRICAN ENTITIES

(Member's Statement)

Dr S M VANDYK (DA): Madam Speaker, if the government is propping up the despotic regime of President Robert Mugabe at the taxpayer's expense, the people of South

Africa deserve to know. In response to a recent DA question, the Minister for Public Enterprises, Alex Erwin, refused to disclose what Zimbabwe's total indebtedness was to South African public utilities such as Eskom and Transnet, citing the supposed commercial sensitivity of the information.

How commercially sensitive can it be, Speaker? Neither Transnet nor Eskom has any competitors, and even if there were, it is doubtful whether they would be beating down the door of Zimbabwe's earning dictator and its bankrupt regime for their business. What Minister Erwin calls "commercial sensitivity" looks all the more like another case of sabotage to the DA—the sabotaging of proper government in the interests of South Africa and the rest of the continent by a Minister who is fast running out of credibility. Minister Erwin needs to tell this House and consequently the people of South Africa and come clean about the debts owed to our utilities by Zimbabwe.

Thank you.

EFFECT OF FOOD PRICES ON RURAL PEOPLE

(Member's Statement)

Mr D M DLALI (ANC): Madam Speaker, the basic food price is creating a very big problem among the poorest of the poor with the continuous increase in the price of basic items like milk, maize and meat. The poor are feeling the pinch. The general consensus is that it is definitely more expensive to fill up shopping trolleys at the current store prices than it was last year. Meat has become more of a luxury nowadays. The other problem is that when people go around shopping, looking for better prices, they still have to spend more on petrol while looking for such prices.

The basic essentials have skyrocketed by 10,89% in rural areas while people in urban areas pay only 7,95% more. There is a difference of R5 on a 5kg bag of maize meal, while a 750ml bottle of cooking oil costs 80c

more for people in the rural areas. It is clear that the rural people are paying more for everything. They are very poor people and transport costs are also high for them. The same comparison has been made for sugar, with rural consumers paying almost R3 more for a 5kg bag of sugar.

This is creating a very big difference and enormous pressure between these communities. Something has to be done to level the playing field and to assist the rural people. Thank you.

FAILURE OF EDUCATION DEPARTMENT'S RECOVERY PLAN

(Member's Statement)

Mr A M MPONTSHANE (IFP): Madam Speaker, the IFP expresses its concern about the Department of Education's recovery plan to help learners regain lost hours. Unfortunately, this plan has collapsed in most provinces as teachers are not being paid and have stopped attending classes.

Further, the department is deducting money from those teachers who were engaged in strike action. The IFP therefore calls on the Minister to act so that learners, especially those in Grade 12, will not suffer the dire consequences. Thank you.

BOTHO CAMPAIGN IN THE FREE STATE

(Member's Statement)

Mr B A RADEBE (ANC): Madam Speaker, the MEC for Sport, Arts, Culture, Science and Technology of the Free State, Mr Sekgobelo Ace Magashule, initiated the Botho campaign which entails the adoption of orphans and the provision of financial and material support to vulnerable children.

During the last constituency period, the Phumelela Municipality and the Thabo Mofutsanyane District Municipality in the Free State distributed more than 1 000 pairs of school shoes and uniforms to vulnerable farm school children. The campaign also

entailed the distribution of more than 2 000 blankets and broiler chicken starter packs to needy farmworkers. This ongoing campaign was successful because of the contribution of the businesspeople of the district.

As the ANC, we would like to make an appeal to other businesspeople to be in partnership with our municipalities to fight poverty and create a better life for vulnerable children in the rural areas. Thank you.

ALLEGATIONS MADE AGAINST DEPUTY MINISTER OF HOME AFFAIRS

(Member's Statement)

Mr L B LABUSCHAGNE (DA): Madam Speaker, if the allegations made against Malusi Gigaba, the Deputy Minister of Home Affairs, are true, then he is unable to perform his duties in an ethical manner befitting his station.

He is alleged to have been paying for private individuals' travel expenses from taxpayers' money, and these individuals belong to a youth organisation that operates in his name. However, the organisation is not registered but is sponsored by other employees of the Department of Home Affairs. An investigation into this matter must take place immediately.

If Mr Gigaba is found innocent of the allegations, his name must be cleared. However, if Mr Gigaba is guilty of the accusations, it becomes imperative for the health of the department to properly discipline him. Home Affairs is in enough of a poor state without having unethical staff at its helm. Thank you.

FOETAL ALCOHOL SYNDROME

(Member's Statement)

Mnr J SCHIPPERS (ANC): Agb Speaker, die ANC het met kommer kennis geneem van die verslag van prof Dennis Viljoen oor die voorkoms van fetale alkoholsindroom in Suid-Afrika in die algemeen, maar in die

Wes-Kaap in die besonder. Prof Viljoen is uitvoerende hoof van die Foundation for Alcohol-related Research en funksioneer onder artikel 21 van die Wet op Maatskappye.

Dié organisasie is daartoe verbind om die voorkoms van fetale alkoholspektrum-wanbalanse en ander probleme rakende alkoholmisbruik deur middel van klinies-diagnostiese dienste, epidemiologiese navorsing, voorkomende programme, onderwys en opleiding en monitering te bekamp. Volgens prof Viljoen se verslag is die voorkomssyfer in die Boland baie hoog en toon dit 'n stygende tendens. Dorpe soos Wellington, Rawsonville en Villiersdorp vorm deel van die studie.

Faktore wat 'n rol speel, is die oorblyfsels van 'n vernietigende dopstelsel, 'n kultuur van armoede, onkunde, misbruik van alkohol en 'n psigologiese toestand wat deur die apartheidsideologie gevestig is. Die ANC pleit by die relevante staatsdepartemente en private organisasies soos die FARR om te volhard met hul pogings om die probleem daadwerklik aan te spreek en uit die weg te ruim. Ek dank u. (*Translation of Afrikaans member's statement follows.*)

[Mr J SCHIPPERS (ANC): Hon Speaker, the ANC noted with concern the report of Professor Dennis Viljoen on the general prevalence of foetal alcohol syndrome in South Africa, but in the Western Cape in particular. Professor Viljoen is the chief executive of the Foundation for Alcohol-related Research, and functions under clause 21 of the Companies Act.

The organisation is committed to combatting the prevalence of foetal alcohol spectral imbalances and other problems relating to alcohol abuse, through clinical diagnostic services, epidemiological research, preventative programmes, education and training and monitoring. According to Professor Viljoen's report, the prevalence rate in the Boland is very high and indicates an increas-

ing tendency. Towns like Wellington, Rawsonville and Villiersdorp form part of this study.

Factors that are playing a role include the remnants of a destructive tot system, a culture of poverty, ignorance, alcohol abuse and a physiological condition created by the apartheid ideology. The ANC is calling on all relevant government departments and private organisations such as the Foundation for Alcohol-related Research, FARR, to persevere with their vigorous efforts to address and eradicate the problem. I thank you.]

ATMs TARGETED BY CRIMINALS— SAPS BREAKTHROUGH

(Member's Statement)

Adv Z L MADASA (ANC): Madam Speaker, the ANC would like to congratulate the SA Police Service on the recently reported breakthrough in their investigations and the arrests of the criminals behind the attacks on and bombings of ATMs in the country.

The ATM attacks were not only acts of criminality, but had put the lives of the public using these valuable facilities in danger. The ANC calls on the police to ensure that they get to the bottom of these attacks and arrest all involved. The ANC wishes to restate its belief that, despite challenges in reducing crime, the SA Police Service is determined to take the fight to the criminals and protect the public. Thank you.

SITUATION IN ZIMBABWE

(Minister's Response)

The MINISTER OF FINANCE: Madam Speaker, let me deal with statements by four members relating to the situation in Zimbabwe; statements by members Skosana, Meshoe, De Lille and Van Dyk respectively. Let me start with the observations by the hon De Lille. Indeed, we'd like to confirm that the situation is as she describes, namely that the problems in Zimbabwe must be solved

by Zimbabweans. There can't be any regime change from anywhere outside of Zimbabwe! [Interjections.] Sorry, would you protect me, please, Madam Speaker? We listened intently.

The SPEAKER: You are protected, hon Minister. Hon members, please let's let the Minister respond.

The MINISTER OF FINANCE: In the history of Zimbabwe it's important to recognise that Lancaster House was facilitated by outside agencies. Zimbabweans have to knuckle down and resolve their own problems. The position of the government in South Africa has consistently been—and this is the view of all of SADC—that we must encourage Zimbabweans to solve their own problems.

That is the most that we can do, because the solutions have to be durable and sustainable, and the decisions have to be carried by Zimbabweans into perpetuity—that is the essence of democracy. That is the gist of the statement that President Mbeki presented to the heads of state in Lusaka last week.

In dealing with this issue it's important to recognise that Zimbabweans are not going to cross the border, come into South Africa illegally and then register themselves as refugees. They will meld into the South African community and become like us because they are our neighbours, they are of our blood, we share the same language with many of them and so they aren't going to seek to be set apart from us.

This is the reality; the number of Zimbabweans who arrive at Beit Bridge or in Musina and register as refugees can be counted on one hand, but that doesn't accord with the number of Zimbabweans here.

Our commitment must be to ensure that Zimbabweans will solve their issues, and that is why all the players in Zimbabwe need to be sitting around the table. [Interjections.]

Let me turn, then, to what the hon Skosana

raised, because indeed it is a very important issue: How do we get the Zimbabweans to live out the responsibility of rebuilding an economy that clearly is severely stressed right now? We have ... [Interjections.] Sorry, man. Like we got rid of you, you come and cause trouble on the other side of the House, because we elected you out of office. [Interjections.]

The point about Zimbabwe is that we've been working with them for a very long time, but understanding that decisions about their economic management have to be taken by Zimbabweans. We can't sit south of the Limpopo and decide what kind of economy the Zimbabweans must have.

It must be inclusive; they must understand what the issues are, they must get the prices to work, they must drive the changes. We can't commit financial resources of taxpayers elsewhere. Zimbabweans must take the decisions and then the deal can be structured, so there is an interlinkage between what the hon Skosana raised and what the hon De Lille raised. You need democracy, you need the people of Zimbabwe to take decisions about their own country.

For those who don't know, I'm going to ask that President Bush recruit them and send them to Iraq, then they'll understand about regime change! [Laughter.] We'll send them there. We'll send the hon Van Dyk and all those loudmouths there, then they'll understand what regime change is about!

But if you want democracy, hon Meshoe, you must understand ... I suppose his God also acts through the voice of the electorate. You see, people elect the governments they want, and the leaders who obtain in the Southern African region are the choice of the people. The fact that you and you are not on this side of the House is a manifestation, perhaps, of God's will, but it certainly is a manifestation of the will of the electorate. [Applause.] Thank you.

VIOLENCE CONDEMNED

TV PROGRAMMES CONTRIBUTE TO VIOLENCE AGAINST WOMEN AND CHILDREN

POLICE SHOULD BE COMMENDED FOR GOOD WORK

(Minister's Response)

The DEPUTY MINISTER OF SAFETY AND SECURITY: Madam Speaker, I would like to respond to a statement made by the hon Camerer. We also feel sad at the criminal attack on Mrs Roos. May I state that in this country there is no way we can allow any form of violence against any person, especially an elderly person who is 92 years old.

I think that, as this government, one of our responsibilities is to make sure that we have competent police officers and that at all times we make sure that the police carry out their duties in a way that meets the needs of the people of South Africa.

May I also indicate this to the hon member—unfortunately she's not here—who said that South Africans are watching TV all the time. The problem we face in this country is that watching TV is not going to bring about solutions to our problems. The problems of South Africa need all communities to come together to fight crime. As you all know, TV programmes in South Africa have also contributed to the violence we see on a daily basis.

May I also indicate to hon Van Wyk that our TV programmes also contribute to the violence we witness against women and children in our country. I would urge members of this country that we need to continue to engage and challenge some of the things that we see on TV programmes that are unpalatable for our children and women to see. [Applause.]

The police will continue to make sure, at all times, that matters regarding women and children are a priority in our country. I want to say that we are committed to making sure

that at all times the police carry out their duties in a diligent manner. Those that are not prepared to be part of a system that works for the eradication of violence of any form have no place in the police service of this country. We will only keep men and women who are keen to work for the eradication of violence against women and who are prepared to go all out to fight the various types of crime that we see in our society.

In response to hon Madasa, may I also thank him for his words of encouragement. Men and women like him do good work by always encouraging the police to do more good work, and not always condemning them even when they are trying their best to fight crime. We welcome that. We encourage people like you. Where wrong has happened, you condemn it, but where good has happened, you praise it. I thank you. [Applause.]

BOTTLENECKS IN LOCAL GOVERNMENT POLICIES

NOT ALL PROTEST ACTION STEMS FROM LACK OF SERVICE DELIVERY

CORRUPTION REPORTED TO THE POLICE

(Minister's Response)

THE DEPUTY MINISTER FOR PROVINCIAL AND LOCAL GOVERNMENT: Madam Speaker, I would like to respond to a statement by the hon member from the PAC, concerning lack of delivery at local government level. We've been saying time and again, in this very House, that we have a successful programme called Project Consolidate, because we have identified bottlenecks at local government level. We know exactly what is happening among the municipalities. I don't know whether people have not been listening. [Interjections.] Because you don't want to acknowledge this!

Concerning lack of delivery, we fully agree with you, hon member, that in some instances there are bottlenecks, which we have

identified. That is why the DPLG has taken a conscientious step to assist those struggling municipalities to carry out delivery. So we do acknowledge that there are shortcomings and we are dealing with them as the DPLG. It is our responsibility to assist municipalities; we can't just sit back and not do anything about their problems. We will continue to assist municipalities.

I now come to the question of the protests, which is also linked to the struggling municipalities. What I have noticed about these protest actions is the manner in which they manifest themselves. In this country we have a constitutional provision that says that in order for you to qualify for a house, you must be of a certain age. However, you do see children, who are supposed to be at school, demanding houses and protesting at the lack thereof. [Interjections.] The ages of those children range from 12 to 14. They're supposed to be at school. Where are their parents?

You see what happens, hon member, is that when people see a vacant piece of land, they occupy it illegally and then demand services. Bavela phi aba bantu? [Where do they come from?] Sometimes the old residents of that municipality would say: Asibazi aba bantu [We don't know where these people come from]. You see, you've got to look carefully at these protests and not think that every protest action stems from lack of service delivery.

Those are arm-chair politicians that are sitting there. People who care about this nation, about their country and about the citizens of this country—retired, skilled individuals—have approached the DPLG and asked: Where can I assist? I have these skills; where can I make an intervention? Now, as a result 126 municipalities will benefit from the skills of those retired individuals. These are not arm-chair politicians that I'm talking about, but people who do work.

The one last issue that I would like to

respond to is the issue of corruption by councillors around the issuing of tenders. The hon member specifically put it as "corruption by the councillors of the ruling party". What I fail to ... nyeh, nyeh! [Laughter.] This government has put in place systems in order to try and combat that corruption. We are not a banana republic.

The SPEAKER: Order! Hon Deputy Minister, please wrap up.

The DEPUTY MINISTER FOR PROVINCIAL AND LOCAL GOVERNMENT: Yes, I'm wrapping up, Madam Speaker. You see, when you come across such corruption by any councillor, report it to the nearest police station. Yiya emapoliseni. [Interjections.] That's what you must do when you come across corruption; you must go to the police. Don't come and make a noise here. Thank you, Madam Speaker. [Time expired.]

DEPARTMENT OF EDUCATION'S RECOVERY PLAN

(Minister's Response)

THE DEPUTY MINISTER OF EDUCATION: Madam Speaker, I would like to respond very briefly to the hon member who stated that the national recovery plan is not working. I think it is important to avoid making sweeping generalisations without alerting the members about where the difficulties are in fact identified.

Madam Speaker, for the benefit of this House I should say to you that the national recovery plan is aimed at providing opportunities and benefits to millions of learners. It's a plan that is designed to run from a month ago right to the end of October, from Grade R to Grade 12.

The success of the plan, however, depends largely on the commitment of educators to ensure that they provide extra time and extra hours in teaching the learners. The responses and reports that we receive are that the recovery plan is working extremely well in most of the provinces. Millions of learners

are receiving the benefits of study material that we publish and distribute in different languages to different provinces.

It may well be so that, in certain instances, certain educators are taking advantage of the situation and trying to negotiate the monies that they have lost as a result of the industrial action to the stipends that they would receive from the Department of Education. But on the other hand, there are thousands of committed educators who spend extra hours, weekends and part of their vacation to ensure that those learners who have been disadvantaged directly as a result of the industrial action do make up the time.

What I am assured about is the commitment and the passion on the part of learners. Khutsong is a good example where more than 430 learners have gone to a Taung study camp to receive education notwithstanding the cohesion, notwithstanding the duress which they are subjected to. This means that there is a passion for learning amongst our learners where educators are willing and able to provide that support.

In addition to the support provided by the Department of Education, that will make the difference. Indeed, we are at a huge disadvantage as a result of the time that has been lost, but I do believe that we can make up the time, given the commitment of many of our educators to our learners. Thank you very much, Madam Speaker. [Applause.]

TOT SYSTEM OF PAYMENT ON FARMS

(Minister's Response)

The MINISTER OF SOCIAL DEVELOPMENT: Madam Speaker, we have noted the statement on the foetal alcohol spectrum disorder that the hon member made. It's quite a troublesome issue which government is basically beginning to tackle. The provincial government of the Western Cape has gone further to do that and I think as the national government we will work together as closely as possible. It might not necessar-

ily be the Western Cape alone; it might be in other parts of South Africa as well. I thank you, Madam Speaker.

HEALTH PROFESSIONS AMENDMENT BILL

(Consideration of Bill and of Report of Portfolio Committee of Health thereon)

Mr L V J NGCULU: Madam Speaker, as the portfolio committee we would like to urge this House once again to endorse the amendments of this particular legislation. These amendments come from the NCOP and they are not fundamental in terms of changing the context and the nature of the Bill itself, but were actually meant more to strengthen the legislation. One of them is basically the section dealing with the question of whether a student should be part of the definition of a health practitioner. It allows the student to be part of the definition of the health practitioner, given the fact that at some point in time the students themselves must perform certain functions as health practitioners, and, therefore, should be liable in terms of the rules in the same manner as health practitioners.

The next amendment was the insertion of the definition on public representatives. This basically was meant to allow the Health Professions Council to establish an ad hoc committee from time to time in order to deal with issues affecting it.

The last and the most important one is the question of dealing with the powers of the council to search and seize documents. It was felt that the Health Professions Council cannot be given carte blanche here in terms of search and seizure of documents, but that such a process should actually be controlled and subject to the courts and the magistrates. In this regard, therefore, it is meant more to protect the citizenry of our country and avoid a situation of the abuse of powers in whatever way and it is also meant to ensure that these powers given to the Health Professions Council are in line with the Constitution and the rights of the citizenry of the Republic.

The more mundane one actually sets the date by which the Bill itself should be in place. We would therefore urge that the amendments from the NCOP be endorsed by this House.

I am aware that there are some members of our Portfolio Committee on Health who may have wanted to use the opportunity of this particular amendment to smuggle in issues not related to this particular substance. Sometimes what was also distressing was for them to invoke a redebate of legislation that was debated in this House and also, quite sadly, wanting even to cast aspersions on their former colleague, who participated in this thing by saying, with regard to whatever he said at that particular point in time, that they have no confidence. They want to say other things themselves now, which undermines and questions the continuation of powers. I think it's quite a sad thing that sometimes people can eloquently play their divisions in the manner in which they were playing. Be that as it may, as the portfolio committee we think that these amendments should be endorsed.

Thank you very much, Madam Speaker.
[Applause.]

The ACTING CHIEF WHIP OF THE MAJORITY PARTY: Madam Speaker, I move:

That the Bill, as amended, be passed.

Declarations of vote:

Mr M WATERS (DA): Madam Speaker, hon members, I just like to rectify what the chairperson of the committee said in his last few seconds where he said we question the judgments of our previous colleague, hon Mr Morgan. We did no such thing. We simply had to get a mandate from our caucus on the new amendments. You shouldn't try and mix our words, hon Ngculu.

The new amendments to the Health Professions Act emanating from the NCOP are an improvement on the existing Act, which

allows an investigating officer to investigate a suspected breach of this Act by a medical professional without having first obtained a search warrant. Investigating officers will now have to approach a magistrate or a judge to obtain such a warrant.

The DA strongly believes that doctors must be held accountable for their actions and that patients' safety comes first.

It is unfortunate, however, that while these amendments seek to improve doctors' ethics, the Act simultaneously stops them from exercising their democratic right to choose their own representatives on their respective boards. The warped reasoning used by the ANC and the Ministry is that elections are too costly. Is the next step the scrapping of elections for public representatives, because these too are too costly?

It seems, yet again, as if the ANC cannot stomach democracy when they do not win. They just have to control every sector of our society.

On 10 October 2006, in a debate on this legislation, my colleague the hon Gareth Morgan, in reaction to the ANC's usual howl that the professional boards were not representative enough, provided some figures on the most recent membership statistics of a few professional boards. For the Medical and Dental Professionals' Board, 68% of its members were previously disadvantaged individuals; for the Board for Psychology the figure was 64%; for the Board of Environmental Health it was 70%; for the Board of Dental Therapy it was 67%; for the Board for Physiotherapy it was 72%; and for the Board for Radiography it was 85%.

The ANC would have you believe that these boards are filled entirely with angry white males. The fact is that these boards are tremendously diverse, which we welcome, and more importantly these boards were elected under the existing legislation through free and democratic elections. What this tells us, hon members, is that the ANC is

not concerned about transformation; they are obsessed with control, control of every professional board in the country.

And to add insult to injury these professionals must now wait until the Minister of Health has applied her sober mind and decreed that she approves their appointments. It just does not make sense.

This undemocratic and unilateral selection process will strip the professional boards of all independence as everyone serving on these boards will know that they are there only at the Minister's behest. They will be forced to work as a collective and not express any opposing views. The sacking of the Deputy Minister is a clear sign of what will happen if you dare speak your mind. I thank you. [Applause.]

Mrs C DUDLEY: Madam Speaker, the ACDP acknowledges that these largely technical amendments put forward by the NCOP are actually positive and, of course, we support measures to ensure the protection of the public and advance public interests. The existing clauses in the Health Professions Amendment Bill, however, which give the Ministry of Health increased powers to control the Health Professions Council of South Africa and its allied professional boards are unacceptable.

The public should be confident that they can approach an independent council as opposed to a government-appointed body. The Minister's questionable handling of the shocking numbers of babies' deaths in Eastern Cape hospitals adds to the many circumstances which highlight concerns around a council under the Minister's thumb.

Like the previously amended Nursing Act, the Bill also denies members of these professions their democratic right to elect board members and diminishes their right to participate in the regulation of their profession. The ACDP voted against the Health Professions Amendment Bill in 2006 as we believe it

compromises the council's independence and entrenches government control. Thank you.

The SPEAKER: I see no other party wishing to make a declaration.

Mrs M M MADUMISE: Madam Speaker, I just want to make it clear to the House that indeed the declaration that was made by the DA is just a waste of time; you can take it from the DA person who was here. He said nothing about the amendments that we were supposed to speak about. And for Dudley to come and tell us about the babies that died at Frere Hospital, that is not what we are here for. What a waste of time! Batho ba, ba ya tshwenya. [These people are troublesome.]

The ANC's position on the DA's declaration regarding the Health Professions Amendment Bill is as follows. The portfolio committee has already dealt with all the substantive issues relating to the Health Professions Amendment Bill in accordance with the accepted procedures in processing legislation before it is referred to the NCOP for deliberations and processing.

Having dealt with the amendments by the NCOP, it is the view of the ANC that there are no substantive issues for debate and that this declaration is merely a political ploy, as you have seen for yourself right here. The former DA member of the portfolio committee was obliged to fully brief his replacement, which would include a briefing on this Bill. The ANC agrees with the amendments by the NCOP, which certainly do not warrant a declaration. They are as follows. The inclusion of "a student" under the definition of a health practitioner and the addition of the definition of a public representative.

The amendment that concerns the DA the most is the insertion of the subsection relating to the powers accorded the investigating officer. They make no mention of it as it makes provision for them to enter, search and seize documents or potential documents with or without a search warrant. It was

clearly explained to the portfolio committee that this would be an invasion of the privacy rights of professionals and therefore susceptible to being contested against this background.

The clause was formulated to be in line with the Mokgajane case. It was also clearly explained that the investigating officers would be permitted only to investigate in the context of the Act and only in so far as it concerns a particular profession as registered in terms of the Act.

It is therefore clear to the ANC that no further debate is needed and there are no further substantive issues ... [Time expired.]

The HOUSE CHAIRPERSON (Mr G Q M Doidge): Order! Order! Hon members. Are there any objections to the Bill as amended being passed? No objections? Agreed to. The Bill will be sent to the President for assent. We will now take Orders number 2 to 5.

Motion agreed to.

Bill, as amended, accordingly passed.

Mrs S V KALYAN: Chairperson, I said yes.

The HOUSE CHAIRPERSON (Mr G Q M Doidge): You should have approached the microphone, Mrs Kalyan.

Mrs S V KALYAN: I am doing that now. Will the objection of the DA please be noted?

The HOUSE CHAIRPERSON (Mr G Q M Doidge): The Bill has already been passed.

Mrs S V KALYAN: I said "yes" from the bench.

The HOUSE CHAIRPERSON (Mr G Q M Doidge): I didn't hear you. We will now take Orders number 2 to number 5 together. These are reports of the Portfolio Committee on Water Affairs and Forestry as they appear on the Order Paper.

**CONSIDERATION OF REPORT OF
PORTFOLIO COMMITTEE ON
WATER AFFAIRS AND FORESTRY—
PRICE INCREASES OF BULK
RESOURCES (WATER) FOR
PROVISION OF MUNICIPAL
SERVICES—SECTION 42 OF THE
LOCAL GOVERNMENT MUNICIPAL
FINANCE MANAGEMENT ACT
NO. 56 OF 2003**

**CONSIDERATION OF REPORT OF
PORTFOLIO COMMITTEE ON
WATER AFFAIRS AND FORESTRY—
WATER BOARD HEARINGS
19-20 MARCH 2007**

**CONSIDERATION OF REPORT OF
PORTFOLIO COMMITTEE ON
WATER AFFAIRS AND FORESTRY—
STRATEGIC PLAN AND BUDGET OF
2007/08 FOR THE DEPARTMENT OF
WATER AFFAIRS AND FORESTRY:
03-04 MAY 2007**

**CONSIDERATION OF REPORT OF
PORTFOLIO COMMITTEE ON
WATER AFFAIRS AND FORESTRY—
OVERSIGHT VISIT TO GAUTENG
PROVINCE—06-11 MAY 2007**

Ms C C SEPTEMBER: Chairperson, the reports before us today cover the following: Price increases of bulk resources in respect of water tariffs by water boards; the report by water boards themselves; the report on the strategic plan and budget of 2007-08 for the Department of Water Affairs and Forestry; and the oversight visit to Gauteng province.

With regard to the proposed price increases of bulk resources in respect of water tariffs by water boards, it would be important to remind the House exactly why we are putting forward the following findings and why we are asking the House to adopt the recommendations that the portfolio committee has put forward.

We are reminded that Section 42 of the Municipal Finance Management Act stipulates that . . . [Interjections.]

The HOUSE CHAIRPERSON (Mr G Q M

Doidge): Order! Hon members, can we have your attention please? Will all hon members take their seats, please? Please proceed, hon September.

Ms C C SEPTEMBER: Thank you again, Chairperson. Section 42 of the Municipal Finance Management Act tells us that when the price increases of bulk resources for the provision of municipal services need to be brought to Parliament, a number of things need to be taken care of in so far as the Act is concerned. Therein are the findings and the recommendations of the portfolio committee as to why it is making a recommendation that the Minister needs to look at. It stipulates to us that a motivation of the reasons for the proposed amendment needs to be made and it has asked us for an explanation of how the amendment takes account of all government's national inflation targets and other macroeconomic policy objectives. It also states that it must be motivated by the steps taken by the organ of the state to improve its competitiveness or its efficiency in order to reduce cost. And it also states any objectives or targets as outlined in the corporate or other governance plan applicable to that organ of the state.

When considering the report of the portfolio committee with regard to the water tariffs by water boards, it is here that the committee asked the House to adopt our recommendation that specifically says that in dealing with the tariff increases, the committee is of the view that 24,3% by the Botshelo Water Board does not appear to take into account the issues of Section 43(3) of the Act; and that whilst the committee does not have the explicit function of either adopting or rejecting the bulk resource increase, we therefore recommend that the Minister of Water Affairs and Forestry consider actively engaging with Botshelo Water Board on responsibly setting price increases in line with the national government's inflation targets and that the Minister of Water Affairs and Forestry, in consultation with the Minister for Provincial and Local Government, be requested to consider a review of Section 42 of the Local Government: Municipal Finance Management Act. This is to provide

for a role for Parliament when price increases in respect of bulk resources are considered. We ask that this consideration be taken into account by the House purely on the basis of what the MFMA tells us.

With regard to the Gauteng report that we have here before us, again we ask the House to adopt the recommendations that we are making and I am not going to take you through all of that. We want you to take into consideration in particular as you adopt the report and the recommendation that on page 1553 you exclude the words "Department of Local Government" and on page 1576 you exclude the word "non". There was a mistake in putting these two words in there. We ask that the report on the Gauteng oversight visit be adopted.

We are also asking the House to adopt the recommendations of the report on the water boards as well as asking you to adopt the recommendations on the report on the strategic plan and budget of the Department of Water Affairs and Forestry, and in particular the recommendations that the committee is making with regard to ensuring that the eradication of the bucket system is realised in December 2007 and all the assistance that we are recommending that needs to be given in that regard. That takes care of all four reports, unless the House wants me to say more.

The HOUSE CHAIRPERSON (Mr G Q M Doidge): Hon September, before you leave the podium, will you please repeat the amendments that you are moving to the report?

Ms C C SEPTEMBER: Chairperson, on page 1553 of the ACT report the "Department of Local Government" needs to be taken out; and on page 1576 of the ATC report the word "non" needs to be excluded.

The HOUSE CHAIRPERSON (Mr G Q M Doidge): So you are proposing two amendments, hon September?

The ACTING CHIEF WHIP OF THE MAJORITY PARTY: Chairperson, I move:

That the Reports be adopted.

Motion agreed to.

Reports accordingly adopted.

The House adjourned at 15:20.

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

THURSDAY, 22 JUNE 2007

ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Classification of Bills by Joint Tagging Mechanism

(1) The Joint Tagging Mechanism, in terms of Joint Rule 160(6), classified the following Bills as section 76 Bills:

(a) *Traditional Health Practitioners Bill* [B 20—2007] (National Council of Provinces—sec 76(2)).

(b) *Choice on Termination of Pregnancy Amendment Bill* [B 21—2007] (National Council of Provinces—sec 76(2)).

(2) The Joint Tagging Mechanism also classified the *Traditional Health Practitioners Bill* [B 20—2007] as a Bill falling within the ambit of section 18(1)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No 41 of 2003).

2. Translations of Bills submitted

(1) The Minister of Health

- (a) *Wysigingswetsontwerp op Gesondheidsbe-roepe* [W 10—2006] (National Assembly—sec 75).

This is the official translation into Afrikaans of the *Health Professions Amendment Bill* [B 10—2006] (National Assembly—sec 75), as introduced in Parliament.

- (b) *Wysigingswetsontwerp op die Beheer van Tabakprodukte* [W 24—2006] (National Assembly—sec 75).

This is the official translation into Afrikaans of the *Tobacco Products Control Amendment Bill* [B 24—2006] (National Assembly—sec 75), as introduced in Parliament.

MONDAY, 25 JUNE 2007

ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Referral of Bill to National House of Traditional Leaders

- (a) The Secretary to Parliament has, on 25 June 2007 in accordance with section 18(1) of the Traditional Leadership and Governance Framework Act, 2003 (Act No 41 of 2003), referred the *Traditional Health Practitioners Bill* [B 20—2007] (National Council of Provinces (sec 76 (2)) to the National House of Traditional Leaders, which must, within 30 days from the date

of this referral, make any comments it wishes to make.

COMMITTEE REPORTS

National Assembly

1. Report of the Committee on Provincial and Local Government on Budget Vote 5: Provincial and Local Government, dated 19 June 2007:

The Committee on Provincial and Local Government, having considered Budget Vote 5: Provincial and Local Government, report as follows:

A. INTRODUCTION

1. The budget review of the Ministry and Department of Provincial and Local Government (DPLG) was undertaken on 13 March 2007 and the budget review of the statutory bodies accountable to the Portfolio Committee was undertaken on 14 and 20 March 2007.
2. The budget briefings also served to acquaint the Portfolio Committee with the plans, programmes and projects of the Ministry and Department of Provincial and Local Government.

B. PARTICIPANTS IN THE BUDGET HEARINGS

1. Those who appeared before the Committee included a delegation from the Department of Provincial and Local Government, Acting Director-General Mr E Africa; Deputy Directors-General Ms T Mketi, Ms S Makotoko, Mr D Powell, Chief Directors, Mr O Cupido, Mr L Williams, Mr T Fosi, Mr L Twaku, Mr C Clerihew, Ms B D Leon, Mr M Sigaba, Prof W Sobahle, Mr Y Patel, Mr F Radebe, Ms B Mdaka, Dr P Bouwer, Mr

M Sigidi, Mr T Faba, Mr C Manyike and Mr K Naidoo.

2. The South African Local Government Association (SALGA) was represented by Mr T O Mlaba and Mr S Wasa. The Municipal Demarcation Board (MDB) was represented by Dr V Mlokoti, Mr R Willemse and Mr R Somanje. The National House of Traditional Leaders was represented by Khosi Kutama, Morena Mopeli, Prince Makaula, Kgosi Suping, Inkosi Mahlalela, Inkosi Mzimela, Kgosi Maubane, Hosi Ngove, Inkosi Mavundla, Kgosigadi Moroka, Inkosikazi Mhlauli, Mr A Sithole, Mr R Khandhlela, Adv S Maifadi, Adv M Tshabalala and Mr M Linda. The Local Government Sector Education and Training Authority (LGSETA) was represented by Mr S Maloka, Mr S Mofokeng, Ms J Davies, Mr G Lobela, Mrs W Roberts and Mr E Mnyakeng. The Commission for the Protection and Promotion of the Rights of Cultural, Religious and Linguistic Communities (CRL Commission) was represented by Dr M Guma, Mr B Mgcina, Mr C Smuts and Mrs P Madiba.

C. STRATEGIC PLAN AND OVERVIEW OF THE BUDGET

1. The Acting Director-General for Department of Provincial and Local Government, Mr. Elroy Africa, informed the Committee that the strategic focus and priorities of the Department over the medium-term period are embedded in the lessons of Project Consolidate and the 5 Year Local Government Strategic Plan. He indicated that the Department will continue to discharge its leadership role in

respect of the three strategic priorities of the Five Year Local Government Strategic Plan, namely:

- Mainstreaming hands-on support to Local Government to improve municipal governance, performance and accountability.
- Addressing the structure and governance arrangements of the State in order to better strengthen, support and monitor Local Government.
- Refining and strengthening the policy, regulatory and fiscal environment for Local Government and giving greater attention to the enforcement measures.

2. The Department will also renew its focus on service delivery to meet government's targets and objectives in the following areas:

- Bucket Eradication by the year-end 2007
- Water and sanitation at clinics by 2007
- Water Supply by 2008
- Sanitation by 2010
- Electricity by 2012
- Solid Waste by 2013
- Roads infrastructure by 2013
- Sport and Recreation by 2013
- Public Facilities by 2013
- Informal settlements through the housing programme by 2014

3. Mr. Elroy Africa indicated that over the next three years, the share of nationally raised revenue that will be allocated to local government will be R121.7 billion. Of this amount, a total of R68.2

billion will be allocated through the Local Government Equitable Share (LGES) in the form of an unconditional grant and R600m through the Municipal Systems Improvement Grant (MSIG).

4. The department will also address challenges in the areas of implementing the Municipal Performance Regulations, filling of key vacancies, extending the pool of deployees to municipalities, improving the quality and credibility of IDPs, building municipal financial management systems and establishing an effective monitoring, reporting and evaluation system for local government.
5. Over the Medium-Term Expenditure Framework (MTEF) period R24.7 billion will be allocated to the Municipal Infrastructure Grant (MIG), which will focus on broadening access to basic services in the areas of water, sanitation, roads and community facilities.
6. Specific attention will be given to those municipalities who have not performed well with their expenditure on the 2006/07 allocations. At the end of January 2007, municipalities spent 54.4% of the R6.265 billion allocated to MIG for the 2006/07 financial year.
7. Through the relevant provisions of the Division of Revenue Act (2006) the Department developed and is presently implementing a MIG Re-allocation Strategy. This Strategy is aimed at ensuring compliance with the Division of Revenue Act (DORA), whilst at the same time providing further incentives to those municipalities who have demonstrated the capacity to spend, whilst providing

additional support to those that are under-spending on MIG.

8. It was also indicated that a total of R8.4 billion has been set aside for stadium development for the 2010 FIFA Soccer World Cup. In this regard the Department is also strengthening its own internal capability to support and monitor the obligations of host cities.
9. The Department is responsible for the transfer of funds to six public entities and associated institutions. Over the MTEF period R265.5m will be transferred to South African Local Government Association (SALGA), the Municipal Demarcation Board (MDB), the South African Cities Network (SACN), the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the Commission on Traditional Leadership Disputes and Claims, and the National House of Traditional Leaders.
10. The Committee noted how the spending was affected by lack of capacity and noted that DPLG was having problems with staff deployment and high turnover in municipalities. The Committee acknowledged the Department's commitment to providing support to municipalities through programmes such as Project Consolidate. However, the Committee recommended the Department should focus on the recruitment of personnel at a local government level.

D. ADMINISTRATION

1. The purpose of this branch is to conduct overall management of the Department, formulate inter-

nal policies, and provide for the leadership functions of the Senior Management within the Ministry and the Department.

2. The budget for the Administration branch is expected to grow from R130 million in 2007-08 to slightly above R141 million in 2009-10. The average annual increase in expenditure from 2003-04 to 2006-07 was 10,7%, due to a need to adjust the baseline for monitoring and evaluation, communication, information systems and general office support systems to support the department's external service delivery units. It is estimated that the expenditure of the programme will increase on average annual by 5,8% from 2006-07 to 2009-10.
3. Strategic priorities for 2007-08 include the following:
 - To improve customer services and enhance service delivery.
 - To align HR planning to the strategy and needs of the organization.
 - Enhance effective implementation and monitoring of internal administrative policies.
 - Apply systems, standards and specifications that enhance the quality of services delivered by DPLG service providers.
 - Develop a comprehensive Human Resource Management and Development (HRM&D) strategy
 - Implement organisational development interventions that align the structure and build employee performance and motivation.

- Develop and align human resources policies.
- Enhance customer service and service delivery.
- Development of a Monitoring and Evaluation System to track communications impact.
- To profile DPLG in respect of key national initiatives.
- Development of an ICT Governance Framework for DPLG.
- Enhance customer service and service delivery by developing a Service Management Framework.
- Development of a service orientated and integrated architecture framework of DPLG.
- Development of a Knowledge and Information System for DPLG.
- Facilitate and strengthen ICT Local Government Forums and participate at external ICT fore.

4. The Department has not met the target of 50% for women at management level, of which it only managed 35%. However, the Employment Equity Plan and strategy has been revised to enable the Department to meet the new target of 50%. On 28 February 2006, the profile for People with Disability was 0,5% and the Department's Employment Equity plan and strategy have been revised to also address this gap of 1,5%.
5. The Committee raised a concern on the 41 vacant positions that are available within the branch, and the negative effect that these vacancies have on the output of the branch. The Committee recom-

mended that the branch increases its efforts with regard to filling the vacant positions.

E. GOVERNANCE, POLICY AND REASEARCH

1. The objective of the Governance, Policy and Research branch is to provide policy advice and research support for the development and monitoring of inter-governmental relations and the performance of provincial government, provincial-municipal relations, integrated development planning, local economic development, the institutions of traditional leadership, and international and donor relations.
2. For 2007-08, the branch will focus on improving intergovernmental processes, including the planning and implementation of the Integrated Development Planning (IDP). The department has developed a framework to assess IDPs, and there had been significant improvement in the IDP processes since this process was undertaken in the last two years. Some provinces had actually established their own IDPs. The Department reported that donor funds were being used to recruit technical expertise, which would then be deployed out to about 21 municipalities.

F. URBAN AND RURAL DEVELOPMENT

1. The objective of the Urban and Rural Development Branch is to manage, co-ordinate, monitor and measure the effectiveness of the integrated implementation of the urban renewal programme and the integrated sustainable rural

development programme across all spheres of government.

2. The Department reported that the rapid increase in expenditure from 2003-04 to 2006-07 was to provide adequate capacity for implementing the Urban Renewal Programme (URP) and the Integrated Sustainable Rural Development Programme (ISRDP). Expenditure for 2007-08 to 2009-10 is set to increase by 4,8%. Expenditure in 2006-07 was low, because of difficulties in filling vacant posts on time. While these funds were used in another programme, the baseline has been adjusted in 2007-08 so that all posts can be filled.
3. Amongst others, the branch held induction workshops for newly elected Councillors and also technical support was given to the rural nodes. The branch noted the following achievements for 2006-07:
 - Induction workshops held for new councillors in Galeshewe, Cape Town, Umzinyathi, Umkhanyakude, Zululand, Ehlanzeni, Mopani, Sisonke, Chris Hani and Umzimkhulu.
 - Guidelines for sector department participation in the nodes produced and disseminated.
 - Orientation workshop held for support officials in Ministries who are political champions.
 - The URP Implementation Framework completed.
 - A Programme Management Toolkit for the URP nodes produced.
 - Technical support to rural nodes provided through the IDT.

- Galeshewe Urban Renewal Programme (URP) supported with Local economic Development (LED) expertise.
 - Partnership established with the Development Bank of Southern Africa (DBSA) to support Monitoring and Evaluation.
 - Partnership with NDA to support the ISRDP nodes.
 - Partnership with Business Trust to support nodal economic development: economic development profiles completed for all 21 nodes and technical support facilities in place in Maruleng and Bushbuckridge.
 - Continued partnership with the Independent Development Trust (IDT) to support the ISRDP nodes: nodal coordinators in all ISRDP nodes.
4. The branch's strategic priorities for the 2007-08 financial year include the following:
- Continue the partnership with the Business Trust, aimed at strengthening economic development in the nodes: nodal economic development indaba, feasibility studies for potential investment projects, interventions to strengthen the institutional environment and entrepreneurial support programmes for some of the nodes.
 - Work with the National Development Agency (NDA) to target resources for the rural nodes.
 - Use the URP technical support facility to provide technical support to the urban nodes.
 - Complete the ISRDP mid term review and ISRDP lessons learnt.
- Continue operationalising of the M&E framework: work with provinces and nodes.
 - Produce and publish the programme newsletters (Rural Focus and Urban News).
 - Continue support for political champion visits to the nodes.
5. The Committee raised a concern about the support that is available to the nodal areas, especially the rural nodes. The Committee recommended that the Department should increase its efforts to ensure that other departments play their role with regard to providing support to nodal areas.
6. The Committee also raised a concern about the effectiveness and capacity of Planning and Implementation Management Support (PIMS) centres, in the absence of any monitoring and evaluation process.

G. SYSTEMS AND CAPACITY BUILDING

1. The objective of the Systems and Capacity Building branch is to develop local government policy frameworks and provides support to local government through the building of systems, in particular financial management, administrative and institutional systems, performance management and capacity building. The branch also provides for the management of the National Disaster Management Centre.
2. For this branch, the average annual growth in expenditure from 2003-04 to 2006-07 was 18,7%. The growth rate is expected to fall to 12,1% between 2006-07 and

2009-10. Project Consolidate interventions resulted in additional allocations in 2006-07 and 2007-08 and the incorporation of the Capacity Building Systems subprogramme allocation for the two years of Project Consolidate. Project Consolidate interventions are set to stabilise from 2008-09 and the available funding will go to the Capacity Building Systems subprogramme. Expenditure on the Disaster Management subprogramme grows at an average annual rate of 20,7% from 2006-07 to 2009-10.

3. The branch has the following strategic priorities for 2007-08:

- Implement legislative and policy refinements to existing Local Government laws arising from lessons on PC.
- Regulate LG Administrative and HR Systems in line with the Systems Act, 2000.
- Implementation of the Municipal Performance Management System.
- National monitoring system on performance management fully developed.
- Improve the skills and effectiveness of local Government leadership.
- Rollout the Local Government Anti-Corruption strategy.
- Local Government Gender Policy developed with focused Training and Development on Women in Local Government.
- Implement the HIV/AIDS Framework, and establish Local Government Youth Development Strategy.
- Support National Treasury on

work towards finalising the Local Government Fiscal Framework.

H. FREE BASIC SERVICES AND INFRASTRUCTURE

1. The objective of the branch is to strengthen the capacity of municipalities to deliver sustainable infrastructure and increase access to basic services through project management and infrastructure planning, including free basic services to the poor, who are predominantly found in the underserved areas of South Africa.
2. The introduction of the municipal infrastructure grant and larger allocations for co-ordinating free basic services are the main reasons for the large increases in 2004-05 and 2005-06. Between 2006-07 and 2009-10, average annual growth for the Municipal Infrastructure subprogramme is expected to be 7,7%, and 9,4% for the Free Basic Services Co-ordination subprogramme. Overall, the increase in programme expenditure between 2003-04 and 2006-07 was R23,7 million or 38,8%. Over the MTEF period it is expected to be 8,1%.
3. The Department reported the following achievements for 2006-07:
 - The allocation for the Municipal Infrastructure Grant (MIG) for the 2005-06 financial year is R5,436 billion, of this amount 99,6% (R5,415 billion) was spent on projects
 - The allocation for the MIG for the 2006-07 financial year is R6,265 billion, of this amount 54,4% (R3,404 billion) was spent on projects as at the end of January 2007.

- Additional Capacity has been deployed to 62 municipalities where 43 Senior Engineers, 77 students and 31 graduates.
- 238 Municipalities have been supported to comply with DORA requirements, 168 Municipalities have shown a significant improvement particularly on reporting and spending. 32 GDS summits held in District and Metropolitan Municipalities.
- Provided support to 39 municipalities on the drafting of contract and management of SLA
- Presidential Izimbizo facilitated in Chris Hani, OR Tambo and NMMM.
- A model for waste developed and ready for implementation.
- Mobilising Support from stakeholders to the Izimbizo action plans for the EC.
- Guidelines on Municipal Services Partnerships (MSP) launched, distributed and conducting training.

4. The Committee commended the department on its efforts to deal with the weaknesses and challenges faced by local government.

I. SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION (SALGA)

1. The South African Local Government Association (SALGA) is mandated to represent the interests of organised local government in the intergovernmental relations system. In January 1998, SALGA was recognised by government as the one national organisation representing the majority of provincial organisations in terms of

section 2 of the Organised Local Government Act (1997). The entity is funded through a combination of sources, including a national government grant, membership fees from provincial and local government associations that are voluntary members, and donations from the donor community for specific projects.

2. For 2007-08, SALGA listed the following priorities:
 - Increase SALGA's effectiveness and efficiency.
 - Facilitate the strengthening of the system of communication in local government.
 - Mainstream issues of gender, youth and people with disabilities.
 - Promote a lawful governance system which will enable service delivery in a developmental state.
 - Facilitate, promote and encourage municipalities to meaningful position themselves for 2010 FIFA Soccer World Cup.
 - Facilitate the development of municipal finance and fiscal management capacity towards sustainable service delivery.
3. The Committee raised a concern with regard to a decrease in donor funding for the 2007-08 financial year, and the impact it may have on the fulfilment of the strategic plans of the entity.
4. The committee enquired the level of involvement by SALGA on the development and implementation of the Performance Management System in municipalities, and urged the entity to strengthen its participation in the process.

5. The Committee also raised concerns about the lack of the monitoring and evaluation of the Project Consolidate, and how this problem negatively affects the development and adoption of best practices.

J. MUNICIPAL DEMARCATION BOARD (MDB)

1. Mr R. Willemse briefed the committee on the Board's mandate and performance during 2006-07. He reported that a draft work plan for the period 2007-2011, to meet the deadlines imposed in key performance areas by the upcoming elections in 2009 and 2011, was compiled and tabled by the Board. Some of the concerns included the lack of interest in demarcation issues by provinces and municipalities, the tight consultation timeframes, and the possibility of delay.
2. Mr Willemse addressed the MDB's financial management objectives and gave an overview of past budget, income and expenditure performance. Details were provided about the anticipated income and expenditure up to 2011, including budget trends. The Board has received an allocation of R20,6 million, which is approximately 82% of its total budget. The Board reported that it was expecting an income of R164 500 from other sources. A breakdown of expected expenditure was given as well as the proposed acquisition of fixed assets for 2007-08 to 2010-11.
3. The Board reported that it was experiencing challenges with regard to recruiting qualified personnel, and limited budget and inadequate infrastructure.

L. LOCAL GOVERNMENT SECTOR EDUCATION AND TRAINING AUTHORITY (LG-SETA)

1. Mr Lobelo proceeded to give the Committee an update on the achievements for 2005-06 and indicated the Board's resolve to support the sector in its sectoral priorities. He mentioned that memoranda of understanding were entered into with various departments, organisations and other stakeholders. Mr Lobelo also highlighted the strategic priority areas that have been approved for funding from the Discretionary Fund for 2006-2010.
2. Mr Sidwell Mofokeng, Chief Executive Officer, reported that the all SETAs did not receive any allocation from government for 2007-08. The question whether the Department of Provincial and Local Government (DPLG) should be contributing to the administration was being discussed in line with a Cabinet resolution of 2003. The LGSETA's total income was derived from levies from municipalities, which amount to 1% of the payroll, and donor funding.
3. The Committee inquired about the training programmes and other developmental support that are available to traditional leaders and urged the LGSETA to collaborate with SALGA and other stakeholders to ensure that there is no duplication of services.

M. NATIONAL HOUSE OF TRADITIONAL LEADERS (NHTL)

1. The Chairperson of the NHTL, Mr Sithole, reported on the mandate of the NHTL and its role and listed the type of assistance rendered by

DPLG to the NHTL and the progress in respect of various programmes of the NHTL. He concluded with an overview of the visits to Botswana, Namibia and Zimbabwe.

2. Mr Sithole indicated that there was a shortcoming in the Traditional Leadership and Governance Act as it did not allow for the NHTL to intervene in the local and provincial houses. The Act was being followed closely by all provinces but there was a need to look at certain aspects of the Act in future.
3. It was reported that all traditional leaders were included during negotiations on remunerations and the NHTL was awaiting the report from the Limpopo Provincial House of Traditional Leaders on the issue.
4. The NHTL reiterated their request for a chamber and two committee rooms to be allocated by Parliament. It was also indicated that the issue of lack of resources, funding and personnel of the newly established structures remained a problem.
5. The Committee, in its 2nd Term Programme has made provision for a meeting with the department to discuss the programme of support for traditional leadership and institutions.
6. The Committee also plans to have a full day workshop with the National House of Traditional Leaders to look at some of the challenges they are facing and issues they have raised.

N. COMMISSION FOR THE PROMOTION AND THE PROTECTION OF THE RIGHTS OF CULTURAL, RELIGIOUS AND LINGUISTIC COMMUNITIES (CRL COMMISSION)

1. Dr Mongezi Guma, Chairperson of the Commission, indicated that for the last two years the Commission has mainly focusing on setting up the architecture of the entity. Most of the programmes had been informed by the decisions taken by the National Consultative Conference, which was held to test the parameters of the mandate and cope of the Commission.
2. The reported that the Auditor General has previously highlighted that there was no separation of functions within the unit as a result of lack of staff, as there were too few to allow for separation of functions. There were also other concerns with regard to of adequate policies and the Commission confirmed that all policies had since been developed. After interacting with the DPLG and Treasury, the Commission was able to motivate for additional funds to improve the capacity, and was allocated an additional R2 million for the next three years. The Commission is planning to employ more staff in the areas of administration and financial management.
3. The Budget of the Commission is expected to increase from R15.4 million in 2007-08 to R20.39 in 2009-10. The budget made allowance for the National Consultative Conference, which was a statutory requirement every five years, and which would be held in 2008-09.

4. The Portfolio Committee emphasised that the Commission should strengthen its relationship with traditional leaders as some of the challenges that have been identified by the Commission are also of concern to traditional leaders.

O. CONCLUSION

1. The Committee believed that submissions are in part a response to past resolutions and mandates.
 2. The Committee further records some of its concerns and directives recorded in its Portfolio Committee Report in 2006, as adopted by Parliament and, directs the Department and institutions that appeared before it to implement the decisions of the Committee that are still outstanding.
 3. The Committee further commits itself to strengthening its oversight role through visits to Municipalities.
 4. The Committee thanks parties concerned for the progress made so far.
2. **Report of the Portfolio Committee on Provincial and Local Government on an oversight visit to the Kgalagadi, Alexandra and Maluti-A-Phofung Nodal Municipalities, dated 19 June 2007:**

The Portfolio Committee on Provincial and Local Government, having undertaken an oversight visit to the Kgalagadi, Alexandra and Maluti-A-Phofung Nodal Municipalities, reports as follows:

A. Introduction

1. The Portfolio Committee on Provincial and Local Government en-

visaged undertaking a study visit to various nodal municipalities in the 2nd Term of Parliament. This had been on the agenda of the Committee for some time and it was resolved that the Committee would undertake this visit during the second week of May 2007. Through various interactions with the Department of Provincial and Local Government and other relevant stakeholders, the Committee identified three nodal municipalities to visit.

2. The delegation from the Portfolio Committee on Provincial and Local Government comprised of Mr S L Tsenoli (ANC) (Chairperson), Ms M Gumede (ANC), Mr I Mogase (ANC), Mr G Phadagi (ANC), Mr S Mshudulu (ANC), Mr M Lekgoro (ANC), Mr W Doman (DA), Mr M Swathe (DA), Mr P Smith (IFP), Ms M Mdlalose (NADECO), Ms N Sibisi (Committee Assistant), Mr J Nkuna (Parliamentary Researcher) and Mr L Brown (Committee Secretary).

B. Objectives

The overall objective of the oversight visit was to look into the impact assessment of the Integrated Sustainable Rural Development Programme (ISRDP) and Urban Renewal Programme (URP) in the identified areas and receive presentations on the plans to deliver on targets and addressing current challenges. The Committee also focused on inter-governmental relations and service delivery—to check on the progress in putting intergovernmental relations structures in place at provincial and district level. To examine the lessons

learned in respect of intergovernmental relations collaboration. The Committee also wanted national, provincial and local government to account for how they had been using these structures to drive the achievements of the service delivery targets. And, finally, the Committee wanted to study what the level of community participation was in this regard.

C. Nodal Municipalities Visited

1. The nodal municipalities visited included Kgalagadi Nodal Municipality in the Northern Cape, Alexandra Renewal Project in Gauteng and the Maluti-A-Phofung Nodal Municipality in Free State.
2. Meetings involved a range of stakeholders including local government councilors, government officials and elected and official functionaries.

D. Kgalagadi Municipality—Northern Cape Province

The Executive Mayor of the Kgalagadi District Municipality, Cllr. Mrs. B.S. Mereotlhe, indicated that the district was identified as a Rural Development Node by the President and it is part of the Integrated Sustainable Rural Development Programme (ISRDP). The district municipality is characterised by high unemployment rate and a high density rural population that has poor access to basic infrastructure and services. The majority of people in the area are dependent on subsistence agriculture, while the public sector and the mines are the two biggest sources of employment.

With regard to service delivery in

the area the Executive Mayor reported the following:

Integrated Development Plans

- All four municipalities within the district municipality planned and executed their IDPs since 2001, in accordance with appropriate legislation and guidelines.
- Municipalities were currently in the process of finalising their Draft 2007-08 IDP programmes.
- Each municipality identifies its own priority issues for which appropriate objectives, strategies and projects are developed.
- Various structures and forums have been established to ensure effective planning, such as the IDP Representative Forum and the ISRDP Technical and Political Forum.
- The district municipality has aligned the planning and budget process in all four municipalities as prescribed by the Municipal Finance Management Act (MFMA).

Institutional Capacity

- For the last five years, the district municipality has prioritised the training of councillors and officials—where approximately R6 million was used towards the training of 50 councillors and 50 officials.
- Approximately, R800 thousand is budgeted for by all municipalities to fund training and capacity building programmes.
- All municipalities have personnel Skills Development Plans.
- An estimated R20 million was spent on the building of new

municipal offices and/or the improvement and expansion of existing buildings for all four municipalities.

- Moshaweng Municipality has the least capacity compared to the other municipalities but the situation has improved from five employees in 2002 to 34 employees in 2007.

Financial Viability

- Various strategies were put in place to increase revenue collection.
- Gamagara, Ga-Segonyana and the district municipality started to raise minimum taxes from farmers and has installed water meters in areas that were previously not metered.
- All municipalities implemented strict budget control mechanisms resulting in a dramatic drop of unauthorised expenditure.
- Gamagara Municipality is considered to be in a better position in terms of payment of services, however, the inclusion of Olifantshoek after the recent elections pose a new challenge to the municipality.
- In Ga-Segonyana 80% of the population resides on tribal land where there are no street names and no individual land ownership.
- Ga-Segonyana continues to rely on the Equitable Share to ensure financial viability.
- The financial viability of Moshaweng Municipality is currently a challenge, however, measures to improve the situation are being investigated.

- Moshaweng has developed a valuation roll and is piloting water meters and accompanied payment of services in Cassel Village.

Performance Management System

- All four municipalities have developed annual Performance Reports.
- Gamagara and Ga-Segonyana Municipalities have both organisational and individual performance measurement systems at all levels.
- Kgalagadi has developed an organisational performance system and is in the process of finalising the individual performance systems—below level one.
- Moshaweng Municipality was recently identified as a pilot—to receive intervention from province—however this process has not unfolded.
- The Performance Audit Committee was recently established and is functional.
- An Internal Audit Unit has been established and serves all four municipalities.

Housing

- Kgalagadi District Municipality is currently in the process of applying for housing accreditation, level 1 and 2.
- In Ga-Segonyana 546 houses were developed over the past two years. Another 1 100 subsidies were approved for the Ga-Segonyana area.
- In Moshaweng 1 100 subsidy

houses were approved and are in the process of being implemented.

- In Gamagara 485 subsidy houses were constructed. Due to the expansion of the mines the Municipality is currently developing an additional 1 986 residential sites to the cost of R77,8 million.
- The district municipality developed 250 sites in Vanzylsrus for subsidy housing. An application for the subsidies was submitted to the Provincial Department of Housing and Local Government.

Water

- Most of the water and sanitation projects are funded from the Municipal Infrastructure Grant (MIG). The Project Management Unit (PMU) was established at district level to assist municipalities with the management and implementation of this grant.
- The funding required, to eradicate the water backlog within the district municipality area of jurisdiction, amounts to R60,027,130.
- Adequate funding for the eradication of the backlogs in Gamagara, the Kgalagadi DMA and Gasegonyana exists, but Moshaweng has a backlog of 8 386 households.
- Currently the MIG budget allows for an allocation of R28 mil for the provision of RDP standard water infrastructure, thus resulting in a R30,014 mil annual shortfall.
- An estimate of R46 million was

spent over the past four years on water provision, providing 15 333 households with water.

Observations and Issues Raised

- The Committee enquired about the effectiveness of the performance management system that has been developed and implemented by some of the municipalities. The Committee indicated that the system could be used by other municipalities to develop their own performance management systems.
- The Committee raised a concern about the participation by Traditional Leaders in the IDP processes, as they represented most of the communities in the area.

Committee Recommendations

The Committee recommended the following:

- A detailed report on the municipal performance management system be forwarded to the Portfolio Committee, as such system could also be helpful to other municipalities.

E. Alexandra Renewal Project—Gauteng Province

Mr Julian Baskin, the Director of the ARP, indicated that Alexander is located on prime and valuable land within the principal growth corridor, between key arterial roads to the Oliver Tambo Airport and the Highway that connects Johannesburg and Pretoria. He reported that approximately 350 000 people resides in 8 500 informal houses, 34 000 shacks, 3 hostel complexes and 2 500 flats. With an initial budget of R1.4 billion (excluding housing subsidy), the ARP had a timeframe of seven

years, starting from 2002 and ending in 2008, but it was later extended by three years. For almost two years, the programme struggle to get off the ground, until the 2004 ARP Summit. The following challenges and obstacles were identified by the 2004 ARP Summit:

- The escalation of costs as a result of inflated project structure (approximately 50 consultants were involved in multiple projects).
- Lack of centralised project team, which resulted in government structures working in silos.
- Too much emphasis on non-construction projects.
- Confusion over attainable and realistic project objectives.
- Resistance to relocation out of Alexandra.
- Focus on unaffordable social housing.
- Lack of co-ordination between the Provincial Government and the City of Johannesburg.
- Little buy-in from Councillors.

The ARP Director reported on the substantial progress that has since been made since 2004, including various sub-projects that have already been concluded and some that are being implemented. He also noted the following challenges:

- Development of a clear consensus with regard to the housing allocations.
- Perceived and real corruption undermines housing allocations.

- Ensure quality of housing construction.
- The purchasing of newly identified land in Limbro Park.
- Increasing the participation and contribution of private sector role players in the ARP.
- The need for a wider ministerial support and increase the insufficient ARP budget.
- Increase the capacity in the Local Economic Development section of the ARP.

Observations and Issues Raised

- Mr Julian Baskin indicated that one of the challenges to the programme was the fact that government department often fail to take ownership of completed projects.
- The compensation of landowners remains a challenge and this affected the implementation of various infrastructure projects such as the construction of roads in Alexandra.
- It was also noted that the maintenance of completed building complexes was a growing concern and challenge, as the risk of being dilapidated increases without any maintenance of the properties.
- Affordability and the willingness to pay for rendered services (levies and rates) is one of the key concerns for both homeowners and those that will be renting.
- Mr Julian Baskin reported that the delay in payment of contractors continues to have a negative impact on the cash flow of emerging small contractors, and thus prevent them from benefit-

ing from business opportunities that are available.

- The Committee raised a concern with regard to the anticipated delays in the proclamation of the remaining townships in Alexandra before the 2009 target deadline.

Committee Recommendations

The Portfolio Committee recommended that:

- Communication networks and intergovernmental relations between various spheres of government, including the Office of the Premier, must be strengthened to ensure that the identified challenges are addressed timeously.
- The acquisition of land in Limbro Park, which was in dispute, must be prioritised and a process of thorough consultation must be undertaken to ensure that residents of Limbro Park are able to engage and participate fully in the process.

F. Maluti-A-Phofung Municipality—Free State

It was reported that the Maluti-A-Phofung Local Municipality has developed a performance management system and all managers have signed their performance contracts for the 2007-08 financial year. The following issues were reported:

Integrated Development Planning

- The Provincial IDP engagement sessions were held in Bloemfontein in May 2006, where all District Municipalities and sector departments were in attendance.

- Subsequent to these sessions on 20 February 2007 the District and Local Municipalities held their IDP review sessions to ensure that it is aligned to the Free State Growth and Development plan.

Project Consolidate

- Maluti-A-Phofung was put under project consolidate to address issues of service delivery.
- The Provincial Department of Local Government and Housing has allocated R6 million to the Local Municipality for the development of the Spatial Development Framework.
- The Independent Development Trust (IDT) has deployed one official to the node to provide support in monitoring the implementation of project consolidate.
- The IDT, in partnership with Nestle, is also involved with providing support to local farmers in collecting and delivering milk at different points.

The Golden Gate Declaration

- The node hosted a seminar with the sector departments, the private sector, parastatals, the IDT and the technical and provincial champions.
- Sector departments have since aligned their departmental strategic plans to address issues on the node.
- The office of the Premier is fully represented in ISRPD and provides ongoing support to the node.

- The seminar realised the Golden Gate Declaration where all the stakeholders committed themselves to forge a partnership that will ensure smooth implementation and success of the ISRDP.

Traditional Leadership

- The role of traditional leadership in the nodal area is visible and traditional leaders are intensively involved in ward committee structures as *ex officio* members.

Basic service delivery and infrastructure development

- The Project Management Unit (PMU) is fully functional within the municipality and oversees the smooth implementation of the MIG programme and other infrastructure projects.
- The municipality has been allocated R188,5 million for infrastructure related projects for 2006-07.

Challenges

The following challenges were identified:

- The local municipality faces challenges regarding the construction and maintenance of infrastructure, such as roads and bridges.
- Lack of commitment from senior managers of the municipality in the implementation of the programme.
- The IGR structure in the municipality is not functional.
- Need to further reinforce integration and coordination of financial resources from sector

departments to maximize the impact in the node.

- Shortage of social workers to meet the demand for social welfare services.
- Recruitment and retention of health care practitioners for the node.
- Implementation of rural health services due to the shortage of resources.
- Procurement and replacement of critical medical equipment.
- Accommodation of health workers including community services officers.
- Insufficient resources in providing water and sanitation in rural schools and clinics.
- Communication of Free Basic Services to the end users.
- Shortage or lack of technical capacity for monitoring of infrastructure projects.
- Accessibility of roads in the rural areas still remains a challenge.
- Water, sanitation and electricity provision still remains a challenge in some rural communities.

Observations and Issues Raised

- The Committee noted with disappointment the absence of the delegates from the district municipality from the meeting, as no apology was rendered.
- The Committee enquired about the level and magnitude of service delivery backlogs in the nodal area, as these were not clearly articulated in the presentation.

- The Committee raised a concern about the ability of the local municipality to draft and implement its own IDP programme and cautioned the local municipality against using service providers to develop its IDP plans.
- The Committee raised a concern about achievements and progress that has been made on the implementation of anchor projects in the nodal areas, as there was under-reporting in this area.
- Some Councillors indicated that the municipality's IDP has not been properly consulted and discussed with the communities.
- Political champions have been appointed in the national, provincial and local governments to service the 21 nodes. Their pri-

mary mandate is to promote the principles of the programmes as well as to remove blockages or impediments to the successful implementation of the programmes. The Committee enquired about the role played by political champions in the nodal area to ensure that the intergovernmental problems are addressed.

Committee Recommendations

The Portfolio Committee recommended that:

Intergovernmental relations should be strengthened through the enforcement of the Intergovernmental Relations Act to ensure that the IDP programme is implemented successfully in the nodal area.

Report to be considered.

3. ANNUAL REPORT OF THE PORTFOLIO COMMITTEE ON PROVINCIAL AND LOCAL GOVERNMENT 2006

1. NAME OF COMMITTEE:

Portfolio Committee on Provincial and Local Government.

Chairperson:	Ms N R Ntshulana-Bhengu.	-	June 2004 to June 2005.
Acting Chairperson:	Mr M M S Lekgoro	-	July 2005 to September 2005.
Chairperson:	Mr S L Tsenoli	-	October 2005 to date.

2. CHAIRPERSON'S OVERVIEW:

The Portfolio Committee has worked tirelessly to ensure that we cover and complete the program that we agreed on at the beginning of the year. A key element of the program was to hold the department and other accounting institutions accountable to Parliament as required by the Constitution and relevant legislation. The activities of the Committee brought to bear the challenges facing the department and these institutions. It is clear from these engagements that the Committee needs to develop a more aggressive oversight program to ensure that the issues raised by the Portfolio Committee are energetically pursued by the department and these institutions. Whilst it was not possible for the Portfolio Committee to call before it all institutions and organizations that do work in the local government sphere. A few of these were invited to Parliament to share their experiences and challenges. These engagements were highly valuable and enriched the committee's work. I wish to thank all members of the Portfolio Committee for their cooperation and commitment to the work of the Committee and making it possible for us to achieve our objectives. On behalf of the Committee I wish to thank the Minister and Deputy Minister, the department and the Director-General in particular for a good working relationship we had and the good leadership they provided to the department.

3 (A) MISSION.

- To contribute to the effective implementation of the system of cooperative governance and intergovernmental relations enshrined in the Constitution.
- To contribute to the effective implementation of the new model of local government.
- To contribute, as appropriate, to the effective functioning of provincial government as part of the cooperative governance system.
- To contribute towards defining the role of traditional leaders in a democratic South Africa.
- To seek to ensure that the system of governance facilitates significant delivery and development in the country.
- To attend to issues related to disaster management, cultural rights and other matters dealt with by the Ministry and Department of Provincial and Local Government.
- To facilitate public participation in parliament relating to the above issues.
- To effectively play an oversight role of the Ministry and Department of Provincial and Local Government.

(B) VISION

- Maintaining an effective and efficient Portfolio Committee that is able to legislate and provide oversight on all local government related entities, thereby enhancing the consolidation process of a non-racial, non-sexist, prosperous, democratic South Africa.

4. LIST OF ENTITIES REPORTING TO THE COMMITTEE:

- (i) The Department of Provincial and Local Government. (DPLG)
- (ii) South African Local Government Association (SALGA)
- (iii) Municipal Infrastructure Investment Unit (MIIU)
- (iv) Local Government Sector Education and Training Authority (LGSETA)
- (v) Municipal Demarcation Board (MDB)
- (vi) Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Commission)
- (vii) National House of Traditional Leaders (NHTL)

5. NUMBER OF MEETINGS HELD AND THOSE CANCELLED:

Meetings held - 20
Meetings cancelled - 1

Date	Agenda	Minutes adopted + date	Cancelled meetings	Reasons for cancellation
7 February 2006	Briefing by Rand Water on Annual Report 2005	Yes - 14 February	N/A	N/A
13 March 2006	Budget Review: Ministry and Department	Yes - 21 March	N/A	N/A
14 March 2006	Budget Review: SALGA, NHTL, MDB	Yes - 21 March	N/A	N/A
15 March 2006	Budget Review: LGSETA, MIU, CRL Commission	Yes - 21 March	N/A	N/A
16 March 2006	Briefing by SALGA on Annual Report 2005	Yes - 28 March	N/A	N/A
29 March 2006	Annual Strategic Planning Workshop	Yes - 23 May	N/A	N/A
16 May 2006	Adoption Budget Review Report Adoption of Report on Tabling of Annual Reports	Yes - 23 May	Yes	Members attending funeral of late Minister Sigcau
23 May 2006	Briefing by DPLG on National Spatial Development Adoption Budget Review Report Adoption of Report on Tabling of Annual Reports	Yes - 30 May	N/A	N/A

30 May 2006	Briefing on Disaster Management	Yes - 6 June	N/A	N/A	
31 May 2006	Briefing on Disaster Management	Yes - 6 June	N/A	N/A	
6 June 2006	Joint meeting with PC on Sport and Recreation on 2010 World Cup Bid	Yes - 13 June	N/A	N/A	
13 June 2006	Briefing by DPLG, IEC and Youth Commission on Youth Development	Yes - 29 August	N/A	N/A	
29 August	Briefings by 9 hosting cities on their state-of-readiness in respect of the 2010 World Cup (Joint with PC on Sport and Recreation)	Yes - 20 September	N/A	N/A	
5 September	Follow-up meeting with SALGA on Financial Statements and Report for 2004 - 2005 (Joint with SC on Local Government and Administration)	Yes - 20 September	N/A	N/A	
12 September	Presentation by the South African Cities Network on the State-Of-Cities Report	Yes - 20 September	N/A	N/A	
19 September	Briefing by Mr H Binswanger on Community Participation and Development	Yes - 20 September	N/A	N/A	
17 October	Briefing on Annual Report and Financial Statements of: - Department of Provincial and Local Government - Municipal Demarcation Board		N/A	N/A	

	- CRL Commission				
24 October	Briefing on Annual Report and Financial Statements of: - National House of Traditional Leaders - Local Government: Sector Education and Training Authority - Municipal Infrastructure Investment Unit		N/A		N/A
31 October 2006	Consideration of the following Reports: - Oversight visit to Oudtshoorn - Oversight visit to Provincial Disaster Management Centres - Study Tour of Kerala, India - Report on Annual Reports and Financial Statements		N/A		N/A
7 November 2006	- Briefing on Annual Report and Financial Statements of Rand Water - Adoption of Report on: - Oversight Visit to Oudtshoorn - Oversight Visit Provincial Disaster Management Centres		N/A		N/A
14 November 2006	- Follow-up engagement with SALGA - Consideration and adoption of: - India Study Tour Report - Committee Annual Report		N/A		N/A

6. LEGISLATION REFERRED TO THE COMMITTEE:

Legislation	Referral Date	Briefings by Department	Public Hearings	Adoption (Amended/Not)	Report Publication	Debate in House
None						

7. PAPERS (INTERNATIONAL AGREEMENTS, PROTOCOLS, REPORTS) REFERRED :

Papers	Referral Date	Consideration Date	Publication (ATC)	Adoption
Memorandum on Vote 5 – "Provincial and Local Government", Main Estimates, 2006 – 2007	8 March	13 March – Ministry and Department 14 March – SALGA, NHTL, MDB 15 March – LGSETA, MIU, CRL	24 May, No 56 - 2006	23 May
Report and Financial Statements of the South African Local Government Association (SALGA) for 2004-2005, including the Report of the Auditor-General on the Financial Statements for 2004-2005 [RP 21 – 2006]	6 June	28 March	24 May, No 56 - 2006	23 May
Letter from the Minister for Provincial and Local Government dated 11 May 2006 to the Speaker of the National Assembly, in terms of section 65(2)(a) of the Public Finance Management Act, 1999 (Act No 1 of 1999), explaining the delay in the tabling of the Annual Report of the South African Local Government Association (SALGA) for 2004-2005	6 June	5 September	N/A	20 September
Medium Term Performance Plan of the Department of Provincial and Local Government for 2006 to 2009	19 June	N/A	N/A	N/A
Government Notice No 362 published in Government Gazette No 28740 dated 13 April 2006: Publication of Local Government allocations and frameworks, in terms of the Division of Revenue Act, 2006 (Act No 2 of 2006)	19 June	N/A	N/A	N/A

Exchange of Letters between the Government of the Republic of South Africa and the Federal Republic of Germany concerning the Project: Legislative Drafting Programme, tabled in terms of section 231(3) of the Constitution, 1996	19 June	N/A	N/A	N/A
Explanatory Memorandum on the Exchange of Letters between the Government of the Republic of South Africa and the Federal Republic of Germany concerning the Project: Mpumalanga Rural Development Programme	19 June	N/A	N/A	N/A
Exchange of Letters between the Government of the Republic of South Africa and the Federal Republic of Germany concerning the Project: Technology Diffusion through Technikons, tabled in terms of section 231(3) of the Constitution, 1996	19 June	N/A	N/A	N/A
Explanatory Memorandum on the Exchange of Letters between the Government of the Republic of South Africa and the Federal Republic of Germany concerning the Project: Technology Diffusion through Technikons	19 June	N/A	N/A	N/A
Government Notice No 416 published in Government Gazette No 28795 dated 12 May 2006: Setting out particulars of the area demarcated by the Municipality of Emalahleni which shall constitute as an urban development zone, in terms of section 13 <i>quat</i> of the Income Tax Act, 1962 (Act No 58 of 1962)	11 July	N/A	N/A	N/A
Draft Local Government: Municipal Performance Regulations for Section 57 Employees, 2006 in terms of section 120(7) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000)	11 July	N/A	N/A	N/A

General Report of the Auditor-General on the Provincial Audit Outcome for 2004 – 2005 [RP 99 – 2006]	3 August	N/A	N/A	N/A	
Government Notice No 669 published in Government Gazette No 29010 dated 21 July 2006: Notice setting out particulars of the areas demarcated by the Municipality of Matjhabeng in terms of section 13 of the Income Tax Act, 1962 (Act No 58 of 1962)	21 August	N/A	N/A	N/A	
Report and Financial Statements of Vote 5 – Department of Provincial and Local Government for 2005 – 2006, including the Report of the Auditor-General on the Financial Statements of Vote 5 for 2005 – 2006	29 September	17 October	1 st Term 2007	1 st Term 2007	
Report and Financial Statements of the Municipal Demarcation Board for 2005 – 2006, including the Report of the Auditor-General on the Financial Statements for 2005 – 2006 [RP 140 – 2006]	29 September	17 October	1 st Term 2007	1 st Term 2007	
Report and Financial Statements of the Municipal Infrastructure Investment Unit (MIU) for 2005 – 2006, including the Report of the Auditor-General on the Financial Statements for 2005 – 2006 [RP 196 – 2006]	29 September	24 October	1 st Term 2007	1 st Term 2007	
Report and Financial Statements of the National House of Traditional Leaders for 2005 – 2006	29 September	24 October	1 st Term 2007	1 st Term 2007	
Quarterly Report of the Auditor-General on the submission of financial statements by municipalities and the status of audit reports as at 30 June 2006 for the financial year ended 30 June 2005 [RP 153 – 2006]	10 October	N/A	N/A	N/A	

REPORTS:

REPORTS	REFERRAL DATE	CONSIDERATION DATE	REPORT PUBLICATION	DEBATE IN HOUSE
Report on Annual Reports and Financial Statements for 2005	DPLG – 29/09/05 MDB – 7/09/05 MIU – 13/09/05 LG:SETA – 13/09/05 CRL Commission – 29/09/05 NHTL – 30/09/05	DPLG – 13/09/05 MDB – 30/08/05 MIU – 16/08/05 LG:SETA – 23/08/05 CRL Commission – 13/09/05 NHTL – 30/08/05 SALGA – 16/03/06	24 May, No 56 - 2006	N/A
Budget Vote 5 – Provincial and Local Government	8 March	DPLG – 13/03/06 SALGA – 14/03/06 NHTL – 14/03/06 MDB – 14/03/06 LG:SETA – 15/03/06 MIU – 15/03/06 CRL Commission – 15/03/06	24 May, No 56 - 2006	24 May 2006
Report on Oversight Visit to Oudtshoorn	N/A	7/11/06	16 November, No 157 - 2006	N/A
Report on Oversight Visit to Provincial Disaster Management Centres	N/A	7/11/06	16 November, No 157 - 2006	N/A
Report on International Study Visit to Kerala, India	N/A	14/11/06	N/A	N/A
Committee Annual Report 2006	N/A	14/11/06	N/A	N/A

8. OVERSIGHT VISITS

Objective	Date	Delegation	Place	Report adopted
Oversee functioning of the Oudtshoorn Municipality in respect of all relevant legislation, functioning of ward committees and the impact of projects on the community	14 September 2006	Mr S Mshudulu (ANC) Mr I Mogase (ANC) Mrs M Gumede (ANC) Mr G Phadagi (ANC) Mr W Doman (DA) Mr M Swathe (DA)	Oudtshoorn	Yes, 7/11/06

9. INTERNATIONAL VISITS

Objective	Date	Delegation	Place	Report adopted
To interact with key policy makers behind the system of public participation. To interact with implementers and practitioners. To examine the systems institutional, financial, regulatory framework that underpins public participation. To examine the history and other contextually relevant issues that support public participation.	6 – 14 August 2006	Mr S Tsenoli (ANC) Mr M Lekgoro (ANC) Mr I Mogase (ANC) Mr W Doman (DA) Mr P Smith (IFP)	Kerala, India	Yes, in 1 st Term 2007

10. BUDGET VOTE

Referral date	Briefing by Department	Hearings	Report Publication (ATC date)
8 March	DPLG – 13/03/06	SALGA – 14/03/06 NHTL – 14/03/06 MDB – 14/03/06 LG:SETA – 15/03/06 MIU – 15/03/06 CRL Commission – 15/03/06	24 May, No 56 - 2006

11. ANNUAL REPORTS OF THE EXECUTIVE:

Referral date	Briefing by Department	Hearings	Report Publication (ATC date)
MIU – 29/09/06 LGWSETA – 8/11/06 DPLG – 29/09/06 CRL Commission – 29/09/06 NHTL – 29/09/06	17/10/06	MDB – 17/10/06 MIU – 24/10/06 LGWSETA – 24/10/06 CRL Commission – 17/10/06 NHTL – 24/10/0605	Has been tabled

12. OTHER COMMITTEE ACTIVITIES

The Committee dealt with the following:

- The Committee conducted an "Informal Development Walk" around central Cape Town hosted by the Cape Town Partnership (SA Cities Network) on 15 November 2006

13. FINANCIAL STATEMENTS: (as at 8 November 2006)

Budget allocated to Committee: R 500 000.00

Expenditure:

Subsistence Domestic: Hotel :	R 35 251.00
Subsistence Domestic: Meals :	R 20 671.00
Subsistence Attendance :	R 7 200.00
Travel Air: Domestic :	R 78 961.00
Mileage Claims :	R 27 756.00
Workshop Fees :	R 12 481.86
Total Expenditure :	R 182 320.86
Balance :	R 317 679.14

14. OUTSTANDING MATTERS:

The following matters are to be taken up by the Committee in 2007:

- Briefing by SALGA on Annual Report and Financial Statements for 2006
- Consideration and adoption of Report on Annual Reports
- Strategic Planning Workshop with Ministry and Department on programme of action for 2007/08
- Briefing by DPLG on "Research Report on Capacity"
- Discuss and plan the study visit to rural nodes
- Discuss and plan remaining disaster centres
- Discuss and plan oversight visit to 2010 Host Cities
- Discuss and plan follow-up visit to Oudtshoorn Municipality
- Discuss and plan oversight visit to metros and districts
- Discuss and plan oversight visit to SALGA provincial offices
- Receive briefings on the status of the Ministerial Imbizo reports

- Possible intervention in respect of Winterveldt Redevelopment Programme
- Briefing on the national capacity building framework
- Convene a workshop on the challenges and benefits of a developmental local government system
- Visit to former cross-boundary municipalities and receive presentations from the affected provinces and central government. It's a bit early for this item; possibly we might want to look at the transitional arrangements by provinces and transfers of assets.
- Follow up with the Department of Provincial and Local Government on the development of two laws on section 139 of the constitution dealing with interventions and development of city improvement districts.
- Follow-up joint meeting with PC on Safety and Security for briefing by metro-police on outstanding issues in respect of their earlier presentation
- Follow-up joint meeting with PC on Sport and Recreation to assess work done by host cities for the 2010 FIFA world cup.
- Follow-up joint meeting with PC on Justice on:
 - implications of the Constitutional 12th Amendment Bill that was rejected by the Courts.
 - the case of Mkhize as the petition on private members dealing with legislation to seek clarity on the issue of evictions and the selling-off of private property by banks.
- Follow-up meeting with LG:SETA on the findings of their local government capacity survey.
- The Committee engage with the Office of the Minister for Provincial and Local Government to receive a report of the outcome of the investigation launched by the MEC for Local Government in the Western Cape to prepare the Committee for a follow-up meeting with the Oudtshoorn Municipality.
- There was a need for the Committee to arrange a joint meeting with the Department of Provincial and Local Government and National Treasury on issues of adequate start-up grants at all levels and adequate resourcing for disaster management at all spheres of government.
- The Department of Provincial and Local Government must formulate and conduct capacity building/awareness workshops across all spheres for political support for disaster management.
- Request the Department of Provincial and Local Government to develop an evaluation and monitoring mechanism to gauge disaster management preparedness across all spheres.
- Follow-up meeting with CRL Commission to interrogate outstanding issues in respect of their Annual Report and Financial Statements
- Follow-up meeting with the National House of Traditional Leaders

15. SUPPORT STAFF:

Committee Secretary:	Mr Llewellyn A Brown
Control Committee Secretary:	Mr Lusanda Myoli
Committee Assistant:	Ms Bulelwa Madikane
Secretary to Chairperson:	Ms Thandi Mhlana
Researcher:	None

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COMMITTEE SECRETARY

Mr Llewellyn Brown

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DATE

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CONTROL COMMITTEE SECRETARY

Mr Lusanda Myoli

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DATE

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COMMITTEE CHAIRPERSON

Mr S L Tsenoli

.....

DATE

4. **Report of the Standing Committee on Private Members' Legislative Proposals and Special Petitions on the Legislative proposal to amend *Electoral Act*, dated 24 May 2007:**

The Standing Committee on Private Members' Legislative Proposals and Special Petitions, having considered the Legislative proposal submitted by Mr G. Morgan, and consulted with the Government Communications and Information Systems (GCIS) and Independent Electoral Commission (IEC), recommends that permission not be given to the member to proceed with the proposal.

However the Committee recommends that the matter be debated in the House of National Assembly.

Report to be considered.

5. **Report of the Standing Committee on Private Members' Legislative Proposals and Special Petitions on the Legislative proposal to amend *Lotteries Act*, dated 15 June 2007:**

The Standing Committee on Private Members' Legislative Proposals and Special Petitions, having considered the Legislative proposal submitted by Mr L. Labuschagne, and consulted with the Department of Trade and Industry, recommends that the Department of Trade and Industry incorporate the proposal into their reviewal process, with six-monthly reports to the Committee and the proposing member.

Report to be considered.

6. **Report of the Standing Committee on Private Members' Legislative Proposals and Special Petitions on the Legislative proposal to amend *South African Schools Act*, dated 15 June 2007:**

The Standing Committee on Private Members' Legislative Proposals and Special Petitions, having considered the Legislative proposal submitted by Mr G. Boinamo, and consulted with the Department of Education, recommends that permission not be given to the member to proceed with the proposal since the education legislative do cover the first two portions of the proposal, and some aspects of the proposal be referred to the Portfolio Committee on Education for further consideration.

Report to be considered.

WEDNESDAY, 27 JUNE 2007

ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. **Assent by President in respect of Bill**
 - (a) *South African Airways Bill* [B 35B—2006]—Act No 5 of 2007 (assented to and signed by President on 14 June 2007)

COMMITTEE REPORTS*National Assembly and National Council of Provinces***1. REPORT OF THE JOINT MONITORING COMMITTEE ON
IMPROVEMENT OF QUALITY OF LIFE AND STATUS OF WOMEN****LIMPOPO AND MPUMALANGA****OCTOBER 2006****MONITORING THE IMPLEMENTATION OF THE:**

- MAINTENANCE ACT
- DOMESTIC VIOLENCE ACT, AND THE NATIONAL INSTRUCTION (TO SAPS) ON THE DOMESTIC VIOLENCE ACT
- PROMOTION OF EQUALITY AND PREVENTION OF UNFAIR DISCRIMINATION ACT, ACT 4 OF 2000
- SA NATIONAL GENDER POLICY FRAMEWORK.

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Domestic Violence Act (DVA)

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ICD input

1. BACKGROUND

1.1 Introduction

The Joint Monitoring Committee on Improvement of Quality of Life and Status of Women (JMC on IQLSW) visited Limpopo and Mpumalanga Provinces in order to conduct its annual monitoring visits and report to Parliament.

The purpose of the visits was for:

- Monitoring of the implementation of the Maintenance Act, the Domestic Violence Act, and the National Instruction (to SAPS) on the Domestic Violence Act.
- Evaluation of the implementation of the Promotion of Equality and Prevention of Unfair Discrimination Act, Act 4 of 2000.
- Meeting Premiers, Offices on the Status of Women and provincial gender focal points to gauge their functioning and to report on their progress in implementing the National Gender Policy.

1.2 Overall objectives

- (i) To evaluate the implementation of the National Gender Policy by Directors-General in Premiers' offices, Offices on the Status of Women and provincial gender focal points.
- (ii) To evaluate the implementation of the Domestic Violence Act, the Maintenance Act and the National Instruction (to SAPS) on the Domestic Violence Act by role-players and to report on problems and on progress made, compliance and non-compliance.
- (iii) To evaluate the implementation of the Promotion of Equality and Prevention of Unfair Discrimination Act, Act 4 of 2000.

For this purpose, the Joint Monitoring Committee on the Improvement of the Quality of Life and Status of Women visited and held hearings in Polokwane, Thohoyandou, Nelspruit and Witbank.

2. OBSERVATIONS AND RECOMMENDATIONS

2.1 General Recommendations

The JMC recognises the improvements made by the relevant departments in the implementation of the Maintenance and Domestic Violence Acts since their provincial tours of 2000 – 2003. The progress made by SAPS in trying to achieve gender in Limpopo is commendable. The JMC also recognises that the changes required by the recommendations from their previous visit were not only far-reaching but also had significant budgetary implications. **It is recommended that in reading the recommendations of the current report, the recommendations emanating from the Committee's 2000 – 2003 monitoring visits should also be revisited.** The purpose of

this exercise should be to prioritise the areas that are critical to the implementation of the two pieces of legislation to continue to improve on the problem areas that keep recurring.

It is recommended that in future hearings, all the persons making presentations to the JMC on behalf of their sectors should submit formal written presentation. In all the instances, the SAPS had formal presentations, while most of the magistrates and prosecutors spoke off the cuff or from notes. It was not clear whether these were personal opinions or information canvassed from the sector and representing the general experiences of the judiciary in the provinces. Some information given was inconsistent with other presentations from the same area.

It is recommended that data given as part of presentations should be disaggregated and should be both of quantitative and qualitative nature in order to give a clearer picture of the successes and challenges, and that presentations must include indication of which groups are not benefiting from the Acts. The qualitative information, which is about the impact of the Acts, can be accessed from research institutions. Research was also conducted by Chapter 9 institutions such as the Commission on Gender Equality (CGE).

In their presentation, the SASSETA indicated that they had funds to train 250 paralegals. At the time of the hearings (October 2006) they could report that they had managed to recruit 87 trainees (through advertisements in the print media). In view of the personnel shortages indicated by nearly all the presenters in both provinces, **it is recommended that the two provinces take up SASSETA's offer of free training for their volunteers in order to boost their human resources for maintenance cases.** The positions indicated by the presenters are maintenance officers and investigators. These are paralegals and fall into the SASSETA's target group.

All the stakeholders, except the SAPS in Limpopo, decried the low budgets at their disposal for implementing the Maintenance and Domestic Violence Acts effectively. **It is recommended that all stakeholders involved in the implementation of the Maintenance and Domestic Violence Acts must ensure that their annual business plans include programmes and activities for implementing the Acts.** This action would help mainstream these activities in the departments' and institutions' annual budgets.

2.2 Observations and Specific Recommendations for the Areas and Acts Monitored

2.2.1 The Offices of the Premiers

In terms of the monitoring role of the Joint Monitoring Committee on the Improvement of Quality of Life and Status of Women, the role of the Offices of the Premiers falls within two areas, namely the monitoring of the implementation of the SA National Gender Policy Framework and the Promotion of Equality and Prevention of Unfair Discrimination Act, Act 4 of 2000. The SA National Gender Policy Framework gives guidelines on the institutional framework and location of the Provincial Gender Machinery, while the Equality Act, in section 25(1), details the duty of the State to promote equality.

The officials did not give any information linking the presentations to the areas that were being monitored. Indeed, even the information given had a number of weak areas:

Limpopo

- The JMC commended the report of the Director General for the progress the province had made since their last visit. The presentation was very informative in the details it gave;
- It was, however, not clear how the Director General in the Premier's Office intended for the Government to integrate gender considerations in all aspects of government work in the Limpopo Province (mainstreaming).
- There was a strong focus on technical information in the presentation, for example the number of houses built or electricity provided to households, without disaggregating of the data to illustrate the gender dimensions of the service delivery.
- The challenges for the levels of the Gender Focal Points (GFPs) in the departments were linked to the budget, to the exclusion of their role in government departments and the skills and capacities required for gender mainstreaming in government.

Mpumalanga

- The Director for Special Programmes identified the weaknesses in the structure and programmes for the Office of the Status of Women and Gender Focal Points without linking them to the Provincial Gender Machinery.
- Although the Mpumalanga Premier was, according to the Director, restructuring the Office of the Status of Women, and there was a plan of action in place, it is not clear whether or not the restructuring would take into consideration the directives of the National Gender Policy Framework.

2.2.2 Specific Recommendations to the Offices of the Premiers

From the information received at the hearings by the JMC, it seems that there is restructuring of the Office on the Status of Women (OSW) in both provinces. **It is recommended that in restructuring the OSW, the Premiers and their Directors**

General should use the SA National Gender Policy Framework's directives as a basis for the new structures.

The low position and level of the GFPs have been raised in many forums, including these hearings conducted by the JMC. It is recommended that in raising their position and levels, enhancing the gender focal points' (GFPs') skill and capacity levels for performing their roles (as dictated by the National Gender Policy Framework) should be an important consideration. Where skills levels are low, a staff development plan with clear performance indicators should be in place and monitored by the GFPs' managers in cooperation with the Provincial OSW.

Although the National Plan of Action is in draft form, this does not prohibit the two provinces from making a selection of the issues pertinent to their provinces and implementing them. It is recommended that the OSWs use the Draft National Plan of Action, identify issues relevant to their contexts in order to develop their particular Plan of Action, and implement it.

2.3 Implementation of the Promotion of Equality and the Prohibition of Unfair Discrimination Act 2000

Limpopo

There are problems with the implementation of the Equality Act, because the public is not aware of the existence of the legislation. The staff has been trained and the Equality Courts are ready, but complaints has not been forthcoming. According to the presenting magistrate in Polokwane, there had been only one case in Polokwane and none in Bochum. The magistrates and prosecutors suggested that there public awareness campaigns are needed to inform the public of the legislation. A magistrate in Thohoyandou suggested that one reason why the Equality Act was hardly being used could be because the two other pieces of legislation are about concrete experiences, namely bread (maintenance) and death (domestic violence). In this case "equality" and "freedom" become abstract. He added that most of the population in the province are illiterate.

Mpumalanga

Answering a question about the kind of discrimination cases the province's courts encountered, especially in the areas identified in the Prohibition of Discrimination and Promotion of Equality Act, the magistrate in Nelspruit responded that they had not encountered any discrimination cases except those emanating from "hate speech". Issues on discrimination on the basis of pregnancy are usually linked to employment and are handled through the Employment Equity Act. With regard to cases involving the inheritance of family property, the magistrate said that these were dictated by the information and process put before the court. She further said that sometimes there was discrimination on the grounds of race.

A different opinion from a magistrate in Witbank was that the functioning of the Equality Court was well on its way. The Department of Justice had had great successes by

disseminating the information about the Equality Court. Much had been done to train the people. Information was still filtering through. One could see it was getting more by the numbers of cases that were reported.

2.3.1 Observations on the Equality Act

Although the Equality Act has not been used in the two provinces, the work relating to the implementation of the Maintenance Act and the Domestic Violence Act does fall broadly into the ambit of the Equality Act, which identifies the following areas as unfair discrimination on the basis of gender:

- a. Gender-based violence.
- b. Female genital mutilation.
- c. Preventing women from inheriting family property.
- d. Traditional, customary or religious practices which undermine equality between women and men.
- e. Policy or conduct that unfairly limits access of women to land rights, finance, and other resources.
- f. Discrimination on the grounds of pregnancy.
- g. Limiting women's access to social services or benefits, such as health, education and social security.
- h. The denial of access to opportunities, including access to services or contractual opportunities for rendering services; or failing to take steps to reasonably accommodate the needs of such persons.
- i. Systemic inequality of access to opportunities by women as a result of the sexual division of labour.

The SAPS in Limpopo has looked at discrimination within the police services and established the HIV/AIDS Forum (2002) to enforce compliance with SAPS policy aimed at preventing discrimination against infected and affected employees. They have also established the Disability Forum to monitor and check progress with regard to the implementation of processes aimed at developing and protecting employees with disabilities. The Provincial Consultative Forum has been established for the monitoring of the implementation of the Employment Equity Act. These activities/forums contribute to the prohibition of unfair discrimination and promotion of equality. Training is monitored to ensure that previously disadvantaged groups, including women, receive first priority.

2.3.2 Specific Recommendations on the Equality Act

Police stations are the first place of call when people have a complaint of unfair discrimination. When the representatives of SAPS were asked about how they dealt with cases of unfair discrimination, none of them could offer concrete responses. It is recommended that SAPS officers must be trained to identify what constitutes unfair discrimination and how to handle discrimination cases. This training should be given as part of the already existing police training courses.

Some presenters and respondents suggested that a joint public awareness campaign on the Equality Act should be undertaken. **It is recommended that the judiciary in the two provinces bring together the Chapter 9 institutions, SAPS and organisations and institutions of civil society in order to spearhead this public awareness campaign. The Parliamentary Public Education unit could be a partner to support this drive.**

In view of the fact that in both provinces the Equality Courts have been established and personnel have already been trained, **it is recommended that magistrates take the lead in ensuring that the Equality Courts are used. According to the input from a magistrate in Thohoyandou, the use of these courts would be cost effective compared to civil litigation, which was commonly used in discrimination cases.**

It is also recommended that magistrates in Limpopo and Mpumalanga follow the example of their counterparts in Gauteng, who apply the Equality Act whenever they encounter cases classified under other Acts, but could be tried under the Equality Act.

2.4 Implementation of the Maintenance Act

Successes

There seems to be varied levels of successes and challenges in implementing the Maintenance Act in the Limpopo and Mpumalanga Provinces. The presentations made by the magistrates, the prosecutors and the police, show clear attempts to try and implement the directives of the Act as much as possible. Limpopo seems to have registered more successes than Mpumalanga. These include the establishment of four dedicated Maintenance Courts, the appointment of 14 maintenance investigators, the extension of first enquiries services to periodical courts, the improvement in turn-around time from 8 months to 3 months, the improvement of finalisation rate from 40% to 75%, reduction of warrant arrests by 70%, and that all maintenance prosecutors and officers are trained once a year by Justice College.

Challenges

The presenters mostly identified challenges they face in implementing the Act.

Challenges include the fact that the form that needs to be filled in by the complainant is long, complicated and only available in English and Afrikaans. This presents a serious problem in this area, where the majority of people speak other languages. Another challenge, which was found in almost all the presentations, was that there is a shortage of personnel required for the effective working of the Act. For example, the presenter for the judiciary in Witbank said that there was one maintenance prosecutor for their cluster and that they have to use the control prosecutor, clerks of the court and interns for the duties required. In Polokwane, one maintenance investigator has to cover 14 offices and one maintenance officer two offices. Recruitment and retention of staff were also identified as problems.

The issues of tracing defaulters, failure to execute warrants of arrest, missing dockets, postponement of cases and reluctance by magistrates to attach defendants' properties were identified as common experiences for those seeking justice in maintenance.

Members of civil society testified about their personal experiences in trying to access maintenance processes and courts.

2.4.1 Specific Recommendations on the Maintenance Act

The NPA representative in Nelspruit said that the NPA was looking at translating the forms that are filled by maintenance complainants. **It is recommended that these forms should be translated into all the local languages as a matter of urgency.**

It is recommended that clear guidelines must be provided in the Act on the manner in which interdicts should be granted.

It is recommended that the offices dealing with maintenance cases must be sufficiently staffed by the Justice Department to do away with shortages. The staff must be trained adequately to handle maintenance cases. The SASSETA has offered an opportunity for training. In view of the fact that implementation of any Act brings about many challenges which were not foreseen at its promulgation, there needs to be continuous training for the staff to be able to handle/resolve the challenges. The Committee recommends research and the recording of all deviations and innovations in implementing the Act.

Members of SAPS, magistrates and prosecutors should ensure that they play their respective roles in implementing the Maintenance Act. **It is recommended that all the stakeholders implementing the Maintenance Act should work closely and in a coordinated manner, monitor bottlenecks and share strategies to deal with challenges they are facing. The NPA would be best placed to lead and play a coordination role in this instance.**

It is recommended that the maintenance payouts service be decentralised; "Taking the services to the people" for maintenance. Payment points must be identified, keeping the security aspect in mind. An audit must be undertaken to see how many people receiving payments come from a particular area.

2.5 Implementation of the Domestic Violence Act

Successes

Some of the successes shared with the JMC by the presenters include activities such as community awareness and education campaigns, education and training activities for SAPS, magistrates and prosecutors, programmes to deal with trauma experienced by SAPS members who are on the front line of dealing with domestic violence and abuse; and innovative solutions employed by magistrates, such as anger management courses for the offenders. The SAPS in Limpopo have recorded an increase both in the number of reported cases and convictions, (532 in 2000 to 1053 in 2005 and 18.8% in 2000 to 31.3% in 2005, respectively). Success in Mpumalanga includes the fact that 17 out of 27 police stations in the Highveld have victim-friendly facilities, and that 24 projects in the Lowveld were registered by SAPS to address domestic violence. The extent of the across-the-board partnerships formed by the Mpumalanga SAPS to combat domestic violence also indicates the extent of stakeholder involvement.

Challenges

There seems to be fewer challenges experienced in the two provinces in implementing the Domestic Violence Act than there are in implementing the Maintenance Act. The SAPS in Limpopo identified the challenge of infrastructure in that bad roads hamper accessibility to victims in deep rural areas, such as Sekhukhune, Marite and Maleboho. The absence of shelters and the difficulties around eviction were identified by a magistrate in Limpopo. In Mpumalanga the problem of SAPS members' attitudes towards women who came to lay charges of rape at charge offices was raised. It is also significant that the NGO and civil society representatives all gave testimonies relating to problems with the Maintenance Act and none relating to the Domestic Violence Act.

Some of the challenges which were recurring involved dockets disappearing from SAPS stations and delays in cases that kept being remanded. Another challenge that came up over and over again was that of low budgets.

2.5.1 Specific Recommendations on the Domestic Violence Act

The JMC would like to commend all the stakeholders involved in the implementation of the Domestic Violence Act for the progress they have made in improving their service delivery in the two provinces visited.

It is recommended that the SAPS, magistrates and prosecutors continue to involve civil society organisations and communities in implementing the Domestic Violence Act.

It is also recommended that SAPS must deal seriously with the issue of the disappearance of dockets and with SAPS members who are responsible for the disappearance of dockets.

A. LIMPOPO PROVINCE

3. POLOKWANE

3.1 Presentation by the Office of the Premier

The Director General in the Office of the Premier made the presentation:

- The Office of the Status of Women in the Limpopo Province was established in 1997;
- A proposal to cascade and elevate the OSW Unit into a fully-fledged directorate is under discussion;
- The strategic objectives of the OSW are:
 1. To create an enabling policy framework for translating Government commitment to gender equality;
 2. To establish policies, programmes, structures and mechanisms to empower women and transform gender relations in all spheres of society;
 3. To ensure that gender considerations are effectively integrated into all spheres of Government policies, activities and programmes;
 4. To establish an institutional framework for the advancement of the status of women and the achievement of gender equality;
 5. To advocate and promote the new attitudes, values, behaviour and a culture of respect for all human beings in line with the policy directives
- The Provincial Gender Machinery consists of the Standing Committee on the Quality of Life and Status of Women, People with Disabilities, Older People and Children; the Gender Focal Points (GFPs), the Commission on Gender Equality and Civil Society Organisations.
- The Province has ensured that the Gender Machinery is cascaded to the third tier of Government by establishing local gender desks in all 25 local municipalities and five district municipalities in the province;
- The statistics for the representation of women in governance and political structures are: 40% in the executive of the provincial legislature and 49.9% in the executive of local government;
- The representation of women in management has improved from 32.6% in the previous financial year to 34.7% at the end of September 2006.
- All the 11 line function departments have GFPs. Their status is as follows: 7 GFPs at manager level, two at deputy manager level and two at level 8.
- 998 companies owned by women have received tenders to the value of R1.163 billion;
- R200 million provided from the Premier's Emergency Infrastructure Grant was used to improve access to basic services for communities. 22 727 families (majority women headed households) benefited;
- The province has developed a new housing strategy that reinforces the vision of promoting a non-racial, integrated society; 4880 houses were built in the 2005/6 financial year and 5 055 were under construction;
- The process of establishing the South African Social Security Agency is at an advanced stage. The total number of social grants in the province had improved

to 1,180 8 million (300 000 old age, 700 000 child support and 96 000 disability grants).

- The Primary School Nutrition Programme was implemented in 2772 schools and 1,104 521 learners had benefited;
- 1176 crèches were subsidised by the Department of Social Development, benefiting 35 280 children;
- 1 008 sites of Early Childhood Development were subsidised by the Department of Education, benefiting 30 240 children;
- The No Fees Schools Programme had identified 2310 schools in line with the National Poverty Score; 98 learners would benefit;
- The number of clinics had increased from 404 to 412; 79% offered a 24-hour service, promoting access to health care services;
- Intensification of HIV/AIDS prevention programme was being implemented.
- The following challenges were identified in the presentation:
 - a) The lack of uniformity in the levels of appointment of Gender Focal Points (GFPs); and GFPs were not in decision-making positions;
 - b) The majority of GFPs were dealing with gender as an "add on" task;
 - c) Equity status in Public Enterprises was not acceptable
 - d) They were dealing with NGOs in the absence of an NGO coordinating structure;
 - e) Lack of progress on implementing the National Plan of Action;
 - f) Inadequate resources for gender programmes.
- The following strategies were presented:
 - a) Improvement of the organisational structure of the OSW;
 - b) Province in the process of reviewing the provincial gender policy;
 - c) Advocating for improved resource allocations for gender structures in all spheres of Government;
 - d) Training of provincial and local government GFPs in gender mainstreaming;
 - e) Regular sharing of best practice examples;
 - f) Implementation of awareness programmes on the progress made.

3.1.1 Questions and responses

After the presentation by the Director-General several comments were made about the progress made since 1994, when there was no infrastructure in the province.

In the ensuing discussion, questions were raised on the issues of:

- Women's access to land for purposes of farming (at local marketing and export levels);
- Plans and strategies for rural development;
- Land claims and evictions: How did they monitor that women benefited and were not victims of evictions?
- How the province planned to deal with patriarchy as a dominant force in the province;
- The use of media to change communities' attitudes;
- Where ABET centres are located and women's access to ABET;

- The strategies to improve GFPs' levels in government departments and whether or not these were linked to the MTEF (skills and capacity);
- The report did not say anything about the laws that the JMC was monitoring;
- Clinics: Did they have water and electricity?
- Women's economic empowerment: A concern was raised that projects such as school feeding schemes should be given to women so that rural women could benefit, and about what opportunities existed for women in the nodal point.

Responses

The improvement in and restructuring of the levels of GFPs was planned for the 2006/7 financial year. There had been a start with the OSW. The position had been restructured from manager to senior manager. There were plans to restructure the GFP work plans so that they would work on gender programmes 100% of the time.

There are programmes in place to close the gap with regard to inequalities and poverty. An evaluation team was monitoring the issue of women fronting for companies to ensure that women would benefit from procurement.

Information reached rural women through the Advocacy Programme. Methods used include community and provincial radio stations and municipal forums; In August 2006 the programme had focused on the changing of mindsets;

The land issues were spearheaded by the MEC for Agriculture, who had a programme to empower women. In preparation for the national conference in Agriculture this province was able to demonstrate the progress they had made in empowering emerging women farmers. At the time there were committees of Women in Agriculture. A consultative meeting had also been held and the report, *Women in Agriculture and Development*, which indicated what the province was doing to give women access to land, to develop their skills in agriculture and to empower them to run agriculture on a large scale, would be sent to the JMC; the EPWP was also used for rural development;

In terms of clinics, the province had to make sure that where they are built. There was infrastructure already. Where there was no running water, they dug boreholes;

ABET centres were not centralised, but distributed throughout the province and women had easy access.

Follow-up questions:

- The number of women-owned companies that benefited from tenders was given without any comparison to those owned by men. How many companies benefited from tenders? How was the money distributed?
- What were the opportunities for women in mining and the export business? What were the province's strategies to get rid of the two economies?
- Were ordinary women aware of the *Women in Agriculture and Development Report* and the progress that the province had made?
- Explain the problems with parastatals;

- What was the relationship between the CGE and the OSW?
- What were the province's experiences of discrimination emanating from traditional practices?

Responses

The OSW was working closely with the CGE within the Provincial Gender Machinery and some of the cooperative programmes had included educating rural women on the Equality Act.

Discrimination from traditional practices existed and they were aware of the problem. In 2005 they had offered a workshop for traditional leaders to empower them to try and change the attitude of communities. They would monitor how that cascaded to the community;

The province's target for women in procurement was to award women 42% of the tenders;

The Premier had held a meeting with the OSW and the Chapter 9 Institutions to discuss the progress made in the achievement of gender equality, as well as to identify what bottlenecks existed, which indicated commitment at a high level.

With regard to women and mining, the province was experiencing challenges, not only with access of opportunities for women, but also access for people in the province in general. Mining was a national competence and the province was negotiating with the national Department to determine how Limpopo, as a province, could benefit from the mines in their province. In these discussions, women were high on the agenda.

3.2 OSW input

Responding to a question on what they were doing in gender mainstreaming and the implementation of the Acts, the OSW replied:

- The programme they had been working on in gender mainstreaming, to achieve gender equality, was called Gender-based Analysis;
- The plan was for the programme to be used throughout the province; It included the Sakhasonke Programme which monitored the benefits for women with regard to the policies such as the Indigent Policy and also involved women in construction.
- A study had been piloted in one municipality and they intended to roll it out to other municipalities;
- The OSW was busy with consultation and a communication strategy for the programme. The findings were that the communication had taken place only through the media up to that point in time. It was also difficult to determine the beneficiaries of the policies, as the information in the records was not disaggregated. The percentage target for women beneficiaries for tenders was also not clear and communication on the available tenders had been through the

Tender Board postings. One of the clear benefits from Sakhasonke Programme was that women were involved in the construction of schools.

- In terms of gender mainstreaming, the Provincial Gender Machinery met quarterly to share information and discuss challenges. They monitored the gender mainstreaming progress in departments, women's representation and also the departments' progress in poverty alleviation programmes.
- The OSW had a programme to ensure that women were represented in decision-making positions. The Director-General had spearheaded an informal discussion forum for women's leadership;
- The GFPs had received training on gender-based violence from FAMSA. This was meant to enable them to identify and monitor the incidence of gender-based violence in departments;
- The OSW had worked with the Department of Education on the Girl-Child Project and had used the critical areas identified by the Beijing Platform of Action to mobilise women, for example: Women and Environment.

3.2.1 Questions and responses

Questions

- What do you do about the issue of witchcraft, which affects mainly the women?
- How prevalent is the problem of genital mutilation in the province?
- The monitoring roles of the CGE, the JMC and OSW are overlapping. How often do you share the challenges you are encountering in monitoring with the CGE?
- There are still family killings and trafficking in women. What plan does Limpopo have to combat these ills?

Responses

In 2002, the CGE had a consultative meeting on witchcraft in the Vhembe area. The report made recommendations, also on femicide and ritual killings. The CGE is planning another consultative meeting on ritual killings during the 16 Days of Activism. There is also a plan in place to roll out the widowhood programme for both widows and widowers.

Finally, the relationship between the OSW and the CGE was a good working relationship. The structures met quarterly in the Provincial Gender Machinery forum. On the question of ritual killing, a Premier's Forum had been established to address the issue. The Provincial Crime Prevention Strategy had also identified ritual killing as an area of focus.

Feedback from the community where the ritual murders had been rife was that they had been visited by many government and governance structures, including Section 9 Institutions. All the groups meeting them asked similar questions and promised to send them a report of their findings. Up to that time, the community had not received a single report. The issue was complicated and there was also the question of police involvement. Another link to ritual killing was the issue of poverty. Poor people in the area were attracted by promises of money for bringing certain human body parts to those interested

in them. Those who were planning more consultative meetings had to exercise caution in dealing with this issue, because it was multifaceted.

The Chairperson of the Committee expressed dissatisfaction with the fact that the issue of genital mutilation was not addressed by any of the respondents. She thanked all who had presented and participated.

3.3 Presentation by the Magistrates

The Equality Act

- There were problems with the implementation of the Equality Act, as the public was not aware of the existence of the legislation;
- The staff had been trained and the Equality Courts were ready but complaints had not been forthcoming;
- There had been only one case in Polokwane and none in Bochum.
- Public awareness campaigns were needed to inform people of the legislation.

The Maintenance Act

- The Act gives magistrates the power to make a judgement call, by default. They can accept a sworn statement as a basis for their decision;
- Maintenance investigators are critical to the speeding up of cases.

Challenges

- The maintenance staff was thinly spread; one maintenance investigator had to cover 14 offices; and there was one maintenance officer to cover two offices
- There were long queues on payment days; posing a problem of safety for both the officials and the recipients;
- In some cases, the maintenance officials shared office space with other officials; making the confidential handling of cases difficult;
- Magistrates were reluctant to attach defendants' property;
- The social workers were critical to the investigation of cases, but they sometimes did not pull their weight;
- Some magistrates and prosecutors were not trained in the sensitivity/awareness needed for dealing with maintenance cases;
- There was no drive from Chapter 9 Institutions to assist with the cases;
- The police were not complying with all the instructions of the Act;
- Prosecutors sometimes withdrew cases without the Chief Prosecutor's permission

3.4 Presentation by the Prosecutors

Overview of maintenance issues faced by the prosecutors

- Prosecution of maintenance defaulters (contravention of section 31 of the Maintenance Act)

- Delays in finalisation of cases - both formal inquiries and criminal cases;
- Identification of areas that needed new appointments;
- Identification of training needs;
- Improving access to the maintenance system.

Successes/achievements

- The establishment of four dedicated Maintenance Courts, hearing maintenance cases five days a week;
- Appointment of 14 maintenance investigators (there was a need for more, as there were 37 courts in the province);
- Extending the maintenance first enquiries services to periodical courts;
- The turn-around time had been reduced from eight months to three months in 2006; Finalisation rate had improved from 40% in 2002 to 75% in 2006;
- Warrant arrests had been reduced by 70% due to the use of orders by default (section 18) and attachment orders (section 26);
- All maintenance prosecutors and officers were trained once a year by the Justice College

Challenges experienced in implementing the Maintenance Act

- Staff shortages- Legal interns had been useful in assisting with the shortage of staff;
- Rotation of staff - There was a need for permanent dedicated and specialised staff;
- Lack of adequate social context training for maintenance officials;
- Lack of coordinated public education and outreach programmes;
- Inability to retain experienced staff due to lack of career pathing.
- There was a need for sensitivity training in order to combat secondary victimisation of complainants

Possible solutions to the challenges

- Recruitment and the filling of vacant positions for all identified courts;
- Experienced and trained staff had to remain in their areas of expertise without unnecessary rotation;
- Creation of career pathing for maintenance officials necessary to curb resignations in favour of greener pastures;
- Training curricula of maintenance staff needed to be revised to include social context training;
- A properly coordinated public education programme including all role players was critical.

3.5 Input by the Safety and Security SETA Representative – For Information

- The Sector Education and Training Authorities (SETAs) were established in terms of the Skills Development Act with the aim of Human Resource Development.

- There were 23 SETAs at the time. The Department of Labour channelled funds through the SETAs for skills development in the form of learnerships, skills programmes and qualifications.
- The South African Qualifications Authority (SAQA) was the body responsible for accreditation of qualifications.
- In relation to the Domestic Violence Act, together with the Employment Equity Act, there were five accredited learnerships (qualifications) of which four were supported financially by the Department of Health through the Health Workers' SETA.
- There was some discrimination in terms of age with regard to learnerships; Access to learnerships for someone who was unemployed was restricted to 18-35 years of age. This unfortunately excluded 36 year-olds and over, and this section of the Skills Development Act needed amendment.
- SASSETA serves the Safety and Security sector, which includes SAPS, Correctional Services, Intelligence, Legal (judiciary) and private security chambers.
- There was a National Certificate in Family Law Practice, pitched at NQF Level 5, where paralegals were trained to service the community.
- There was R600 000 put aside to train candidate attorneys who aspired to be judges.
- It was clear that SETAs might not be visible in other provinces, except Gauteng
- A feasibility study had been undertaken to attempt to find out how SETAs could be expanded to other provinces.

Training available:

- The training available to this sector was offered in the form of certificates in areas such as Victim Empowerment and Family Practice Law. These programmes were most appropriate for maintenance investigators and officers
- At the time, the SETA had funding to train 250 paralegals but they had only managed to get 87 trainees through advertising in the national print media. The prosecutors and magistrates who had complained about human resource shortages and were using volunteers could take advantage of the free training offered to increase their personnel count.

3.6 Presentation by the Limpopo SAPS

The status of women in managerial positions:

POSITION	NUMBERS	PERCENTAGES
Assistant Commissioners	1 out of 8	12,5%
Directors	5 out of 22	22,7%
Senior superintendents	14 out of 91	15,38%

Superintendents	79 out of 290	27.24%
Captains	189 out of 721	26.25%

The management percentage breakdown:

POSITION	MALES	FEMALES
Senior management	86%	14%
Middle management	74.4%	25.6%
Junior level	76.8%	23.2%
Overall representation	76.6%	23.4%

The percentage breakdown in the Vhembe area:

POSITION	MALES	FEMALES
Station Commissioners	60%	40%
Branch Commanders	79.4%	20.6%
Senior Management	100%	0%
Middle Management	77.8%	22.2%

Prevention of unfair discrimination in SAPS - Limpopo

- The HIV/AIDS Forum was established in 2002, to enforce compliance with SAPS policy aimed at preventing discrimination against infected and affected employees; the Forum meets every quarter to monitor compliance with the policy.
- The Disability Forum is also in place and meets quarterly to monitor and check progress with regard to the implementation of processes aimed at developing and protecting employees with disabilities. There are 72 (out of 89) police stations with disability-friendly facilities for access to buildings. The percentage of employees with disabilities in Limpopo SAPS is 0.6%.
- Between 2000 and 2006, eight cases of sexual harassment within the SAPS were dealt with;

- Provincial Consultative Forum for the monitoring of the implementation of the Employment Equity Act had been established. Meetings with the relevant stakeholders took place quarterly;
- SAPS Women's Network, under the leadership of a provincial champion and area champions, was established in 2003 to support women's empowerment;
- Training was monitored to ensure that previously disadvantaged groups, including women, received first priority.

Overview of the Domestic Violence Act (DVA) and Maintenance Act issues addressed by SAPS Limpopo

- The proactive Visible Policing and Social Crimes Prevention Programmes implemented crime awareness campaigns, public hearings, community outreach programmes, sector policing, youth programmes and school visits.
- The reactive programmes implemented investigations and corrective measures through court procedures.

Successes of the implementation of the DVA

- The Police had educated communities through local radio stations and print media.
- Public education had been offered by traditional leaders, civic associations, municipalities, Community Policing Forums and NGOs through slots at the crime awareness campaigns.
- Ongoing training was offered for empowering SAPS members.
- Cases investigated under DVA had increased from 532 in 2000 to 1053 in 2005, convictions had increased from 18.8% in 2000 to 31.3% in 2005 and cases withdrawn in court had fluctuated from 24.4% in 2000, 40.9% in 2002 and stood at 34.0% in 2005.
- The increase in the number of withdrawn cases was due to pressure from the families concerned to enforce reconciliation.

Challenges in the implementation of the DVA

- Problems that are experienced were addressed through the JCPS structures.
- Inaccessible roads hampered accessibility to victims in the deep rural areas such as Sekhukhune, Marite and Maleboho.

Possible solutions

- Enhanced coordination and integration in terms of approach by all role players;
- More community awareness and public education projects must be implemented;
- Adequate resource allocation in terms of adequately trained personnel, adequate volunteers and sufficient budgets;

3.6.1 Questions and responses

- Police dockets often get lost. The Committee delegation requested more information about this matter.
- What strategies, as part of their public awareness and education programmes, do SAPS have for people's economic empowerment?
- What were the issues experienced by SAPS in the province with regard to the disbandment of the Child Protection Unit? Was the CPU part of SAPS?
- What studies had the SAPS undertaken to deal with the issue of HIV/AIDS in the police service?
- Are increasing incidences of family violence and intimate femicide also experienced in the province?
- The case of a child who was killed and burnt in Mankweng had been dragging for a long time. The police claimed that they were waiting for the forensic tests, but the family was suffering and distraught. Could SAPS give information on what was happening?

After the questions above, the Chairperson of the JMC asked for the two women who had indicated that they wished to speak, to give their testimonies.

3.7 TESTIMONIES BY WOMEN TRYING TO ACCESS JUSTICE FOR MAINTENANCE

Party A said that she had lived in Germiston and then moved back to her home in Seshego, Polokwane in 1999. When she was in Germiston, she was receiving maintenance from the father of her five children. When she moved to Polokwane, she went to the office to try and get the maintenance money she had received in Germiston transferred to Polokwane. She had tried all she can and done all she had been instructed to do, but up until that day there had not been any success in her attempts. She had been given the date of 31st October to go to court to resolve the case, but the magistrate had asked her to bring her children along. She needed help but did not know where to go.

Party B said that she went to the police to report that the father of her two children was not maintaining her. He went to his home at the end of the month, after he had received his salary. The police had opened a docket for the case. Soon thereafter she received a restraining order saying that the man had accused her of insulting him. She said that the maintenance issue had not been pursued by the police. She again, later, instituted proceedings for maintenance, after consulting with an NGO, and again she received a restraining order for insulting the man. She asked why the police had not made any link between the maintenance proceedings and the claim that she had insulted the man. She asked what action she needed to take with regard to the matter.

SAPS Responses

Budget: There were really no major problems with their operational budget because they planned and reconciled the plans and activities with the budget. As it were, SAPS were planning for the next cycle.

The Mankweng case: This was not an ordinary case. It was complicated and needed forensic and DNA tests. The Area Commander said he did not want to discuss the case, because it was still pending. In the province SAPS had collected all the evidence and sent it to national. They were still waiting and sympathised with the family.

Corruption, bribery, fraud and stealing of dockets were viewed in a serious light in SAPS. The disciplinary code instructed that dismissal had to be considered as punishment, and SAPS had dismissed members in the past.

CPU disbandment: SAPS had not received any complaints about this. The purpose of this strategy was to enhance service delivery at station level. The province was rural and wide, and this change had resulted in the spreading and sharing of skills.

With regard to HIV/AIDS, SAPS, like other workforce sectors, had been affected because many of the members were infected. SAPS's strategy for tackling the issue was to have peer educators and encourage SAPS members to undergo voluntary testing.

Intimate femicide: They had not heard of the incidence. There were isolated cases where the issue was jealousy in the relationship.

Economic empowerment: They had many projects under Social Crimes Prevention Programmes. There was a project with street children, they had partnered with civil society to work on women's empowerment, and they also assisted women under the Women's Network. The reservists were called in when there was a crisis and if they worked beyond their agreed 16 hours a week, SAPS paid them. Some reservists were women.

Concerning the testimonies, the area commander had taken note and he would speak to the two women after the hearing. He would be joined by the Area Head of Investigation.

The members of the JMC asserted that the SAPS should not treat the two cases as isolated without finding out if there were any others. They asked for a feedback report from SAPS on these cases and other findings.

4. THOHOYANDOU

4.1 Presentation by the magistrates

The presenting magistrate was Mr J M Maumela

Overview

- There are 29 (4 female and 25 male) magistrates in the region. There was a legacy of White males in the profession;
- Each district has 1 maintenance officer;
- No notable backlog of cases;
- Difficulties of access were posed by infrastructure in the remote rural areas;
- Difficulties were posed by poverty in communities
- Difficulties were posed by the "reluctance" of the police to locate offenders, especially offenders within the SAPS.

Maintenance Act - Challenges

- Employment: females lowest in number;
- The jurisdiction prescribed by the Act is limited/narrow; (For example, in a situation where someone lived in Musina and was claiming maintenance from someone living elsewhere in the province)
- Most of the defendants work in farms or in the taxi industry. This makes postponements of the cases difficult as they cannot take much time off;
- Maintenance investigators who come from outside the region do not always know people and issues. This limits their effectiveness in investigating cases.
- Maintenance court is mostly held in offices because of the shortage of buildings. This lowers the perceived status of the court and defendants tend not to take it seriously.
- Low rate of accessibility of facilities because of vast distances and infrastructural challenges;
- Budget for paternity testing, in cases requiring this procedure, is limited.

Domestic Violence Act - Challenges

- There are instances where the Act is not very clear
- The notion of eviction is very difficult to convey, especially when the male has inherited the house from his family and regards it as his family home.
- There are no shelters for the victims; the NGOs perform better in this respect
- Domestic violence is sometimes linked to maintenance issues
- Only one office has a researcher (although this is an important function).

Equality Act - Challenges

- Magistrates are trained but the Equality Court is non-functional because there are very few cases;
- People are not aware of the Equality Act, and there is a need for joint awareness raising campaigns.
- Magistrates also receive context training, but land ownership cases are a challenge.

4.1.2 Questions and responses

The questions were on:

- Strategies for shelter for male evictees;
- Developing people to raise their self esteem;
- Real business (big business) for economic empowerment of women;
- Communal Land Rights Act, Act 11 of 2004: Are they using the Act?
- Maintenance Court files research: the how income and need is quantified (quantum question);
- Help that women receive when they apply for increases in maintenance;
- Methods used to deal with defaulters;
- Prevalence of abuse of men;
- Equality Act: Sharing the Gauteng experience;
- Timeframes/turnaround time for maintenance cases.

Responses:

- Bringing in synergy between the role of the mayor and that of the magistrates;
- It would be difficult for magistrates to enter the arena of women's economic empowerment, but there were plans for the formation of a Maintenance Forum which would work closely with magistrates.
- With regard to the Communal Land Rights Act, there was a need to work globally and use all pieces of legislation;
- Magistrates were cautious when working with the Maintenance Act; demands for increases were sometimes unreasonable;
- On the issue of abuse of men: this problem exists in Limpopo, but more women were faced with abuse from men than the other way round. There was a need for sensitisation programmes for women also, especially those who were economically empowered.
- The reason for the low use of the Equality Act might lie in the fact that the two other pieces of legislation were about concrete experiences, namely, bread (maintenance) and death (domestic violence). In this case "equality" and "freedom" become abstract concepts. Most of the people in the region were illiterate.
- The example of the Gauteng magistrates who were channelling cases that fit into the Equality Act was welcome. At the time of the hearing these cases were being taken as civil cases. Channelling them through the Equality Court would save on costs.

Magistrates' concerns:

- Shortage of shelters
- No money for paternity testing
- Incidence of male abuse
- Non-functioning Equality Courts
- Maintenance jurisdiction: Changes to this recommended

4.2 Presentation and questions by civil society and NGO representatives.

4.2.1 Victim Empowerment Centre (Thohoyandou)

- There were only two trauma centres in the area, which operated on a 24-hour basis;
- Much-needed money was used on conference to talk about the problem.
- They had lobbied the courts, without much success;
- A grant had been received from the Danish government for the purchase of a building to be used as a shelter, but it could not be used to purchase a building because of lack of cooperation from the South African Government;
- They had to accommodate women and children victims in an undesirable facility - one room in the trauma centre
- Work went on without funding support from the Government. Sport was a priority rather than violence against women;
- If the Committee wanted to know where the problems with the implementation of the Acts were, they had to look inside of the government.

4.2.2 Civil society concerns on maintenance

- There was no cooperation from maintenance officers. The changes in maintenance officers are too frequent. This leads to cases dragging on because each new officer must start from the beginning.
- Defaulters are only called 3 months after a complaint had been laid. What happened to the children who needed maintenance in that time?
- There were not enough investigators; Sometimes only small amounts were paid out as maintenance, sometimes people who were businessmen got away with paying just R150 per month.
- Sometimes defaulters were allowed to pay in instalments;
- The Acts seemed to be on paper only and were not fully implemented by the courts.

4.2.3 Testimony from a woman who tried to access justice on maintenance

Party C had a maintenance case against the father of her child. In 2003, he paid maintenance for 3 months. She went to the Maintenance Office and asked when he would pay again. She was given a date in 2004 for her to return to the office. Before she could go back, he brought R1000 for the children's clothing. This somehow delayed her going back to the office as he claimed that he would then pay. The magistrate asked if she would like to pursue the case of the arrears, she said "no". He did not pay (by this time he had fallen in arrears to the amount of R20 000) and a warrant for his arrest was issued, but he was not arrested because he was a rich businessman who was well known and popular in the area. There had not been any payment since June and there was a continual postponement of the case. On the question of arrears, the witness had been told that time had expired on some of the arrears and that the man would only be liable to pay R 5000, which he never paid. She asked what she should do.

*Responses**From the JMC:*

Members of the delegation expressed disappointment at the input which suggested that the government did not play its part. The VEC was doing valuable work and had to be commended, and had to understand that the present Government was servicing the whole nation and not only a minority. This government took over enormous backlogs from the previous one and things could not be done overnight. There was appreciation for people who had come to assist.

The Chairperson clarified a perception that notification of the meeting had been sent late, and gave the assurance that correspondence about the hearing had been dispatched in good time. The purpose of the meeting was not to accuse anybody but to find out about the challenges being experienced in and by the provinces. The role of Parliament, of which the Committee was part, should not be confused with that of the Cabinet. The Committee was carrying out its monitoring role.

From Magistrates: There was no time limit on the arrears for maintenance. The arrears could be followed up for as long as maintenance had not been paid up.

4.3 Presentation by the prosecutors

Domestic Violence Act

- The mandate of the Sexual Offences and Community Unit (SOCA) is to establish an efficient unit, which strives to reduce the victimisation of women and children through the enhancement of the capacity of prosecutors to prosecute sexual and domestic violence cases;
- In the area of intra-familial abuse, the achievements have included the compilation of a multi-disciplinary training manual on domestic violence and a compilation of a Victims' Charter by the SOCA Unit and Department of Justice and Constitutional Development.
- The prosecutors must treat survivors of domestic violence with fairness, compassion and respect to ensure that criminal justice works for them, and victims need information and support services when they take part in the justice system.
- Prosecutors must safeguard the rights of the victim, prioritise the cases, prepare the victim as a witness, interview the witness in private, and keep the victim in a private, victim-friendly waiting room until he/she is called to testify.

Maintenance Act

- In the Thohoyandou cluster there are only two (2) maintenance prosecutors responsible for Thohoyandou and Giyani;
- There are four (4) maintenance investigators based in the Thohoyandou, Giyani, Waterval/Hlanganani and Makhado stations
- A manual focusing on the criminal and civil aspects of maintenance was developed to assist prosecutors to deal with maintenance cases effectively;

Challenges in implementing the Maintenance Act

- Shortage of maintenance prosecutors;
- No preparations officers; two court preparations officers in Sibasa and Waterval Sexual Offences Courts were assisting at the time of the hearing (October 2006);
- The majority of the prosecutors were assisting with administrative work on maintenance cases. In some offices volunteers were assisting;
- The shortage of maintenance courts was also a problem; for instance, on the day for maintenance cases, the criminal court does not sit;
- Training also had to be provided with regard to maintenance. The training unit was already busy training in the cluster.

*Equity in the Thohoyandou cluster***ALL PROSECUTOR POSTS**

BM	BF	I M	I F	CM	C F	W M	W F	VA C	TOTAL L
37	15	0	0	1	0	3	1	6	63
57.73	23.80	0	0	1.5	0	4.7%	1.58	9.52%	100%
%	%			%			%		

MALES: 41 (65.07%)

FEMALES: 16 (25.39%)

VACANT 6 (9.52%)

ADMINISTRATIVE STAFF

B	BF	I	I	C	C	W	W	VAC	TOTAL
M		M	F	M	F	M	F		
1	3	0	0	0	0	0	0	1	5
20	60%	0	0	0	0	0	0	20	100%
%								%	

ALL STAFF

BM	BF	IM	IF	CM	CF	WM	WF	VAC	TOTAL
38	18	0	0	1	0	3	1	7	68
55.8%	26.47%	0	0	1.47%	0	4.41%	1.47%	10.29%	100%

MALES 42 (61.76%)

FEMALES 19(27.94%)

VACANT: 7 (10.29%)

[B = Black, I = Indian, C = Coloured, W = White, M = Male, F = Female]

4.4 Presentation by SAPS

- The presentation of the SAPS is integrated in the section of Polokwane as they made the same presentation with a few additions.
- The SAPS recruited twice a year but there were not enough women applicants. SAPS continued to try and get more women to apply, but without much success.
- Women officers in police stations were critical, as they were more sensitive to issues affecting women.

4.4.1 Questions and responses

- The issue of having one maintenance prosecutor in every office is worrying. The prosecutor might and will at some stage go on leave. What happens in that case? Secondly, what if s/he were related somehow to a maintenance defendant? This would make it difficult for the complainant to approach him/her.
- In what ways do prosecutors try to make a difference in women's lives through their handling of maintenance cases?

- Is there a standard way of sentencing offenders? Why does the community need to "toyi-toyi" before the court when there is a DVA case?
- When you encounter unfair discrimination, how do you deal with it?
- At what stage do magistrates decide to take money out of the maintenance defendant's account?

Responses

On the issue of one prosecutor per office: They were busy with a study to determine the question of more posts. One issue was the budget but they were trying all the same.

The NPA experienced pressure in that there were performance standards which were about quality service for their clients, the community. On the other hand there were many cases that had to be taken up, so in trying to speed up the clearing of the cases sometimes they ended with quantity. The NPA had a community outreach programme and they had developed pamphlets on all these issues, for the education of their members and the communities.

The issue of sentencing depended on the information before the magistrate or judge. As there was the question of the independence of the judicial officer, the magistrate/judge would make a judgement based on the assessment of the evidence and information before him or her.

Sentencing in maintenance cases was tricky because it was not desirable for the defendant to lose employment. There were different ways of sentencing, including periodical imprisonment and community service, which could be done over the week-ends. In all cases the paramount consideration was for the child not to suffer. Another approach to this matter was to give the defendant the option of bail and pitch it at the level of arrears owed. In that case the bail money became the arrears payment.

Taking money from the defendant's account: According to the Act, the magistrate had the power to attach the defendant's property or assets. In cases where the dependent had money in the bank, it did fall within that description.

The Chairperson of the Committee thanked the presenters and participants and invited the Mayor of the Vhembe District Municipality to make closing remarks.

The Mayor thanked the JMC for coming to conduct their hearings in Vhembe. She invited the presenters who had indicated that they had programmes to participate in the Integrated Development Programme process, which would determine priorities for the area.

B MPUMALANGA PROVINCE

5. NELSPRUIT

5.1 Presentation by the Office of the Premier, Director of Special Programmes Unit

Mr Peter Shube, Senior Manager, Special Programmes, from the Premier's Office, addressed the delegation:

- He said that at the time the office of the premier was undergoing a restructuring process with regard to special programmes. It was the view of the Premier and Executive Council that over the past years the Office of the Status of Women had not performed well in carrying out its core function and mandate. Therefore the impression existed that it was largely driven by events rather than programmes.
- The premier's office was restructuring and creating new positions. Structurally, the special programmes were weak because there were only three community liaison officers, one in each region. That structure could not cope.
- All the Mpumalanga provincial government departments had gender focal points or gender focal persons.
- A challenge was that there was only one gender focal person in each department. Because that one person could not cope with the three areas of expertise as had been expected before, the premier's office was trying to come up with a uniform structure that would drive the programmes.
- The biggest challenge was to ensure that municipalities had established these structures at local government level.
- Most of the programmes which had been running were focusing on advocacy.
- The OSW was coordinating the project at the time, because the premier, in his State of the Province Address for 2006, announced that the programme had to be able to produce a status report on the quality of life and status of women on a mid-term and annual basis. This meant that the OSW would be able to provide such information to the JMC and other structures in need of such reporting. They hoped that the report would be completed by the end of October 2006.
- There was also a plan of action in place. One of the weaknesses over the past years which had been a contributing factor towards the OSW's weakness was that operations were run without a plan of action.

The Chairperson thanked the presenter and reiterated that, because the Director had said they were in a restructuring process, the JMC would wait for them to complete the report and send it to the committee.

5.2 Presentation by magistrates

Presenter on behalf of Magistrates: Mrs N Engelbrecht, Regional Court President.

Insofar as the Maintenance, Domestic Violence and Equality legislation are concerned, the primary focus and application are in the district courts.

Overview.

- Violence and abuse manifest in the form of rape, indecent assault and murder, more often than not in husband-wife and boyfriend-girlfriend relationships. The magistrates make every effort to treat victims equally and fairly in terms of race and age.
- There are nine (9x) Dedicated Courts (courts equipped with intermediary systems). All regional magistrates have undergone social context training and are encouraged to attend a refresher course and or decentralised courses annually, the focus being on social context training as well as Sexual Offences. Every effort is also made to ensure that the same judicial officers are not exposed each time but that all have an opportunity to attend courses or training. A rotation system (throughout the Regional Division) ensures that both Accused and Victims do not appear before the same judicial officer. Ratio: Word gets around very quickly about the views / stand of a magistrate, not to mention the psychological impact these cases could have on the presiding officer.
- Every effort is made to include and expose more females to the bench, especially to preside over dedicated cases. (Up to the time of the meeting (October 2006) this had not been very successful due to logistical reasons.) This is done primarily to address the ratio of women: men on the Regional Court Bench which was at the time 2:11 (inclusive of herself)
- Out - reach Programmes:-Under the banner of the International Association of Women Judges; partnerships were formed with the local:
 - Prosecution Authority
 - Department of Justice and Constitutional Development
 - Social Services
 - Legal Aid Board
 - Grip
 - Office of the Family Advocate
 - Nicro
 - Local Attorneys

Outreaches were done on these annual occasions:

- Cell C take a girl child to work day (May)
- Women's Day (August)
- 16 Days of Activism against Abuse and Violence of Women and Children. (December)

- She recommended the involvement of all role players in local activities and that the focus had to be moved to the less developed communities, for instance the old KwaNdebele areas and other outlying areas (Ermelo, Standerton, Secunda, etc)
- Domestic Violence Act – The Prevention of Family Violence Act, Act 133 of 1993, dealt with domestic violence before the DVA came into operation in 1998. There had been a number of successes with the new Act. The old Act had a problem with regard to its definition of “domestic relationship” and in dealing with domestic violence it was restricted to physical assault.
- The complaint form -
 - One of the challenges that they face is the language of the form that must be filled in.
 - The questions are not clear or user friendly and very long. This necessitates assistance in the form of an interpreter or the administrative officer who is there. The general feeling is that the form itself in terms of language and length needs at least to be clearer and user friendly.
 - If possible the form must be made available in more languages for people who are not conversant with English and Afrikaans. The reason for this recommendation is that the province does not have sufficient human resources for clerical work. The department is assisted by NGOs or volunteers. The magistrates and other stakeholders need to train these people to create a pool of expertise and it is difficult to do that if they are volunteers and the department holds the prerogative to withdraw its contract/relationship.
- With regard to “attitude”, training needs have been addressed. There is little budget provided. There are no resources for officers who had experienced trauma and they receive little support.
- There is also the problem of people who are using the Act to their own ends, including for the division of estates, or to bar the spouse from entering the common residence. Final eviction of a person on a legal ground is a very important aspect the Act. It must be clarified in terms of eviction.
- The term “domestic violence” must be further clarified, and also “imminent harm” and “undue hardship”.

Some of the issues in the Maintenance Act

- The purpose of the Act is very clear. With regard to maintenance investigators, the machinery of having maintenance investigators was meant to bring life to the Act, but up to the time of the hearing that had not been brought into operation. The department had been active in some areas. There were 20 investigators. In every area of the maintenance court there had to be an officer
- The Act, in terms of what functions the maintenance officer was supposed to perform, brought one to a limbo. The maintenance court had more powers, but it must be clearly set out in the Act in what manner the interdicts had to be done.

Challenges:

- There must be a provision in the Act, or a legitimate arrangement must be made with SARS, in order to access information. In some cases, when providing

information on the financial status of the respondent, the applicant would indicate that the respondent has a business, but the respondent would state that he is not running any business at the time. SARS says that such information is confidential.

- Divorce order and maintenance order: In some cases a person who is instituting divorce action wants to bring about a maintenance claim which has not been made part of the divorce order;
- With regard to the Equality Act, the issue of human resources is a challenge. The magistrate who has jurisdiction in the Barberton area also has the responsibility for the outreach programmes, supported by other magistrates and NGOs, to create awareness and eliminate discrimination which was still rife in this area of jurisdiction. It is also responsibility of Chapter 9 Institutions to inform people about the Act.
- In the Equality Court the clerk of this court plays a unique and important role. In the case that was reported to the Committee, because of a lack of human resources, the clerk of the Equality Court had been transferred to the finance division because the authorities might have thought that finance was more important than the Equality Court.

5.2.1 Questions and responses:

Answering to a question on *the kind of discrimination cases the province's courts encountered*, especially in the areas identified in the Prohibition of Discrimination and Promotion of Equality Act, the magistrate responded that they had not encountered any discrimination cases except those emanating from "hate speech". Issues on discrimination on the basis of pregnancy were usually linked to employment and were handled through the Employment Equity Act. With regard to cases involving the inheritance of family property, the magistrate said these were dictated by the information and process put before the court. She further said that sometimes there was discrimination on the grounds of race.

To the question about *the breakdown indicating the shortage human resources*, the magistrate responded that although there was training for the magistrates on DVA, some had moved to other areas of expertise and little effort had been made to replace them and train other people. Race breakdown: 11 White men, 1 Black man; 1 White woman and 1 Black woman. She said that they had advertised shortly before the meeting to try and get more women on board, but there was a difficulty in finding women with experience and who had had exposure.

Rate of rape cases: 10-15 cases a month. Use of intermediaries differed from magistrate to magistrate; some would use intermediaries. A new situation was the extension of the definition of rape in a case in Lydenburg – rape was defined there to include anal rape. It was also forwarded to the High Court and had been forwarded to the Constitutional Court.

To the question on *how the magistrates dealt with old statutes that violated the Constitution*, such as in areas of cultural practices, the reply was that much emphasis was placed on social context training and the extension thereof to the regional court.

5.3 Presentation by Prosecutors

Mr Mervyn Manego, Senior Prosecutor, and Ms Legoate from SOCA (Sexual Offences and Community Affairs Unit) presented

- National Prosecuting Authority (NPA) has a Sexual Offences and Community Affairs Unit (SOCA). Domestic violence matters are prioritised by the NPA officers functioning in the courts on a daily basis. All officers have the expertise to deal with the cases. The biggest problem reported was that of the parties wanting to withdraw cases. The DVA prohibits withdrawals, and all the withdrawals rest with the Chief Prosecutor.
- The usual response on wanting to withdraw cases was to force the complainant to go to court, as had happened in Barberton. Upon lying under oath the NPA charged the complainant with perjury. A new strategy was to rather send the man on an anger management programme and try to come to an amicable resolution, as an intervention.
- Training: In Domestic Violence there were two prosecutors who had been trained to be trainers. The maintenance prosecutors had been sent on training. Advocacy training and diversion were options (to be utilised) in domestic violence cases. At the courts they had noticed an increase in applications at all offices. This was attributed to the success in marketing of the laws. In April 2005, under SOCA, 100 community members had been trained. In Barberton pensioners were addressed and informed of their rights while they were receiving their grants.
- Operation Isondlo had been launched in November 2005, but Miss Legoate was unable to report on its success at that time. (There was not anyone from the regional office present at the time.)
- With regard to the Maintenance Act, there was a problem with the execution of the civil-type procedures. Where there were maintenance prosecutors they could utilise civil clerks to deal with civil-type prosecution, because executions of warrants of arrest sometimes took weeks to months to execute.
- Safety at the courts was a problem, especially on days when maintenance payments took place. The Kabokweni office had been robbed a short while before.
- Beefing up the person-power at the courts was imperative, and also enhancing staff know-how. It was no use having people there if they did not know what to do. Administrative units were also important. In the Ehlanzeni unit there were two dedicated staff members and one dedicated senior maintenance investigator for Mpumalanga.
- With regard to the NPA depending largely on the NPA head office (national): In the individual courts they depended on budgets at those levels, and capacity aspects were therefore related to budget.
- The resource challenges in maintenance cases were those of not sufficient authority or control over maintenance investigators. The ideal would be that all the larger offices would have maintenance prosecutors. Because of not having maintenance prosecutors, who do much to implement Operation Isondlo; these programmes were making very slow progress.

- Problems: In some areas they did not have maintenance prosecutors, and the presenter had to go to all the other offices to train staff. These people do not report to the Department of Justice and work on a rotation system – one day they were there and the next they were not. That posed a challenge.
- The action taken to obtain maintenance prosecutors was that of submitting motivations. These had been submitted to the relevant office. There was a need for urgent appointments to some of the courts.
- The successes since appointments had been made had been with regard to the turnaround time in cases. From the time when a case was recorded until finality, the time had been reduced to 3 months.
- With regard to Chapter 5 of the Maintenance Act, if the civil execution had been applied, there were challenges in effecting the emoluments orders. The advice usually given was to go for deductions – to see a reduction in the number of complaints. Prosecutors try to apply for these. Emoluments and attachment orders were also being applied more. If the person was employed they rather went that route, so that the number of people spending time in courts would be reduced. However, that was only in areas where there was enough staff.
- The problem with prosecutors was the complaint of career pathing. There were other, better opportunities. Only two had been newly appointed, and there had been a few resignations. Having to train new people all the time was a problem.
- Some of magistrates were reluctant to send offenders to prison when children were involved.

5.3.1 Questions and responses:

Response to a question about withdrawal of cases: In an area of Nkomasi, for example, there is a high number of domestic violence cases. When it is time for some of these cases coming trial they want to withdraw, and no longer want to proceed. We have now started with diversion, where the perpetrator goes on a course to deal with things like anger and alcohol, and NGOs help. We are looking at some kind of intervention mechanism. Our courts are overloaded as it is. We cannot prosecute everyone for perjury. We cannot respond the same way we have been responding all the time, and we have to address the issue in the community where this is taking place. That is where we are building partnerships.

Nature of cases brought for diversion? In domestic violence cases – we are looking at a first offender - it is reserved exclusively for cases where the complainant is adamant she wants to withdraw the matter. Recognised NGOs such as Nicro, which is 100 years old in SA, are used for diversion. The diversion strategy has been applied since 1992, and has been applied to juveniles. If there is alcohol involved there is inter-referral, e.g. SANCA is brought in. If the person breaks the conditions, the person is prosecuted. Non-compliance results in prosecution.

Turnaround time for paternity tests: It varies. If there is no question of money the matter will be postponed for six weeks and the person would go.

Prosecutors' attitude about domestic violence cases: There are allegations that some of the prosecutors have an attitude about domestic violence cases; I believe we must talk

about more training and sensitisation to make sure the system we have will address domestic violence because it is quite a big problem in this country.

Withdrawal of cases: A criminal trial works like this: In a case where there is a breach of order we rely on the complainant to testify. A prosecutor cannot take a case to court without this. If the complainant lies to the court, the court will take the necessary steps. There is a delegation of powers for prosecutors. Not everyone has the authority to withdrawing domestic violence cases..

Maintenance money not claimed: Operation Isondlo also deals with this matter. People appointed on that programme trace the persons to come and collect the amounts. Another reason for noncollection is dormant files. The prosecutor at Nelspruit went through all the dormant files and she found that many people applying for maintenance in the district of Nelspruit were not residents of Nelspruit, that some had moved and some had given false addresses. If a rumour goes around and people become aware that a better service is rendered at some offices, they try to bring their cases to those offices.

On payment of maintenance where a defaulter has a family: The applicant indicates to the magistrate what amount she wants, and the respondent also brings his payslip. If he conceals that he has other responsibilities, then it is his fault. It is the responsibility of the respondent to indicate other responsibilities. The magistrate looks at the evidence.

Human resources – In terms of senior management in NPA, in Ehlanzeni area, we have one senior manager. With regard to the staff shortage of maintenance officers and the clerks; they are on the Justice establishment. As we identify the need for those persons, we submit the reports. We are still trying to submit and motivate the need for those people, but we do not make the decisions on those issues.

5.4 Presentation by SAPS

Senior Superintendent Kruger presented.

5.4.1 Nkangala District - Highveld Area

- The Nkangala district Area Highveld is divided into 27 stations within four regions, Emalahleni, Dr J S Moroka, Steve Tshwete, Thembisile, Emakhazeni
- The Area consists of 5 urban areas and 22 rural areas and the population of the Area is approximately 2 707 769, policed by 2 925 members, (1:925 ratio)

Equity: (level 8 and up appointed since 2004)

Males	68
Females	34

Female commanders in the Area:

Station Commissioners:

- Blinkpan
- Carolina
- Dullstroom

- Marble Hall
- Mmamethlake
- Ogies
- Tweefontein

Detective Branch Commanders:

- Kwaggafontein
- Kwamhlanga
- Tweefontein
- Vosman
- Kwamhlanga Child Protection Unit
- Middelburg Child Protection Unit

Overview

- National Instruction 7 of 1999 on Domestic Violence has been implemented at all 27 stations in Area Highveld
- In-service training on handling of Domestic Violence and related incidences is continuous; 188 members received in-service training during July, August and September 2006.
- Total workforce of Area Highveld consists of 2 925, of which 1 595 are operational Community Service Centre (CSC) (charge office), Detective Service- and Crime Prevention personnel).
- In-service training on the Domestic Violence Act forms part of the Operational Plan; targets were set which are monitored on a quarterly basis; Target: To train all operational personnel at all priority stations for the financial year 2006/2007.
- Progress: Members trained in the first quarter = 279; Members trained in the second quarter = 188; **TOTAL 467**
- Shelters available for referral of victims in the Area are: Mali Martin, Polekegong shelter; and Lesedi Shelters
- During the 2006/2007 financial year the following domestic violence related cases (dockets) were registered: 1st quarter - 6070; 2nd quarter - 7457. Cases are also reported directly to the Department of Justice

Maintenance:

- Addressed by several courts and specifically family courts
- Public receives assistance from people working at shelters (Mali Martin, Polekegong Shelter and Lesedi Shelter)
- SAPS had involvement with other role players during information sessions to public;
- Warrant and inquiry registers checked by Commissioned Officers at station level

Statistics

July to September 2006:

Maintenance related warrants served: 252; Maintenance warrants for SAPS members served: 1

Successes achieved**April to September 2006**

Anti- Rape: 84

Domestic Violence: 221

July to September 2006

441 arrests for: Contravening Protection Orders, Attempted Rape, Rape, Child Stealing, Kidnapping, Indecent Assault, Assault Common and Grievous Bodily Harm, Child Abuse, Statutory Rape, Intimidation

Resources

- Members from Social Crime Prevention: Community Service Centre (CSC) (charge office), Crime Prevention and detectives at station level are directly linked to Domestic Violence and related issues
- Social Crime Prevention ensure the linkage between the different sections at station level and within the external environment
- Some members perform social crime prevention tasks as well as other tasks (multi-tasked)
- Shortages are addressed by making sure members become generalists at station level
- Shortages are addressed with the help of volunteers (NGOs)
- The process of recruiting A & D group reservists is implemented to assist SAPS with operational aspects.

Infrastructure

- 17 out of 27 stations have Victim Friendly Facilities
- The following stations need Victim Friendly Facilities and have registered projects for which funding is awaited from the National Department, Belfast, Dullstroom, Tweefontein
- The following stations also need Victim Friendly Facilities: Machadodorp, Waterval, Boven, Roosenekal, Marble Hall, Laersdrif, Zaaiplaas, Verena
- Clients are referred to clinics, Social Development, NGOs and other shelters when necessary
- Out of 27 stations, 15 have access to Victim Support Centres. They are: Vosman, Witbank, Middelburg, Kwamhlanga, Dennilton, Kwaggafontein, Mmamethlake, Siyabuswa, Ogies, Blinkpan, Hendrina, Ekangala, Vaalbank, Carolina, Groblersdal, Middelburg
- Some hospitals have facilities to assist with sexual offences

Budgets

- Funding for establishment of Victim Friendly Facilities are sponsored by the national office
- Budget for events / activities / domestic violence education / awareness programmes is provided by National and Provincial offices as well as Area Crime Prevention / Community Policing Forum
- European Union sponsors specific projects

Partnerships

Partnerships have been established with:

- Business Against Crime
- Church Leaders
- Clinics
- Department of Arts and Culture
- Department of Correctional Services
- Department of Education
- Department of Health
- Department of Justice
- Department of Labour
- Department of Safety and Security
- Department of Social Development
- Home Based Care
- Ikwewezi FM
- Kangala Community Radio
- Love Life
- MECs from different Departments
- Municipalities
- Peer Educators
- Platorand
- Post Offices
- Radio Kragbron
- Radio Moutse
- SANCA
- Traffic Departments
- Tribal Authorities
- Witbank News

Projects

The following projects were registered with the Area Project Centre since April 2006:

- Project 4832 - Groblersdal Sonskynfees - Groblersdal
- Project 4833 - Victim Friendly Facility - Dullstroom
- Project 4835 - Vikela Abahlukunyezwa - Tweefontein
- Project 4836 - Victim Friendly Facility - Belfast
- Project 4837 - Victim Friendly Facility - Groblersdal
- Project 4838 - Reduction of crime against children - Kwamhlanga Child Protection Unit
- Project 4878 - Tiisa Thuto - Vaalbank
- Project 4911 - Vikela Abentwana - Vaalbank
- Project 4985 - Kopano ke matla - Vaalbank
- Project 4986 - Sitjhidela Emphakathini - Kwaggafontein
- Project 4989 - Community say no to domestic violence - Kwaggafontein
- Project 5061 - Operation Reach Out 2 - Area Women Network
- Project 5148 - Basadi are Boleleng - Vaalbank
- Project 5185 - Sport against crime - Tweefontein
- Project 5187 - Sport against crime - Hendrina

Project 5190 - Awareness campaign no violence against women and children - Siyabuswa
Project 5283 - Phepafatsa - Mmamethlake
Project 5294 - Phansi ngokuhlukumeza nezidakamiswa - Ekangala

6. WITBANK

6.1 Presentation on behalf of magistrates and the judiciary

Maintenance Act

- The forms that have to be filled by the complainant are long, complicated and are available only in English and Afrikaans.
- The NGOs and volunteers have been providing crucial support in the implementation of the Act.
- There are maintenance investigators in the region.
- There is only one maintenance prosecutor in the entire cluster.
- Clerks of the court are utilised to assist in maintenance matters, and are sometimes used as prosecutors. They must improvise every day and this is not conducive to effective implementation of the Act.
- At Witbank we have a very capable prosecutor who deals with maintenance.
- Legal interns have also been brought on board; however, the prosecutor stationed at Witbank does need someone else to be stationed there with him.
- There is a very bad picture with regard to the other offices – Kwamhlanga, Mdutjana, etc. There is no maintenance prosecutor there and we have reported the need to have prosecutors appointed for the station.
- At Mdutjana, two days a week are allocated for maintenance cases, and clerks of the court have been converted into maintenance clerks. They are not that knowledgeable on maintenance and this is impacting on the court's role. (Five stations have this problem of a shortage of maintenance clerks)
- The informal inquiries that are supposed to be conducted by the maintenance clerks are done by the control prosecutor; therefore more of his time is spent on maintenance issues rather than on issues of control work. The senior prosecutor for maintenance has forwarded a request for more staff.

Domestic Violence Act (DVA)

- As far as the DVA is concerned prosecution officials rely much on what SAPS presents to them;
- The Prosecutors are also involved in capacity building.
- Prosecutors have received extensive training with regard to domestic violence. Prosecutors are also capacitating the SAPS. Before the end of the month (October 2006) we will train members of the SAPS in our court (SAPS from Witbank, Bosman police station and from Ogies). In this regard I would like to thank Director Visser, and Superintendents Mkwato and Mabusela from the stations that I have indicated for their willingness to provide their members in this regard so that, when the complaint is laid, the police will now know how to deal with these matters.

Questions and responses

Language: Language does pose a problem and there no interpreters; they are only available for criminal cases and not for the family court.

How can the forms be altered: It is not necessary to delete some of the information on the form because all of it is necessary for the clerk to make an assessment, but it is necessary to appoint interpreters to help clerks to fill in the forms, to elaborate on the forms and to assist by telling them what the complaint is all about.

Prosecution reply: There is a committee at the department looking into that. We are looking at translating the forms into all of the eleven languages, and there is also an ongoing process to help people who cannot read. We have started the pilot project in Alexandra Township. We are piloting a help desk so that every person who cannot read and write has that help at entry level.

Equity Act and functioning of Equality Court: The Department of Justice and Constitutional Development has had big successes by disseminating the information about the equality court. Much has been done to train the people. Information is still filtering through. One can see it by the numbers of cases that are reported.

How long does it take for a maintenance matter to be finalised? More or less 3 months from date of complaint till the order is made in cases where there is consent. When the matter is on trial it will take longer. I can only speak for Witbank because they have a maintenance investigator and a prosecutor.

National Prosecuting Authority (NPA) head office input:

When they establish specialist maintenance cases it takes three months. We are also in negotiation with the Magistrates Commission. The NPA says they must make sure that the cases are resolved in good time, even if there are delaying tactics or processes. Where there is no paternity dispute, they must make sure there is an interim order. Where there is a child accepted by the defendant as his own child, they must ascertain that there is an interim arrangement.

Are all the staff trained about these three Acts? The Department is doing a good job in training and the clerks and other officials are getting sufficient training. With regard to the training of the judiciary and prosecutors, we deal with the police. We interrelate with them and have discussions on these matters.

On capacitating the public: We thought that because there are traditional "goros" (traditional meetings), the traditional leaders can get prosecutors to come and explain the processes when they call Saturday sittings. We communicated that to the traditional leaders to ensure the form can be simplified with a checklist that can be understood by everyone.

6.2 Civil Society input

Sasseta Representative: speaking as a member of the Traditional Council

I am also sitting in the Council for the Traditional Leaders – on the council of Chief Mampuru Mampuru III. As the Office of the traditional leaders we also try to educate our communities around these Acts. The municipality also helps us. The Committee should maybe note that the community also comes to the traditional office for issues around maintenance. The problem is sometimes between the two women; the wife and the so-called girlfriend. The married woman does not understand that the child that is usually called the illegitimate child also has rights towards what the father should provide. If we could only educate our women around the issue that a child - whether we like it or not, whether in or outside marriage - has a right to be taken care of...

Representative from Civil Society

I am here to speak on behalf of the women in the rural areas. You know from the presentations here that we are short-staffed in the court and Government must do more. I am speaking on behalf of the civil society. The courts are short-staffed, which causes a delay in the progression of the cases in the maintenance courts. The reason why I am noting this is that people get told they must come back on another day. I think of those people in the rural areas. The women are not working. They are unemployed and they have to come back maybe three or four times before their cases are resolved. It happens to the extent that one would meet a woman on the road saying: "I come from the court; can you give me R5. I must get home." It breaks my heart

We have much advertising on HIV. Maybe we can have more on domestic violence, for women.

Betsy Msomi from KwaNdebele

There once was a maintenance case against my husband, but I don't know where it ended. Then, when I followed up, I heard that the complainant was no longer prepared to come to the fore. I am worried about that, because the child is suffering. He is doing Matric. I would like to be advised on how can I assist that child.

Nthofela: a member of civil society – question to magistrates

In our cluster the equality court had been launched. As NGOs we were also trained by the Chapter 9 Institutions - the Commission on Gender Equality, and the Human Rights Commission. Then we were told that we had to go to the community and popularise it. We do not understand if the popularisation of the equality court was done well,

As a member of civil society I request that this Committee (JMC) comes up with programmes to popularise the legislation in partnership with existing NGOs.

I also want to touch on the issue of maintenance investigators. I request that the Committee see to it that the number is increased, also for maintenance clerks, because one cannot just screen. Capacity building for the maintenance clerks is crucial. Our magistrates and prosecutors must also receive gender sensitivity training, as they deal with these cases.

6.2.1 Responses to the concerns***National Prosecuting Authority***

To the House of Traditional Leaders – The prosecutors have said that a maintenance matter is a social difficulty. No crime had been committed when people come to court. We see the traditional leaders as the perfect vehicle for calming down the process. Secondly, the traditional leaders should also differentiate between the cases they can and cannot handle, so that the appropriate cases can be referred to the court to deal with.

To civil society – The prosecutors are engaged in a process called “taking the services to the people”. You are aware of Pretoria and Atteridgeville. The prosecutors said they cannot see why people from Atteridgeville must collect maintenance money in Pretoria when there is a court in Atteridgeville. The same goes for other places. We want payment point to be identified. I identified it in the Free State that the people borrow money to go and get their money, when they get to the pay point they find there is no money. This happens time and again. In the end there is R100 gone out of the money that they get from maintenance. There is a need to decentralise the service. We need to do an audit first to see how many people come from a particular area. There is a security aspect there. The cash in transit people alerted us to the problem.

The NPA is aware of the need for *gender sensitivity around handling of the cases*. We have introduced 2 processes. They are still very much at the baby stage. The first is social context training, so that people can understand the social inhibitors/aspects of the problems.

The second process is an employee wellness programme. I discovered this when I worked in Mpumalanga province. We started to ask what damage the handling of deeply emotional cases was doing to the staff of the NPA.

I was at Moutse Magistrate's Court when I discovered the problem. We must look after our clients and our own employees. That is where we are teaming up with a number of

initiatives of the Government. We started in North West and Limpopo where we said the community workers must integrate a range of aspects in their activities. With regard to the staffing issue we will advertise more positions as I receive all the motivations. However, there is a need to prioritise which magistrate we will start with.

6.3 Presentation by SAPS

6.3.1 Area Eastern Highveld

Overview

- ☐ The Area Eastern Highveld consists of 38 stations.
- ☐ The area has 21 urban areas and 17 rural areas.
- ☐ The population of the area is 1 207 473 and they are policed by 2509 SAPS members. The current ratio is 1 police official to every 481 community members.
- Equity
 - Males - 71%
 - Females - 29%
 - The Area Eastern Highveld has ten (10) female Station Commissioners
- ☐ The National Instruction 7/1999 on Domestic Violence is being implemented at all 38 stations
- ☐ Formal training is presented during Crime Prevention, Officers' and Aqua courses. Specific courses are also presented by Division Training as identified on the Audit Skills Plan
- ☐ In-service training is given to members at station level on a continuous basis to address the training needs that exist, and includes CPFs and volunteers
- ☐ The Area Board and CPFs are involved in the training process of community members
- ☐ Community Policing Forums (CPF's) and reservists are also trained on the National Instruction and relevant legislation
- ☐ The total number of personnel employed in the Area Eastern Highveld is 2509, of which 1300 are operationally deployed at Community Service Centre (CSC) (charge office), Detective Service- and Crime Prevention.
- Training on Domestic Violence issues forms part of the Area and Station Operational Plans.
- Targets are monitored on a quarterly basis by means of a quarterly report
- ☐ Trauma centres: Area Eastern Highveld has access to 18 trauma centres at police stations. Four (4) are still in the process of being established namely at Sakhile, Fernie, Delmas and Trichardt
- ☐ Centres at the following stations are already functional:
 - Dirkiesdorp, Volksrust, Morgenzon, Emzinoni, Kinross, Embalenhle, Evander, Standerton, Bethal, Kriel, Sundra, Secunda, Ermelo, Perdekop, Balfour, Greylingstad, Mayflower and Wakkerstroom.
- ☐ During the 2005/2006 and 2006/2007 financial years the following domestic violence related cases (dockets) were registered:

2005/06	1st quarter	81
	2nd quarter	79
2006/07	1st quarter	78
	2nd quarter	75

- ☐ Protection orders are obtained directly from the Department of Justice. SAPS only becomes involved when such protection orders need to be served.

Maintenance:

- The maintenance issue is addressed by several courts, specifically family courts.
- Members of the public are directed to their nearest maintenance court, should such complaints be reported to police stations.
- Maintenance summonses are mainly served by the Sheriff of the court, and SAPS only assists when specifically requested.
- The SAPS, together with the Department of Justice and other role players, inform the public during information sessions about procedures relating to maintenance and domestic violence.
- Particulars of summonses and warrants of arrest are documented in official registers, which are checked regularly.

Projects / campaigns that were held in the Area Eastern Highveld:

- ☐ Anti Rape campaigns / projects - 2 campaigns were presented in the area
- ☐ Domestic Violence campaigns / projects - 4 campaigns were presented in the area

Arrests that were made related to Domestic Violence according to the Performance Chart

- ☐ 1st Quarter = 78 arrests
- ☐ 2nd Quarter = 69 arrests

Human Resources

- ☐ Members from Social Crime Prevention, Community Service Centre (CSC) (charge office), Crime Prevention and Detectives at station level are directly linked to Domestic Violence and related issues.
- ☐ Social Crime Prevention ensure the linkage between the different sections at station level and the external environment.
- ☐ Some members perform social crime prevention tasks in addition to other tasks (multi-tasked).
- ☐ Volunteers assist with the manning of trauma centres. Volunteers include NGOs, Department of Education, Department of Social Welfare, POWA (People Opposing Women and Child Abuse), Office of the MEC and CPFs.
- ☐ A total of 68 volunteers were trained to assist victims and serve at trauma centres after hours.

Budgets

- Funding for establishment of Victim Friendly Facilities depends on available budgets at Area level. Occasional funding is received from National and Provincial level
- Funds for events / activities / domestic violence education / awareness programmes are provided by National and Provincial departments as well as Area Crime Prevention / CPF and the Office of the MEC (Member of the Executive Committee) for Safety and Security
- European Union sponsored specific projects in the past.
- Churches and other religious organisations also embark on supportive programmes with funds donated from business and congregations

Partnerships

Partnerships have been established with:

- Love Life
- Department of Health
- Department of Social Development
- Department of Justice
- Department of Education
- POWA (People Opposing Women Abuse)
- Department of Agriculture
- Bus Companies
- Local Government
- Business Forums

6.3.2 Ehlanzeni District / Lowveld Area

Overview

- The National Instruction 7 of 1999 on the Domestic Violence Act has been implemented at all stations.
- Formal training is presented during Crime Prevention, Officer's and Aqua courses. Specific courses are also presented by Division Training as identified on the Audit Skills Plan.
- In-service training on handling of Domestic Violence and related matters is offered continuously at station level.
- Formal training was presented to 72 members and in-service training was given to 198 members within the financial year.
- All new constables are trained in domestic violence as part of their training curriculum.
- Total work force in Area Lowveld consists of 2 432. Functional members are 2 007, which includes 373 student constables. (Operational: Community Service Centre (CSC) (charge office), Detective Service and Crime Prevention personnel).
- Training about Domestic Violence forms is part of the Operational Plan.

- Targets were set for the current and the following financial year which are monitored on a quarterly basis. (239 trained per quarter)
- Shelters are available for referral of victims in the Area at: Louisville (Low's Creek), Masisikumene (Tonga), Women In Need (Barberton)
- Cases are also reported directly to the Department of Justice.
- During the 2005/6 and 2006/2007 financial years the following Domestic violence-related cases (dockets) were registered:

2005/06	1st quarter	150
	2nd quarter	196
2006/07	1st quarter	302
	2nd quarter	432

Protection Orders issued:

2005/06	1st quarter	0
	2nd quarter	41
2006/07	1st quarter	29
	2nd quarter	80

Domestic and Maintenance cases against police members :

(April - September 2006)

- Dockets opened - 99
- Protection orders applied for and served - 224
- Arrests executed - 75

Maintenance:

- Maintenance is addressed by several courts, and specifically family courts.
- SAPS and Community Policing Forum structures are involved with other role players during information sessions with the public.
- Maintenance summonses are mainly served by the Sheriff of the court and SAPS only assist when specifically requested.
- Warrant and inquiry registers are checked by Commissioned Officers at station level.
- Operation Isondlo was executed to arrest all persons wanted on warrants of arrest for maintenance.
 - Number of Operation Isondlo maintenance warrants executed: December 2005 to January 2006: 19
 - Maintenance-related warrants executed: July 2006 to September 2006: 21
 - Maintenance warrants for SAPS members served: No warrants were issued against SAPS members

Successes achieved:

April to September 2006

- 24 Projects were registered to address Domestic Violence and crimes against women and children, which include Adopt-A-Cop, Sports against crime, Anti-

rape campaign, Crime against women and children, Moral regeneration, HIV awareness, Adoption of Khuthalani Secondary School at Kabokweni in Area Lowveld by the Provincial Commissioner.

- Operation Basadi, aimed at arresting all wanted suspects for crimes against women and children, was running at the time.

April to June 2006

199 arrests - Operation Basadi

76 arrests - Domestic Violence - protection orders

July to September 2006

357 arrests - Operation Basadi

75 arrests - Domestic Violence - protection orders

Resources

- Members from Social Crime Prevention, Community Service Centre (CSC) (charge office) and Detectives at station level are responsible for Domestic Violence and related issues.
- Social Crime Prevention ensures that there is linkage between the different sections at station level and with external role players.
- Partnerships between SAPS and other supportive structures (NGOs) are utilized effectively.
- The process of recruiting C-group reservists is implemented to assist the SAPS with service delivery.

Infrastructure

- 21 out of 25 stations have Victim Friendly Facilities.
- The following stations need Victim Friendly Facilities:
 - Kaapmuiden
 - Burgersfort
 - Maartenshoop
 - Ohrigstad
- Due to the shortage of accommodation at these stations it is not possible to establish such facilities.
- Renovated and newly-built police stations are equipped with victim-friendly facilities in the structures.
- Clients are referred to clinics, Social Services and NGO institutions when necessary.
- Neighbouring stations also assist with service delivery.
- The Department of Health and Social Services has forensic nurses who can deal with sexual offence cases.
- Infrastructure for examining of sexual abused victims exists at Kanyamazane and at all hospitals in the Lowveld Area.

Budgets

- Previously, funding for the establishment of Victim Friendly Facilities was received from the European Union. This funding had been stopped. It had a negative impact on the establishment of the remaining outstanding facilities.
- Establishment of Victim Friendly Facilities is dependant on the available budgets at Area level. Occasional funding is received from National and Provincial level.
- Sponsorship from BAC and Grip is still needed to assist with the establishment of facilities.
- Budget for events / activities / domestic violence education / awareness programmes is from the allocated annual budget to the Area and Stations.

Partnerships

Partnerships have been established with:

Department of Justice and Constitutional Development, National Prosecuting Authority
and Child Justice Forum

Department of Education

Department Culture, Sport and Recreation

Department of Health and Social Services

Business Against Crime

Child line / Lifeline

Local Government

Sanca (South African National Council on Alcoholism and Drug Dependence)

Napwa (National Association of People Living with HIV/AIDS)

Wawa

6.3.3 Questions, responses and community input

Q: How do you deal with promotion of equality cases? – A: Should such a case be reported to us and it warrants criminal docket, we will open such a docket.

Civil society input:

- I am working for the community and there are many people who bring abuse complaints or domestic violence or maintenance complaints – I want to know how to assist them because I do not have the knowledge.
- In a case where a person insults you telephonically and you go to the SAPS to report the case and the person refers you to the station commissioner - is that right?
- I am a member of community policing forum at [Inaudible.]. We assist the Police Centre Policing Forum and APS policing. We come across problems in our areas, especially where the CPFs are and the crime rate is very high. And as CPFs we render our services freely, not charging anything. We take the criminals to the police station, but we find that when something comes up and we don't have transport, it is difficult for the complainant to open the case, and then we go along to find why it is difficult to open the case. We want to find out if that is the procedure.

- How do you deal with the following case? - When the maintenance case is at the final stage and the defendant is paying, and you find that the employer is deducting the money from the defendant's salary and it is transferred to the court; when the complainant gets to the office, the money is not available there. When you try to find out more, they do not give you a clear explanation. When you try to open the case with the SAPS against that person (official) they tell you it is not in their jurisdiction.
- What do you do when the complainant has opened the case and it takes a long time? - She is not advised about what is happening. When she goes to the person handling the case they then tell her the matter was given to another investigator. The matter ends there, and she is not informed about it further.
- We have agreed that the defendant would pay an amount of R900, but when you get to the office, you find the money available is only R500, and thereafter R400. What can one do? According to the defendant the money deposited is as stipulated. I want to know where one can go for help.

Responses

- *On the question about many domestic violence cases in the community and how can she assist as a community member* - We encourage people to join the reservists. If they want to be involved more in a social capacity, the person can relate her concerns to the CPF. Each station must have a CPF and a structure.
- *Telephonic insults* - I am not aware of the full particulars, but there is no reason why someone must refer you to the station commissioner. If it is filthy language, a case of *crimen injuria* must be opened. The police must open a case or assist at the first instance. If it is a difficult case the station commissioner would have more power.
- *Explaining Community Policing Forum (CPF)* - it is a forum where community and police sit together and take decisions together. If there is an issue of contention that neither part is satisfied with, the matter is referred to the area commissioner's office. Commissioner Nkomo, also responding, said that he did not think there was a problem if someone from the CPF structure referred someone to the police station. Whoever receives the complaint must establish whether it is necessary to open a case or not. That must be communicated to the person referring - maybe that would be best.
- *Response about cases taking a long time*. It is difficult to respond to a general question. The general principles that must apply are: A case is opened at CAC. The SAPS member there is responsible to receive and open cases. A docket with details of the complainant and accused is opened. The person investigating must inform the complainant of his/her particulars and that he/she is handling the case.

ICD input

- The ICD in this region has a very good relationship with the area commissioner. We do not have proper communication with the structure in the Lowveld, most notably on domestic violence matters. The general public has access or the right to approach our office when SAPS does not assist them. We call that non-compliance.

- In Mpumalanga Province we have seen only two cases of non-compliance – e.g. that a SAPS officer did not assist someone.
- We say the community must bring those complaints so that we can follow them up. I do not think we have reliable reporting. Also, we have no proper reporting by the police here. The stations are reporting the cases directly to us. The day before yesterday I spoke to Director Mashiane - he is new here. There was previously no proper liaison; no clarity of who was dealing with non-compliance. They were not following the National Instruction properly. Cases were not reported properly.
- Yesterday we heard of 99 cases. Maybe the Commissioner can look at that to see if there are any cases that we need to take up. We have already started to work this out.

Next set of questions:

- Q: Your statistics are good. Why are they not disaggregated? - A: The way the police capture domestic violence cases is: Grievous bodily harm or assault. Cases of femicide will be referred to as murder.
- This victim friendly facility - how many cases have you had?
- What programmes do they have to curb or prevent trafficking in women?
- How do you respond to the allegation that some SAPS officers do not have the capacity to write proper statements?
- Who is responsible for victim empowerment centres? Is it the Department of Social Services or SAPS?
- About the partnership that was spoken about, the relationship between the clinics and the Department of Health and Social Services - Are they different entities or one?
- With regard to the budget for SAPS in Mpumalanga- when they submit their proposals, do they also indicate statistics on women, and what response do they get from the person responsible for their budget process?
- Are you able to use your budget as expected, and do you not have a problem of rolling over your budget to the following year?
- Why are the SAPS presentations made by one race?

SAPS responses:

Why only one race giving presentation: We are sitting here with female managers. I think it is their prerogative to decide who do the presentations.

Persons who are traumatised – We have employment assistance by qualified people. The services are available to people in need.

Trauma centres - The Domestic Violence Act instructs the SAPS to transport the people to other areas.

Our medium-term budget - There was no allocation, because it was the responsibility of Social Services, not the SAPS. Where we have allocations, they were donated by Business Against Crime or NGOs.

Where we do not have *victim friendly facilities*, we prepare a corner or a room.

With regard to *femicide* – we do not have a crime code or any legal definition for that in terms of the Criminal Procedure Act.

Prevention of women trafficking. It has come out in an organised way. We have programmes under the Organised Crime Code.

The rolling over of the budget – It is in the Social Crime Prevention Programme. In issues like rallies / educating women with regard to how they should approach the police and what steps they might take about domestic violence matters or issues seen to be the cause of crime, the Community Service Centre (CSC) (charge office) is the first level of contact with SAPS.

The location of VEC (Victim Empowerment Centres) They are located all over the province.

The quality of statement taken by SAPS - We have a programme on statement taking. So far in the whole province 1885 SAPS members were exposed to a workshop or course that deals with improvement of quality of statement.

More questions from civil society to SAPS:

- I want to ask about the issue of affidavits. I am staying with two orphans. When I go to the police station they want me to bring the social worker along.
- In SAPS presentation there is talk about training for operational personnel. But we are still receiving complaints from victims and survivors who are experiencing problems of secondary victimisation. We request that where training is received this must be taken into consideration, because we always hear these complaints.
- In the SAPS presentation they spoke about a shelter for victims of domestic violence. Could they please inform the JMC on Women. They could assist in partnering with the relevant departments, because we are still experiencing problems.
- The SAPS spoke about events. I want to know how they measure their success, especially in case of domestic violence when they see the incidence is increasing. I also request the SAPS to review their victim empowerment centres, because the counsellors running these centres must be trained.
- As a CPF, we have people who are being abused. We take them to the police station to report that they are being abused, but when they arrive at the station they are sent back to the place where they are abused, alone.
- And one other thing - you will find that a child has been raped. When you report the case and you find a male police officer, he would say to her: "You know these people who raped you, maybe you spoke to them about this." You find the case ends nowhere, and they say you know them, and how were you dressed at the time. We request that our police officers must be trained.

- I ask the honourable commissioner that they must be trained to write statements, because the reservists and officers just write something that we did not say to them. And finally, I want to say they write English which is not appropriate even though we do not work there, we know English.
- My question is directed at SAPS. I want to know what the procedure is that is followed in recruiting the SAPS officers. I agree that they cannot write statements.
- We see the police put it clearly you must not take the law into your hands. No one can challenge me when I say that if you are a suspect the Community Policing Forum does not even ask you, they just arrive there and assault you. I just request for them to be trained and to be shown the correct way.

SAPS response to the questions:

What the SAPS officer can do to help in taking an affidavit: They must help, it does not matter what the purpose of the affidavit is. It is not appropriate that the SAPS must ask you to bring the social worker with you. I just want to clarify that you can request an affidavit for any reason.

There was a comment on secondary victimisation with a request for intensifying of training of our members. Thank you, we will make sure that we train them extensively. As we had been made aware of the matter, we will encourage members of the community to report this matter to the ICD.

On the request for a shelter to help so that the NGOs must partner with relevant stakeholders. This was a valid comment. As we said earlier on, most of the people who assist in these shelters are volunteers. Most of the volunteers have relevant qualifications, e.g. psychologists, and we do not pay them.

How do we measure success of our endeavours: Sometimes there is an increase in cases; this gives us an indication of the success of our rallies.

Victim Empowerment Centres – comment noted.

Criteria for recruitment: The person must have Matric, a driver's licence, be of a certain age etc. There is also a psychometric test to determine their suitability for the job.

Maintenance – how do they hold defaulters' assets: When you attach someone's assets it becomes a civil process. The Sheriff will want security in this process. The Law Society played a very critical role. They said for maintenance cases they would be prepared to do away with the storage costs. Prosecutors also have limitations. We asked the Law Society if they were prepared to assist us.

We say there should be an entry level – every magistrate's court must have a plaque directing people where to go when they come there for maintenance, for instance. In terms of the investigation, we did find many people issue garnishee orders on the wrong reference number. With regard to delays on how the payments are done at the cash

points, we had said that people should open an Mzantsi account so that they do not have to go to the court to receive the money.

Maintenance – as long as a person has permanent employment one can get money via a garnishee order. We encourage courts and magistrates' courts to issue garnishee orders automatically. Some of the shortages are caused by the system, but others not. Some are caused by the respondent. Under those circumstances the clerk can see how much was paid – they have a book. Then we encourage the NGOs to alert us, because we rely much on them to assist us. They can contact us.

When the order comes for R1000, the woman may expect the whole amount from the father, but it is not the responsibility of the father alone. Women must remember that they also have the responsibility for maintaining the children. Maintenance should be on 50:50 basis - for both parents.

The Chairperson of the JMC thanked the magistrates, prosecutors, members of the ICD and SAPS for their presentations. She thanked most especially members of civil society and NGOs for their participation.

2. JOINT CONSTITUTIONAL REVIEW COMMITTEE - ANNUAL REPORT 2006

Name of Committee:	Joint Constitutional Review Committee
Chairperson:	Dr E A Schoeman
Deputy Chairperson:	Mr S Shiceka

1. MANDATE OF THE COMMITTEE: In accordance with Rule 102 of the Joint Rules of Parliament, the mandate of the Joint Constitutional Review Committee is to review the Constitution annually and report to the National Assembly and the National Council of Provinces.

The Committee must invite the public to submit annually, on 30 days notice, written representations on any proposed constitutional amendments. Such notice has to be issued before the first day of May.

The committee must-

- (i) ensure that all representations submitted to the Committee are given the necessary consideration so as to provide the National Assembly and the National Council of Provinces with informed recommendations;
- (ii) deal with any specific referral(s) of a constitutional nature.

2. ESTABLISHMENT OF THE COMMITTEE

The Joint Constitutional Review Committee is established in accordance with Rule 97 of the Joint Rules of Parliament and consists of members of the National Assembly and the National Council of Provinces.

3. MEMBERS OF THE COMMITTEE

NATIONAL ASSEMBLY

African National Congress

Beukman, Mr F
Burgess, Mr CV
Chohan, Ms FI*
Gaum, Adv.A.
Jeffrey, Mr J H
Masutha, Adv TM
Ndzanga, Ms R A
Njobe, Ms A A
Schoeman, Dr E A

Democratic Alliance

Camerer, Ms S M*
Delport, Dr J T
Joubert, Mr L K

Inkatha Freedom Party

Smith, Mr P F
Van Der Merwe, Mr J H*

* Alternate member

African Christian Democratic Party
Swart, Mr S N*

United Democratic Party
Bici, Mr J

Freedom Front Plus
Mulder, Dr C P

NATIONAL COUNCIL OF PROVINCES

African National Congress
Adams, Mr F
Madlala-Magubane, Ms N M
Mokoena, Kgoshi M L
Moseki, Mr A L
Oliphant, Ms M N
Setona, Mr T S
Shiceka, Mr S
Windvoel, Mr V V Z*

Democratic Alliance
Watson, Mr A

Inkatha Freedom Party
Mzizi, Mr M A

United Democratic Party
Qikani, Ms A N D

4. SUPPORT STAFF

4.1	Control Committee Secretary	:	Mr L Myoli
4.2	Committee Secretary	:	Ms Z Mahapa
4.3	Committee Assistant	:	Mr. S Mahlabela
4.4	Committee Assistant	:	Mr K Lobi
4.5	Secretary to the Chairperson	:	Ms A Nortjé / Mr F Bulawa
(Mr F Bulawa acted as secretary to chairperson from 1 September 2006 until December 2006)			

5. COMMITTEE MEETINGS:

The Committee met 11 times this year, from 10 March 2006 to 10 November 2006 as set out below:

<u>Date of Meeting</u>	<u>Agenda</u>	<u>Minutes adopted</u>	<u>Yes/No</u>
10 March	- The Programme for the term, and the implementation thereof. - The referral from the Joint Rules Committee of the issue regarding the leader of the opposition –(ATC REPORTS: 13 November 2006 (ATC pg 2601 [154-2006]) - Consideration of matters arising from the 2005 review process: (a) Convergence of the electronic media (b) animal protection.	Yes	
17 March	- Briefing by the Parliamentary legal division regarding the issue of the leader of the opposition. - Briefing by the Department of Communications regarding the convergence of the electronic media.	Yes	

<u>Date of meeting</u>	<u>Agenda</u>	<u>Minutes adopted (Yes/No)</u>
12 May	- Report back by the Department of Communications regarding the convergence of the electronic media. (ATC REPORT: 13 November 2006, pg 2601 [154-2006]). - Media statement by the hon. Member Ms S Camerer: Correspondence in this regard. - Role of Joint Constitutional Review Committee in the equality review campaign. - Provisional business plan – Discussion in this regard.	Yes
09 June	- The adoption of the resolution regarding the convergence of the electronic media . ATC REPORT: 21 June 2006, (ATC pg 1543 [74-2006]). - Brief report on the 2006 review process. - Briefing by the Department of Environmental Affairs and Tourism regarding environmental protection.	Yes
23 June	- Feedback by the Department of Justice and Constitutional Development regarding the provisions of the interim Constitution that are still in operation. - Feedback by Adv. F Jenkins regarding the issue of the leader of the opposition.	Yes
4 August	Briefing by the Department of Agriculture on animal protection	Yes
11 August	Deliberation the public submissions with the Parliamentary legal division	Yes

13 October	• Deliberation on the public submissions	Yes
20 October	• Deliberation on the public submissions • Discussion on the issue regarding the leader of the opposition	Yes
27 October	• Deliberation on the public submissions with the Parliamentary legal division • Finalizing the issue regarding the leader of the opposition	Yes
10 November	• Discussion and adoption of Annual Constitutional Review Report	No

6. CANCELLED MEETINGS

Date of meeting	Agenda for meetings	Reason for cancellations
18/08/2006	• Report back and discussion by the Department of Environmental Affairs & Tourism and the Department of Agriculture.	Deputy Chairperson's instruction
25/08/2006	• Deliberating and concluding animal protection issues	Deputy Chairperson's instruction
01/09/2006	• Further discussion on public submissions	Deputy Chairperson's instruction
15/09/2006	• Further discussion on public submissions with relevant departments	Deputy Chairperson's instruction

7. PUBLIC SUBMISSIONS

The Committee placed an advertisement in the media in April 2006, inviting members of the public to make submissions regarding the issues they believe that needs to be reviewed in the Constitution, with a special emphasis on Chapter 9 institutions. The Committee received 11 Submissions.

8. ANNUAL CONSTITUTIONAL REVIEW REPORT

This report was tabled in Parliament on 13 November 2006 (ATC pg 2601 – 2621) and approved by Parliament on 16 November 2006.

9. BUDGET OF THE COMMITTEE.

Expenditure of the Committee is reflected in the attached financial statements. (1 April 2006 - 31 March 2007 Financial Year).

10. OUTSTANDING MATTERS:

1. Feedback from the Department of Agriculture regarding the animal protection issue.
2. Free State Legislature's submission on enlarging the provincial legislature.

Report to be considered.

FRIDAY, 29 JUNE 2007

ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Introduction of Bills

(1) The Minister for Justice and Constitutional Development

- (a) *Constitution Thirteenth Amendment Bill* [B 24—2007] (National Assembly—proposed sec 74) [Bill published in *Government Gazette* No 29910 of 25 May 2007.]

Introduction and referral to the **Portfolio Committee on Justice and Constitutional Development** of the National Assembly, as well as referral to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160, on 29 June 2007.

In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the Joint Tagging Mechanism (JTM) within three parliamentary working days.

(2) The Minister for Provincial and Local Government

- (a) *Cross-Boundary Municipalities Laws Repeal and Related Matters Amendment Bill* [B 25—2007] (National Assembly—proposed sec 75) [Explanatory summary of Bill published in *Government Gazette* No 29992 of 15 June 2007.]

Introduction and referral to the **Portfolio Committee on Provincial and Local Government** of the National Assembly, as well as referral to the Joint Tagging Mechanism (JTM) for classification in

terms of Joint Rule 160, on 29 June 2007.

In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the Joint Tagging Mechanism (JTM) within three parliamentary working days.

TABLINGS

National Assembly

1. The Speaker

- (1) Report of the Public Protector in terms of section 182(1)(b) of the Constitution, 1996 and section 8(2)(b) of the Public Protector Act, 1994. Report on an investigation into a complaint concerning the alleged failure by the National Assembly to comply with the Constitution and Parliamentary Procedures: Constitution Twelfth Amendment Bill.
- (2) Written comments received from the public and provincial legislatures on the *Constitution Thirteenth Amendment Bill* [B 24—2007] (National Assembly—proposed sec 74), submitted by the Minister for Justice and Constitutional Development in terms of section 74(6)(a) of the Constitution, 1996.

Referred to the Portfolio Committee on Justice and Constitutional Development.

COMMITTEE REPORTS

National Assembly

1. Report of the Portfolio Committee on Water Affairs and For-

estry price increases of bulk resources (water) for provision of Municipal services—Section 42 of the Local Government Municipal Finance Management Act No. 56 of 2003

A. Background

As required by section 42 of the Local Government Municipal Finance Management Act, on 13 March 2007 Parliament received the proposed price increases of bulk resources in respect of water tariffs by Water Boards.

B. Introduction

The proposed price increases were referred to the Portfolio Committee on 13 March 2007. These were considered by the committee at a meeting held on 18 May 2007.

C. Findings

Fourteen Water Boards submitted price increases ranging between 0-24,3%. The Botshelo and Namakwa Water Boards have proposed tariff increases above national government's inflation target. The Botshelo Water Board proposed a 24,3% increase, the Namakwa Water Board proposed a 10% increase.

In terms of section 42(3) of the Act, submissions in relation to price increases of bulk resources for the provision of municipal services must be accompanied by:

- a) a motivation of the reasons for the proposed amendment;
- b) an explanation of how the amendment account of—
 - i) the national government's inflation targets

- and other macroeconomic policy objectives;
- ii) steps taken by the organ of state to improve its competitiveness or efficiency in order to reduce costs;
- iii) any objectives or targets as outlined in any corporate or other governance plan applicable to that organ of state;
- c) any written comments received from the National Treasury, organised local government or any municipalities; and
- d) any explanation of how such comments have been taken into account.

D. Conclusions

The Portfolio Committee in dealing with the tariff increase is of the view that the 24,3% increase by the Botshelo Water Board does not appear to take into account the issues in section 42 (3) of the Act.

The Act is, however, not explicit on the function of Parliament including that of the Portfolio Committee's obligation to deal with the submission. The Act does not empower the Portfolio Committee to recommend, adopt or reject the proposed bulk resources increases proposed.

E. Recommendations

The Portfolio Committee recommends the following:

1. That the Minister for Water Affairs and Forestry consider actively engaging with Botshelo Water Board on re-

sponsibly setting price increases in line with national government's inflation targets.

2. The Minister for Water Affairs and Forestry, in consultation with the Minister for Provincial and Local Government, be requested to consider a review of section 42 of the Local Government Municipal Finance Management Act to provide for a role for parliament when price increases in respect of bulk resources are considered

Report to be considered.

2. **Second Report of *ad hoc* Committee on operational problems in the office of the Public Protector, dated 28 June 2007:**

The Committee, having concluded its inquiry, reports as follows:

1. INTRODUCTION

- (1) The *ad hoc* Committee on operational problems in the office of the Public Protector was originally appointed on 31 July 2006 at the request of the Public Protector, Adv M L Mushwana. Its term of reference was to enquire into the operational problems being experienced in the office of the Public Protector as reported to the Speaker by the Public Protector.
- (2) The Committee, having engaged with both the Public Protector and the Deputy Public Protector, Adv M T Shai, reported to the House on 5 September 2006. The Committee identified a range of operational problems in

the office which impacted negatively on its ability to carry out its constitutional responsibilities optimally. The Committee accordingly made a number of recommendations aimed at strengthening the office and which should be implemented as a matter of urgency and included confidence-building measures to assist in removing potential sources of tension between the Public Protector and his Deputy.

- (3) The Committee had learned of a serious rift in relations between the Public Protector and his Deputy which had developed into a public discord, culminating in the Public Protector initiating legal action and the Deputy Public Protector instructing her attorneys to prepare a counter-claim. The Committee in its report expressed the view that it was undesirable that such legal action remained in the public domain and unresolved as that would unavoidably impede the effective functioning of the office for as long as it continued.

- (4) The Committee's report was adopted by the House on 7 September 2006.

2. RECONVENING OF COMMITTEE

- (1) Following a recommendation of the Committee, the House reconvened the Committee by resolution on 27 March 2007 for it to assess progress made with the implementation of the recommendations

and to determine any further action that may be required to ensure that the office of the Public Protector was able to fulfil its constitutional and legislative mandate. The Committee was instructed to report by 2 July 2007.

- (2) In advance of engaging further with the Public Protector and his Deputy, the Committee invited them to submit written reports or comments on progress that had been made. In response the Committee received a progress report and a document formally delegating powers to the Deputy Public Protector, both co-signed by the two office-bearers. Draft amendments to the employment policy of the office were also received.
- (3) The Committee saw it as its main task to establish its satisfaction with what had been done in the previous six months to implement the recommendations and whether good working relations had been restored between the Public Protector and his Deputy.

3. FINDINGS ON PROGRESS

(1) *Implementation of recommendations*

- (a) The Public Protector and Deputy Public Protector jointly confirmed that steps had been taken to implement the recommendations and to resolve the operational problems that existed in the office. These included:

The formal acceptance and observance of the overall authority of the Public Protector as head of the institution;

The formal observance of the lines of authority and accountability of the office in relation to organs of state as envisaged in the Constitution; The formalisation of the delegation of powers to the Deputy Public Protector;

The Public Protector's direct supervision of responsibilities assigned to the Deputy Public Protector and their direct interaction and co-operation on matters relating to the functioning of the office;

The filling of senior posts in the office including those of the chief executive officer, a finance manager, a senior IT manager and a senior communications manager;

The preparation of formal procedures for the appointment and transfer of staff;

The preparation of a staff retention strategy;

The proper application within the office of terms and conditions of service of the Public Protector and the Deputy Public Protector; and

The adoption and subsequent review of a strategic plan for the office.

(b) The Committee is

pleased to report on these developments since September 2006 and believes that they establish an adequate foundation for the effective functioning of the office.

(c) The Committee also notes that as a result of these developments cases are now processed more quickly and the majority of cases in the office are less than a year old.

(2) *Public Protector's concern at nature of practical interaction with Treasury and Department of Justice and Constitutional Development*

(a) The Public Protector in his Progress Report to the Committee expressed concern at the role played in practice by Treasury and the Department of Justice and Constitutional Development in relation to the finances of the office, budgetary matters and the determination of the remuneration and terms and conditions of service of the Public Protector and his Deputy.

(b) Recommendation: The Committee recommends that the Public Protector's concerns regarding the role of Treasury and the Department as reflected in the Progress Report be referred to the *ad hoc* Committee on the Re-

view of Chapter 9 and Associated Institutions for consideration.

(3) *Formal delegation of powers to the Deputy Public Protector*

(a) In submitting to the Committee the formal delegation of powers to the Deputy Public Protector in accordance with the Committee's recommendation, the Public Protector indicated that the exercise had not been an easy one and he would welcome any form of guidance and suggestions.

(b) The Committee engaged with the Public Protector and his Deputy on the contents of the document and advised that it should be reworked, ensuring that the delegated powers referred directly to core elements of the work of the office and governance issues and that all administrative functions resorted under the newly appointed Chief Executive Officer. The number of delegated powers should also be reduced from 26 and banded into no more than 6 or 7.

(4) *Working relations between Public Protector and Deputy Public Protector and status of legal action.*

(a) Both the Public Protector and the Deputy Pub-

lic Protector assured the Committee that with the implementation of the recommendations and confidence-building measures, amicable working relations between them had been restored and they met regularly on operational matters.

(b) The Committee notes with concern that the Public Protector and his Deputy had not formally met to discuss the Committee report after its adoption in September 2006.

(c) The Progress Report and document on the delegation of powers had been co-signed by them.

(d) The Committee learned, however, that the Public Protector's legal action and the Deputy Public Protector's counter-claim were still pending.

(e) Furthermore, despite the misgivings expressed in the report regarding the inevitable impact on the optimal functioning of the office if the legal action were to remain in the public domain and unresolved, the Committee notes that no attempt had been made by either party to settle their differences.

(f) Nevertheless, both assured the Committee

that they took the concerns expressed in the report and reiterated by the Committee very seriously, and would continue to do so. However, they felt that the court action related to personal matters and did not impact on their working relations which remained professional.

- (g) At the suggestion of the Committee the Chairperson approached them individually in a further attempt to encourage a settlement, but regrettably was not successful.
- (h) The Committee has to accept the assurances of both parties that good working relations between them will be maintained, but the Committee remains of the view that in the interests of the dignity, authority and effective functioning of this important office it is undesirable that the legal action should continue to be in the public domain and remain unresolved.

4. CONCLUSION

- (1) This report concludes the Committee's work. Apart from the continuing legal action, the Committee is satisfied that there has been progress towards resolving the operational problems in the office, and advises that no further action is required at this time. However, the Committee reiterates that it is

inconceivable that the two most senior office-bearers of an institution that enjoys constitutional protection and status and that is committed to resolving disputes between citizens and public authority should persist in their intention to pursue legal action against each other.

- (2) In conducting this inquiry into operational problems in the office of the Public Protector, one of the independent institutions supporting democracy as established by the Constitution, the Committee had to perform a unique task without precedent in our Parliament. The inquiry was indeed conducted at the behest of the Public Protector in person and the Committee sought in its inquiry to remain sensitive to the constitutional status of the office and to refrain from inappropriate interference.
- (3) The Committee acknowledges the co-operation of Adv M L Mushwana and Adv M T Shai.
- (4) The Committee expresses its appreciation to Mr Kasper Hahndiek, former Secretary to the National Assembly, and to the staff who supported the Committee for their assistance.

Report to be considered

TABLINGS

National Assembly and National Council of Provinces

1. The Minister of Finance

- (a) Agreement between the Government of Sweden and the Government of the Republic

of South Africa on Development Co-operation 1 July 2004—30 June 2007, tabled in terms of section 231(3) of the Constitution, 1996.

- (b) Explanatory Memorandum on the Agreement between the Government of Sweden and the Government of the Republic of South Africa on Development Co-operation 1 July 2004—30 June 2007.
- (c) Government Notice No R. 478 published in Government Gazette No 29958 dated 1 June 2007: Rules made by the Minister of Finance under section 771 of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (d) Government Notice No R. 484 published in Government Gazette No 29951 dated 8 June 2007: Amendment of Schedule No 1 (No 1/1/1337) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (e) Government Notice No R. 485 published in Government Gazette No 29951 dated 8 June 2007: Amendment of Schedule No 3 (No 3/612) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).
- (f) Government Notice No R. 486 published in Government Gazette No 29951 dated 8 June 2007: Amendment of Schedule No 4 (No 4/306) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).

2. The Minister of Safety and Security

- (a) Agreement between the Government of the Republic of

South Africa and the Government of the Republic of Malta in respect of Police Cooperation, tabled in terms of section 231(3) of the Constitution, 1996.

FRIDAY, 6 JULY 2007

ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Introduction of Bill

(1) The Minister for Public Enterprises

- (a) *Broadband Infraco Bill* [B 26—2007] (National Assembly—proposed sec 75) [Bill published in *Government Gazette* No 29879 of 11 May 2007.]

Introduction and referral to the **Portfolio Committee on Public Enterprises** of the National Assembly, as well as referral to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160, on 29 June 2007.

In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the Joint Tagging Mechanism (JTM) within three parliamentary working days.

2. Assent by President in respect of Bill

- (a) *Convention on Interna-*

tional Interests in Mobile Equipment Bill [B 1—2007]—Act No 4 of 2007 (assented to and signed by President on 29 June 2007).

TABLINGS

National Assembly and National Council of Provinces

1. The Minister of Finance

- (a) Explanatory Memorandum to the Diamond Export Levy Bill, 2007.
- (b) Government Notice No R.492 published in Government Gazette No 29966 dated 15 June 2007: Municipal Regulations on Debt Disclosure, in terms of section 168 of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003).
- (c) Government Notice No R.493 published in Government Gazette No 29967 dated 15 June 2007: Municipal Regulations on Minimum Competency Levels, in terms of section 168 of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003).

2. The Minister of Transport

- (a) Report and Financial Statements of the Urban Transport Fund (UTF) for 2005–2006, including the Report of the Auditor-General on the Financial Statements for 2005–2006 [RP 45-2007].

FRIDAY, 27 JULY 2007

ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Draft Bills submitted in terms of Joint Rule 159

- (a) *Rental Housing Amendment Bill*, 2007, submitted by the Minister of Housing. Referred to the Portfolio Committee on Housing and the Select Committee on Public Services.
- (b) *Social Housing Bill*, 2007, submitted by the Minister of Housing. Referred to the Portfolio Committee on Housing and the Select Committee on Public Services.
- (c) *Local Government Laws Amendment Bill*, 2007, submitted by the Minister for Provincial and Local Government. Referred to the Portfolio Committee on Provincial and Local Government and the Select Committee on Local Government and Administration.
- (d) *National Gambling Amendment Bill*, 2007, submitted by the Minister of Trade and Industry. Referred to the Portfolio Committee on Trade and Industry and the Select Committee on Economic and Foreign Affairs.

2. Introduction of Bills

- (1) The Minister of Transport
 - (a) *Transport Agencies*

General Laws Amendment Bill [B 27—2007] (National Assembly—proposed sec 75) [Bill published in *Government Gazette* No 30115 of 24 July 2007.]

Introduction and referral to the **Portfolio Committee on Transport** of the National Assembly, as well as referral to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160.

In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the Joint Tagging Mechanism (JTM) within three parliamentary working days.

(2) **The Minister for Provincial and Local Government**

- (a) **Local Government Laws Amendment Bill** [B 28—2007] (National Assembly—proposed sec 75) [Bill published in *Government Gazette* No 30034 of 2 July 2007.]

Introduction and referral to the **Portfolio Committee on Provincial and Local Government** of the National Assembly, as well as referral to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160.

In terms of Joint Rule 154 written views on the

classification of the Bill may be submitted to the Joint Tagging Mechanism (JTM) within three parliamentary working days.

(3) **The Minister of Housing**

- (a) **Social Housing Bill** [B 29—2007] (National Assembly—proposed sec 76) [Bill published in *Government Gazette* No 30022 of 6 July 2007.]

Introduction and referral to the **Portfolio Committee on Housing** of the National Assembly, as well as referral to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160.

In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the Joint Tagging Mechanism (JTM) within three parliamentary working days.

(4) **The Minister of Housing**

- (a) **Rental Housing Amendment Bill** [B 30—2007] (National Assembly—proposed sec 76) [Bill published in *Government Gazette* No 30022 of 6 July 2007.]

Introduction and referral to the **Portfolio Committee on Housing** of the National Assembly, as well as

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

In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the Joint Tagging Mechanism (JTM) within three parliamentary working days.

(5) **The Minister of Trade and Industry**

- (a) *National Gambling Amendment Bill* [B 31—2007] (National Assembly—proposed sec 76) [Bill published in *Government Gazette* No 30124 of 26 July 2007.]

Introduction and referral to the **Portfolio Committee on Trade and Industry** of the National Assembly, as well as referral to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160.

In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the Joint Tagging Mechanism (JTM) within three parliamentary working days.

(6) **The Minister of Correctional Services**

- (a) *Correctional Services Amendment Bill* [B 32—2007] (National

Assembly—proposed sec 75) [Bill published in *Government Gazette* No 29893 of 18 May 2007.]

Introduction and referral to the **Portfolio Committee on Correctional Services** of the National Assembly, as well as referral to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160.

In terms of Joint Rule 154 written views on the classification of the Bill may be submitted to the Joint Tagging Mechanism (JTM) within three parliamentary working days.

3. **Membership of Committees**

- (1) The following changes have been made to the membership of Joint Committees:

Budget

Appointed: Gumede, Mr D M (Alt); September, Ms C (Alt); Soty, Ms M (Alt); Tsenoli, Mr S L (Alt); Zita, Mr L (Alt)

Defence

Appointed: Ngwenya, Ms W

Discharged: Matsemela, Ms M L

National Assembly

The Speaker

1. **Membership of Committees**

- (1) The following changes have

been made to the membership of **Portfolio Committees**:

Arts and Culture

Appointed: Biyela, Inkosi B P (Alt); Bhengu, Mr M J

Correctional Services

Appointed: Chikunga, Ms L S (Alt); Nawa, Ms Z N, Phala, Mr M J

Discharged: Nyambi, Mr A J

Foreign Affairs: Sub-committee on African Union

Appointed: Kalako, Mr M U; Magau, Ms K R; Nkuna, Ms C (Alt); Sefularo, Dr M (Alt); Sibande, Mr M P

Discharged: Khoarai, Mr L P; Motubatse-Houunkpatin, Ms S D; Ntuli, Mr R S; Ramgobin, Mr M; Turok, Prof B

Foreign Affairs: Sub-committee on International Affairs

Appointed: Khoarai, Mr L P (Alt); Luthuli, Dr A N; Malahlela, Mr M J; Ntuli, Mr R S (Alt)

Discharged: Kalako, Mr M U; Magau, Ms K R; Nkuna, Ms C; Sefularo, Dr M; Sibande, Mr M P

Health

Appointed:

Sefularo, Dr M

Discharged:

Mathibela, Ms N F

Labour

Appointed:

Twala, Ms M

Discharged:

Maduma, Mr L D

Minerals and Energy

Discharged:

Mohamed, Prof I

Public Works

Appointed: Anthony, Mr T G (Alt); Gogotya, Mr N J; Huang, Mr S

Discharged: Nwamitwa-Shilubana, Ms T L P

Safety and Security

Appointed: Maziya, Mr A M; Ntuli, Ms B M

Discharged: Kholwane, Mr S E; Nogumla, Mr R Z

Science and Technology

Appointed: Twala, Ms M (Alt)

Transport

Appointed: Gabanakgosi, Mr P S (Alt)

Water Affairs and Forestry

Appointed: Bhengu, Ms P (Alt); Combrink, Mr J J

TABLINGS

National Assembly and National Council of Provinces

1. The Speaker and the Chairperson

- (a) Repositioning Strategy of the Financial and Fiscal Commission (FFC) for 2007–2010.

2. The Minister of Finance

- (a) Report and Financial Statements of the Financial Services Board on the Road Accident Fund for 2005–2006.
- (b) Government Notice No 503 published in Government Gazette No 29984 dated 14

June 2007: Amendment of Schedule No 2 (2/290) in terms of the Customs and Excise Act, 1964 (Act No 91 of 1964).

3. The Minister of Transport

- (a) International Convention for the Control and Management of Ship's Ballast Water and Sediments—2004 (Ballast Water Management Convention), tabled in terms of section 231(2) of the Constitution, 1996.
- (b) Explanatory Memorandum to the International Convention for the Control and Management of Ship's Ballast Water and Sediments—2004 (Ballast Water Management Convention).
- (c) Report of the Railway Safety Regulator for 2005–2006 [RP 7-2007].

4. The Minister for Justice and Constitutional Development

- (a) Government Notice No R.451 published in Government Gazette No 29898 dated 25 May 2007: Notice under section 47A(6) in terms of the Promotion of

National Unity and Reconciliation Act, 1995 (Act No 34 of 1995).

- (b) Government Notice No R.466 published in Government Gazette No 29914 dated 1 June 2007: Regulations regarding promotion of access to information: Amendment of Regulations, in terms of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000).
- (c) Report of the Railway Safety Regulator for 2005–2006 [RP 7-2007].

5. The Minister of Minerals and Energy

- (a) Accession to the Framework Agreement for the International Collaboration on Research and Development of Generation IV Nuclear Energy Systems, tabled in terms of section 231(2) of the Constitution, 1996.
- (b) Explanatory Memorandum to the Accession to the Framework Agreement for the International Collaboration on Research and Development of Generation IV Nuclear Energy Systems.

COMMITTEE REPORTS

National Assembly

1. Report of the Portfolio Committee on Water Affairs and Forestry on Water Boards Hearings 19-20 March

1. Background

The Constitution of South Africa (Act 108 Of 1996) recognises that Legislatures have an important role to play in overseeing the performance of Departments and its Public Entities. Section 65 of the Public Finance Management Act requires that Ministers table the annual reports for the Department and Public Entities for which they are responsible by 30 September each year. The Public Finance Management Act (PFMA) states the action to be taken if reports are tabled late and the Joint Rules of Parliament also states the course of action to be taken when a Public Entity fails to appear before the Committees in Parliament.

The Minister may by notice in the Government Gazette, in terms of the Water Services Act, 108 of 1997, establish a Water Board. The primary activity of a Water Board is to provide water services, mainly potable water to water-services institutions within its service area.

On the 29 of September, the Minister of Water Affairs & Forestry tabled Trans Caledon Tunnel Authority (TCTA), Umgeni-, Rand-, Pella Drift-, Namakwa-, Mhlathuze-, Albany Coast- and Amatole Water Annual Reports were tabled in November 2006. Bloem-, Botshelo-, Bushbuckridge-, Lepelle Northern-, Magalies-, Overberg-, Sedibeng Water Board Annual Reports were submitted in March 2007. All Annual reports were submitted with Financial Statements to Parliament in terms of Section 65 (1) (a) of the Public Finance Management Act 1999 (Act No. 1 of 1999). Ikangala Water Board presented their annual report despite their report not being tabled in Parliament.

On 19 and 20 March 2007 the Portfolio Committee on Water Affairs and Forestry hosted Hearings on the submissions of the Water Boards Annual Reports for 2005/06. All the Water Boards, the TCTA, Department of Water Affairs and Forestry (DWAF) and SALGA provided presentations on the Water Boards Annual reports and financial statements; oversight conducted over the Water Boards and issues pertaining to the relationship between the Water Boards and the Municipalities, respectively.

The aims of the Hearings were to:

- Establish if the Water Board conformed to the Public Finance Management Act (PFMA) and the Municipal Finance Management Act (MFMA).
- Conduct oversight of the public entities that are established to carry out water provision on behalf of DWAF
- Establish if the Annual Reports of the Water Boards conform with their Strategic Plans
- Establish if the strategic plans requested last year from DWAF incorporate issues highlighted in the State of the Nation Address.
- SALGA was requested to present on the challenges that exist between the Water Boards and the Municipalities especially around the Debt that is owed to the Water Boards from the Municipalities.

2. Introduction

The Portfolio Committee used the following documents as an oversight tool to guide and analyse the input made by Water Boards to the water sector in South Africa:

- National Treasury Guidelines to Legislative Oversight.
- The Public Finance Management Act, Act 1 of 1999, Chapter 6.
- The Municipal Finance Management Act, No 56 of 2003.
- Analysis by DWAF of the Water Boards' 2005 Annual Reports, including its audited financial statements.
- Composite financial appraisal of Annual Reports (2005/06), prepared by Ms S Dawood.
- Oversight of the Annual Reports of Water Boards: Questions to consider, 15 March 2007, prepared by Ms S Dawood.

- Report of the Committee on Water Affairs and Forestry on Oversight of the 2004/05 Annual reports and oral presentations of Water Boards dated 17 May 2006.

3. Overview of 2005/06 Annual Reports and Financial Statement of Water Boards

3.1 Albany Coast

Albany Coast was established in 1970 to provide bulk water to the municipalities of Boesmans River Mouth and Kenton-on-Sea, Western Cape. The district municipality served by the board is Cacadu. The local municipality served by Albany is Ndlambe. The approximate number of staff is 6. Albany is a very small organisation. 513 000 megalitres of water had been supplied for the financial year ending June 2006, and its main customer was Ndlambe Municipality.

The challenges noted by this board comprised the following:

- The lack of access to underground water supply, since it was located in an ecologically dry zone.
- Tidal rivers posed a problem.
- Surrounding farms that were converting to game farms meant that a large number of indigenous population was moving into towns.
- The population had increased since the building of the reservoir.
- The water reserves were limited, and posed a problem.
- The massive influx of seasonal visitors, aging infrastructure and an growing number of retirees moving to this area were further challenges on the water resources.
- The majority of the population could not or were unwilling to pay for the water services. However the board was working with the Ndlambe Municipality to overcome some of these challenges.

Conclusions on Annual Financial Statements

- The current ratio is 7.5 and the board is liquid.
- Debt Equity ratio is 0,1.
- Debt service ratio is almost 13.
- The board is liquid and solvent and able to service its debts.

Checklist for comments

Board, Management	
Audit report	Unqualified.
Other	
Reserves	Equity and Reserves +- R12,5 million v Long term Liabilities of +- R1,0 m OK
Liabilities	Standard Bank loan below prime OK. DWAF loan at 15% interest rate excessive, consider renegotiation although only +-R300 000 outstanding.
CAPEX	
Financial Investments	No information on how cash and cash equivalents invested.
Receivables	Accounts receivables too high at 65 days.
Current ratio	7,46 OK if receivables are recoverable.
Profitability	Return of +- R1,270,000 on turnover of +- R2,7 million OK

Fixed Assets	DWAF has expressed concern about the low book value of some of the fixed property. Albany should consider revaluing the fixed property.
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3.2 Amatola

Amatola Water was formed in 1997 to provide bulk water services in the Eastern Cape, covering 44 000km². The district municipality served by the board is Amatole. The local municipalities served by the board are the Amahlathi, Buffalo City, Great Kei, Ngqushwa and Nkonkobe Local Municipalities. The approximate number of staff is 230.

Conclusions on Annual Financial Statements

- Amatola has shown a surplus of R5 million after all charges due to a high growth in revenue and positive interest income.
- Operating costs have stabilised after last year's increase.
- The transfer agreement with DWAF was concluded on 1 July 1998 and yet legal ownership has still not been transferred. This was highlighted by the auditor last year and again this year. A decision needs to be taken by DWAF.

Checklist for comments

Board, Management	
Audit report	Auditor indicates that Minister of Water Affairs and Forestry has not yet approved the transfer of assets and hence the transfer is not complete in terms of the Water Services Act. Certain changes to the immovable assets of R19,6 million have also not been approved by the Minister.
Other	Raw water contract with DWAF outstanding
Reserves	Cumulative surplus of R3,732 million
Liabilities	Raw water purchases from DWAF at 10,5% interest rate OK
CAPEX	
Financial Investments	Zero Coupon Bonds OK
Receivables	37 days, good improvement.
Current ratio	1,54 OK
Profitability	R5,6 m surplus OK

Discussions and Recommendations

- DWAF needs to fast track the process of transferring assets to the water board, as this was an issue that was raised for two consecutive years. The Committee shall be monitoring the situation.
- Amatole was servicing one of the poorest areas but was charging higher raw water prices than other regions. Debates are currently underway with DWAF on this issue.
- The attainment of service level agreements was done in line with guidelines that all stakeholders agreed upon.

3.3 Bloem

Bloem Water was established in 1991 to serve the southern and central parts of the Free State. The district municipalities served by the board are the Motheo and Xariep. The local municipalities served by the board are the Mangaung, Naledi, Kopanong and Mookgong. The approximate number of staff is 200.

Bloem noted the following achievements:

- An environmental policy had been developed.
- A re-evaluation of assets had been undertaken.
- The audit report had been unqualified.
- Financial solvency and liquidity was being achieved.
- The transfer of DWAF's assets was proceeding and there was funding for refurbishment.
- There was a bulk water supply agreement with Mangaung Local Municipality, exceeding R80 million and with Ukhahlamba District Municipality, exceeding R40 million.
- The Professional Ranking Review now ranked Bloem Water as one of the top 500 companies.

Bloem noted the following challenges:

- The debtor collection period was 78 days and the creditor days amounted to 96 days. The Board is experiencing an increase in outstanding debt and possible bad debt. The Board has however embarked on negotiations with its clients, mainly municipalities.

Conclusions on Annual Financial Statements

- There has been a healthy increase in revenues, gross profit and operating profit over the last four years but there was a decline in 2005/2006.
- The expense ratios are not transparent due to the lack of separate disclosure relating to cost of sales (purchase of raw water) and other cost items. The large increase in operating costs over the last year is however noticeable.
- For which institutions has the accumulated provision for doubtful debts of R30 million been made?
- Operating cost increases need to be discussed.

Checklist for comments

Other	
Reserves	R145 m OK. A number of different types of funds but the explanations appear to be reasonable.
Liabilities	How many years are still outstanding on the lease back agreement encumbering R53.8 m of assets. DWAF loan of R80 million. Interest rate appears to be high 13,5%. Is there room with Treasury to negotiate new terms reflecting current interest rates? Loan R175,6 million unsecured through DBSA at 12% OK
CAPEX	
Financial Investments	Mainly in banks. Sanlam demutualisation shares but relatively small investment R469 000.
Receivables	Average age of 86 days (R38 million). R30 million provision for bad debts, R5 million increase in provision this financial year. Problem appears to be serious.
Current ratio	Net increase in cash and cash equivalents of R31 million and a large portion of current assets tied up in receivables.

	Possible that current ratio of 1,00 is deceptive.
Profitability	R0,3 m surplus before allocation to Reserves is a worry. Operating expenditure increase requires an explanation

Discussion and Recommendations

- The Committee raised asked how Bloem eliminated the R13 million deficit after it was discovered in the Forensic audit. The Committee asked how this had been corrected.
- Renegotiation of interest rate with DWAF on a loan of 80 million.
- Closely monitor Debt receivables as the amount for the provision of bad debts has increased by R 5 million this year.

3.4 Botshelo

Botshelo Water was originally a parastatal organisation under the Bophuthatswana Homeland Government and was after 1994, transformed into a Water Board. The Board effectively serves the northern part of the North West as a bulk water services provider. The district municipalities served by the board are: Bophirima, Central District, Southern District and Kgalagadi. The local municipalities served by the board are: Ventersdorp, Potchefstroom, Matlosana, Maquassi, Moshaweng, Tswaing, Ratlou, Ramotshere, Mafikeng, Ditsobotla, Naledi, Molopo, Mamusa, Lekwa-Temane, Kagisano and Greater Taung. The approximate number of staff is 380.

Botshelo noted the following challenges:

- 2005/06 posed a challenge as there had been a huge turnover of staff, leaving them with only a skeleton management.
- Debt by municipalities and debt by the board to DWAF.
- Large shortfalls and a qualified audit report posed problems.
- The continuing operation of the Board depended totally on DWAF funding.

Botshelo noted the following achievements:

- Their 5-year plan had been accepted by DWAF.
- The signing of a memorandum of understanding with the MidVaal Water Company was complete.

Conclusions on Annual Financial Statements

- Botshelo is not financially viable and is dependent on DWAF subsidies for over half of its operating and administration costs.
- If this situation is not resolved, the board cannot be seen as a going concern.

Checklist for comments

Board, Management	No internal audit committee in place during financial year. Board should be reprimanded by the Minister.
Audit report	Qualified. Assets reflected are not owned by Botshelo
Other	
Reserves	Reserves are smaller than debtors. If accounts receivable are not recoverable the board would be in financial difficulties.
Liabilities	The board has no long term liabilities and is not in a financial position to raise loans.
CAPEX	Inadequate

Financial Investments	
Receivables	Receivables total R22 million. Provision for doubtful debts of +-R106 million of which R31 million is for Trade Receivables. The receivables situation is unacceptable. The reason that the accounts receivables had to be written off must be discussed. Could the equitable share of the municipality involved not be tapped directly from National Treasury to repay the funds over time.
Current ratio	The current ratio is meaningless given the uncertain over debtors and the tendency not to recover the trade debtors.
Profitability	Board showed a loss of approximately R69 million before subsidies (assuming subsidies of R33 million) and is not nearly financially viable.

Discussions and Recommendations

- Botshelo had a large turnover of Staff.
- The Board was owed money by DWAF. The Board had written DWAF off as a bad debt and was thus technically insolvent.
- The Board has been commented on by the Minister as not being a viable Board. It was asked if there would be a dramatic change if the debt owed to Botshelo was paid.
- The Audit report was qualified; it was asked what was being done to turn this situation around. The qualification came about due to fixed property being registered to the Municipality in 1994, when it was transferred.
- Water quality testing is being done in two rural areas. The reason why there was a compromise in the water quality is due to low chlorine levels in the reservoirs

3.5 Bushbuckridge

Bushbuckridge was established in 1997 as a water service management institution to serve northeastern Mpumalanga. The District Municipality served by the board is Ekhalzeni. The local municipality served by the Board is Bushbuckridge. The approximate number of staff is 260.

Bushbuckridge noted the following achievements:

- 100% Compliance to water quality standards
- IDP's and WSDP: Participated in the formulation, compilation and review.
- BBBEE Policy Compliance: 20%.
- Extended Coverage:
 - Completion of Phase 1B of Inyaka added about 15Ml/day.
 - Implementation of the distribution plan.
- Service Quality:
 - Uninterrupted service in spite of the difficult financial situation.
 - Effective support to BLM and MLM: Planning, Repairs.

Bushbuckridge noted the following challenges:

- Signing of Service Level Agreements & Cost Recovery.
- Disestablishment of Bohlabela District Municipality (WSA)
- New Councilors as a result of the Local Government General Elections.
- Alleged water quality problems in the Mbombela Local Municipality area
- WSA: Disestablishment of BDM require fresh negotiations with BLM

- Poor Cost Recovery: Resulting in limited resources to maintain, repair and refurbishment infrastructure.
- Business Competition: Difficult to match standard of internationals due to lack of financial resources
- Infrastructure:
 - Lack of ownership.
 - Insufficient Capacity.
 - Severe drought (Rivers and dams).

Conclusions on Annual Financial Statements

- Last year it was stated that either Bushbuckridge Water should conclude a payment agreement with the customer municipalities or serious consideration should be given to transferring its assets to the municipality and phasing the board out. The Water Board's current DWAF subsidised position is not in alignment with the Equitable Share philosophy.
- It is understood that Bushbuckridge Water is experiencing difficulty in collecting revenue from its customers, viz. Bushbuckridge Municipality and the now disbanded Bohlabela District Municipality. Hence the water board is essentially providing water to a single municipality. It is recommended that the board be disbanded and that the function be transferred to the municipality, alternatively intervention may be needed from National Treasury to ensure that the municipality's equitable share is transferred directly to the Water Board.

Checklist for comments

Board, Management	The board has not addressed the continued non payment by Bushbuckridge and Bohlabela municipalities
Audit report	Qualified Audit Report. The Audit Report was qualified as follows: • No provision has been made for bad debts despite the recovering of debt of R26,4 million from Bohlabela and R19,1 million from Bushbuckridge Municipalities being unlikely. These amounts have also not been included as debtors. The following matter was also emphasised in the Audit Report: • Transfer of DWAF assets has not been finalised and it is unclear how the Water Board should deal with these ageing assets.
Other	The financial statements are meaningless as the sole/main customer is hardly paying for its water and the board is totally dependent on financial subsidies from DWAF as well as some hidden subsidies related to the cost of raw water.
Reserves	Merely a reflection of subsidy levels.
Liabilities	OK. Fairly constant
CAPEX	Inadequate
Financial Investments	Investments in money market and current account OK.

Receivables	The non-payment by Bohlabelo and Bushbuckridge has been allowed to drag on for much too long and is contrary to the equitable share philosophy. The problem should now be addressed at National Treasury level as neither the board nor DWAF have successfully been able to resolve the problem.
Current ratio	Just a reflection of subsidy levels.
Profitability	Board is not nearly viable without subsidies.
Fixed Assets	Transfer of assets not been finalised. It is suggested that, in view of the non-viability of the board, the assets should not be transferred to the board.

Discussion and Recommendations

- Qualified Audit report due to inability to recover debts and to sign service level agreements
- Lack of ownership of infrastructure was named as one of the prominent concerns.
- The Committee raised that the inexplicably large amounts of money spent on advertising was wasteful.
- The inability of the Board to collect outstanding debts was raised as a major concern by the committee.
- The Board was asked what measures it had taken to address the qualified audit report.

3.6 Ikangala

Ikangala Water was established on 27 February 1997 mainly to supply bulk potable water services in the western highveld region, and other parts of the Kungwini Local Municipality in Mpumalanga. The District Municipalities served by the Board are: Greater Sekhukhune and Nkangala. The Local Municipalities served by the board are: Greater Groblersdal, Greater Marble Hall, Delmas, Dr JS Moroka, Emalahleni, Steve Tshwete and Themibilisile. The approximate number of staff is 4.

An overview of the work of Ikangala revealed that 2 board members had been appointed. And external auditor had been appointed to evaluate the financial management and to assess the level of compliance with all relevant financial regulations and legislation. The situation of the board was different from the previous year. The activities of the board now mainly comprised to billing of the bulk water supply, and the sole income was from one municipality.

Ikangala noted the following challenges:

- Ikangala has performed unsatisfactory for the third consecutive year.
- Non compliance by the Board:
- IW did not have a system of internal audit as required by PFMA
- A risk management strategy and a fraud prevention plan as required by Treasury Regulations was not implemented
- IW did not submit its budget to the relevant treasury for approval as required by PFMA
- IW did not submit its 5yrs (2006-2010) business plan to the Minister of DWAF as required by WSA

Conclusions on Annual Financial Statements

The auditors have noted the following non-compliance:

- Ikangala Water did not have a system of internal audit during the year as required by the PFMA.

- A risk management strategy and a fraud prevention plan as required by Treasury Regulations was not implemented.
- Ikangala Water did not submit to the relevant Treasury a budget for approval as required by PFMA.
- Ikangala did not submit a business plan for the period 2006 to 2010 to Minister of DWAF as required by WSA

These are very similar comments to those made by the auditors over the past 2 years. The reason given in the audit report for the above non-compliance is exactly the same as previous years, namely limited resources and staffing as well as lack of support by DWAF. Although it is recognised that DWAF should support the Water Board, these reasons are still unacceptable as the board is meant to operate as an independent entity.

The Auditor points out that water sales recognised on cash receipts basis and not accrual basis as required in terms of GAAP. The accrual approach is preferred because it shows how much the municipalities were billed or should have paid and how much was written off as bad debts. The cash flow approach as used by the board understates bad debts and understates receivables.

The Board is dependent on subsidies and is not really a self sufficient going concern.

Checklist for comments

Board, Management	PFMA and WSA compliance not acceptable as per Auditor's qualifications.
Audit report	The audit report points out a lack of compliance with a number of requirements including internal auditing. This matter must be addressed by the Board.
Other	
Reserves	OK, R820,000 in reserve
Liabilities	Page 20 – Provision for impairments of loans received R221 100 to be explained.
CAPEX	R20million – loan finance
Financial Investments	
Receivables	38 days. Decline from 19 days reported in the previous financial year.
Current ratio	2.48 Good
Profitability	The board has managed to turn around the poor performance of the previous year where a loss was made before subsidies. For the first time since 2000 has the Water Board made a positive return.

Discussions and Recommendations

- The Department had informed the Committee that a decision was taken to disestablish the Board, but the Board had not been informed of this. This process is underway.
- The Board is not viable without Subsidies. The Board did not have any long-term debt, and reported a 4.2% increase in revenue.
- The Committee questioned why the Board had not submitted its 2006/07 Business plan, its 5 year plan, the 2006 budget to the National Treasury and a fraud prevention plan, as required by National Treasury.

3.7 Lepelle Northern

Lepelle Northern Water (LNW) was established in 1997 by the amalgamation of Phalaborwa Water, Northern Transvaal Water and Bosveld Water. The primary mandate is to provide water services within Limpopo. LNW covers an area of 80 000km². The district municipalities served by the board

are: Greater Sekhukhune, Capricorn, Mopani, Vhembe and Waterberg. The local municipalities served by the board are: Aganang, Blouberg, Lepelle-Northern, Modimolle, Fetakgomo, Polokwane, Makhuduthamaga, Ba-Phalaborwa, Greater Giyani, Greater Tzaneen, Maruleng, Makhado, Musina, Mutale, Thulamela and Mogalakwena.

Lepelle Northern noted the following achievements:

- New board appointed in December 2006
- CE appointed Feb 2007
- CFO appointed March 2007
- Recruitment of GM Operations to be finalized April 2007
- The Board will be expanding operations to capture 100% of the market share in its respective area of jurisdiction.

Lepelle Northern noted the following challenges:

- Rehabilitation and refurbishment of infrastructure.
- Continuous increase in demand for water.
- Outstanding debts (Ba-Phalaborwa)
- Protracted section 78 process
- Capacity constraints

Conclusions on Annual Financial Statements

- The high level of debtors was identified during the two previous years as a concern. The situation appears to have deteriorated.
- Receivables are currently equal to 285 days of revenue. The Board must explain whether any of these debtors should be written down as this would considerably alter the liquidity position.
- A substantial writing down of these debtors could change the Balance Sheet substantially and also affect future income projections. Possible requirement to recast the financial statements after discussion with debtors and redo the analysis.
- The financial statements can therefore not be treated as a reliable reflection of the position of the board.
- An urgent meeting should be arranged between DWAF, DPLG, National Treasury, Lepelle and Phalaborwa.

Checklist for comments

Board, Management	MH Mokgobi has only attended 1 of the 6 board meetings but has received a basic remuneration of R49 071. Last year he attended no meetings. 14 person board appears to be large.
Audit report	Auditor should be requested in writing to indicate the steps that they took to give them confidence that the financial statements properly reflect current assets when accounts receivables are at 284 days.
Other	Board should obtain and forward a copy of the actuarial report for Meshawu National Local Government Retirement Fund once completed during July 2006. What is represented by the amount allowed for the contingent liability described in note 21. Financial statements might not be an accurate reflection of the financial situation given the high level of accounts receivables.

Reserves	Accumulated deficit now only R7 million, Reserves of R388 million OK.
Liabilities	Bosveld Services Council interest 5% OK DWAF loan Duiwelskloof interest 10,4% OK DWAF loan Ebenezer balance R22 million @ 15,75% interest far too high, can this be renegotiated or refinanced? DBSA 10% OK. Potgietersrus Platinum 9,5% OK.
CAPEX	
Financial Investments	Not shown with whom and how funds are invested.
Receivables	Receivables of R156 million, 284 days. R32 million provision for bad debts. Phalaborwa owes R128.7 million. Serious problem needs urgent DWAF, DPLG, National Treasury attention and if they don't show sufficient energy in resolving issue then court action must be taken otherwise financial loss to Organ of State and contrary to spirit of PFMA.
Current ratio	OK
Profitability	R73 million surplus OK

Discussions and Recommendations

- Large Debts owed by the Municipalities. The Board affirmed that when the Committee meets next year, the debt owed to the Board would be resolved.
- Management was named as the area that the institution was experiencing capacity constraints.
- Operating expenditure has risen by R10 million. The Board indicated that this increase in expenditure was due to overtime pay and a raise in salaries and training investments.
- The Board is currently completing its service level agreements with the respective municipalities in its area of jurisdiction.
- The Board was asked by the Committee to look at the cumulative effect of the water utilities on the end-user.

3.8 Magalies

Magalies Water was established in 1969 mainly to supply the platinum mines in Rustenburg and Thabazimbi in the North West. It also serves the northeastern part of Gauteng. The district municipalities served by the board are: Bojanala, Metsweding and Waterberg. The local municipalities served by the board are: Kgetlengrivier, Madibeng, Moretele, Moses Kotane, Kungwini, Nokeng tsa Taemane and Bela-Bela.

The presentation noted that 54% of the total income was due to bulk water savings, as well as 16% revenue from value-added services, 25% of total expenditure was made up of salaries, while 34% was due to rollover costs, and 12% maintenance and transport.

Magalies noted the following achievements:

- The successful implementation of a R550 million for a Water Services Trust.
- The implementation of balanced tariff increases between zero and six per cent.
- The successful implementation of DWAF projects over the next five years.

Conclusions on Annual Financial Statements

The independent audit of Magalies Water: Bonjala was undertaken by Gobodo Incorporated. The Auditor has stated that he is unable to express an opinion on the Financial Statements as a result of material qualifications, namely:

- Retail debtors amounting to R7,6m and Tshwane Metro retail debtors amounting to R22,3m were not included in the financial statements
- Fixed Assets were not valued according to GRAP and the departure from these requirements was not quantified in the financial statements.

In addition, the Auditor has drawn attention to the following matters, without further qualifying the audit report:

- No provision for income tax was made in the financial statements for 2006 and the Public Benefit Organisation tax exemption was not finalised by the date of signature of the financial statements.
- No actuarial valuation has been provided for the liability of the endowment policy which amounts to R6,5m on 1 August 2006.

Checklist for comments

Board, Management	The Board and its Committees have been well structured in terms of good corporate governance principles
Audit report	The independent audit of Magalies Water: Bonjala was undertaken by Gobodo Incorporated. The Auditor has stated that he is unable to express an opinion on the Financial Statements as a result of material qualifications, namely: a. Retail debtors amounting to R7,6m and Tshwane Metro retail debtors amounting to R22,3m were not included in the financial statements b. Fixed Assets were not valued according to GRAP and the departure from these requirements were not quantified in the financial statements. In addition, the Auditor has drawn attention to the following matters, without further qualifying the audit report: a. No provision for income tax was made in the financial statements for 2006 and the Public Benefit Organisation tax exemption was not finalised by the date of signature of the financial statements. b. No actuarial valuation has been provided for the liability of the endowment policy which amounts to R6,5m on 1 August 2006.
Reserves	Sufficient.
Liabilities	Interest at 15% on DWAF loan is far higher than current interest rates and should be reviewed.
Investments	DWAF should have a policy that ratio of investments held with different banks should bear some relationship to market capitalisation of banks. Larger amounts should be invested with large banks.

Receivables	The increase in accounts receivables to almost 2 months is not acceptable and needs to be monitored.
Current ratio	Healthy.
Profitability	Improved to pre-2005 levels

Discussions and Recommendations

- The accounting approach should be discussed with Magalies and it should be determined whether any changes need to be made to bring the financial statements in line with the other water boards or not. The comments of the Auditor must also be taken into account in the water boards approach to financial reporting.
- The increase in the accounts receivables should be monitored closely.

3.9 Mhlathuze

Mhlathuze Water was established in 1980 to serve the northern parts of KwaZulu-Natal. The Water Board serves an area of 37 000km², and is an important part of Richards Bay's growth. The district municipalities served by the board are: iLembe, Umkhanyakude, Uthungulu and Zululand. The local municipalities served by the board are: eNdongakusuka, Hlabisa, Jozini, Mtubatuba, The Big Five False Bay, Mbonambi, Mthonjaneni, Ntambanana, uMhlathuze, uMlatazi, Abaqulusi, eDumbe, Nongoma, Ulundi and Uphongolo.

The presentation noted that Mhlathuze operated with four and a half of the Water Services Authorities in Zululand, and focused on providing support to water service authorities, undertaking advocacy and relationship building at a provincial level. Furthermore, they worked toward strengthening regional offices dealing with water utilities issues and challenges.

Mhlathuze noted the following achievements:

- The promotion of the KwaZulu-Natal Regional Water Supply projects.
- The board has not received any subsidies or assets from government.
- Its laboratory maintained International Accreditation ISO 17025.
- The board and independent auditors had approved Mhlathuze annual financial statements.
- Revenue had increased from R143,7 million to R166,4 million. This was mainly due to the annual tariff increases and recovery of major maintenance on the B-line.

Mhlathuze noted the following challenges:

- Although the water demand had stabilised from 2005, the biggest drop in supply was in the transfer of volumes due to unfavourable water levels in the dam.
- Operating expenditure had also increased by R7 million due to the new pipeline lease, and the subsidy to Umkhanyakude Management Services.

Conclusions on Annual Financial Statements

- Mhlathuze Water appears to be financially secure but the short term position (liquidity) needs to be closely monitored despite the considerable improvement in liquidity since the previous financial year.
- The age of receivables appears to be creeping up and must be urgently addressed.

Checklist for comments

Board, Management	Dr MJ Ngcobo has only attended 2 of the 8 meetings.
Audit report	No audit report included. Audited financial report must be submitted.

Other	
Reserves	Retained income R81,6 million, reserves R89,9 million OK
Liabilities	Interest bearing borrowings appear expensive compared with today's rates, a number with fixed rates of +16.6% (obviously taken out in different financial environment). These are with private institutions so it may be correct to assume that these are not possible to renegotiate, i.e. it should be questioned whether there an early repayment clause in the instruments of debt.
CAPEX	
Financial Investments	List of investments not provided.
Receivables	R23,7 million, 49,9 days. Slightly on the high side but OK
Current ratio	1.64 OK but needs monitoring considering greater than 50% of current assets comprising receivables.
Profitability	R19 million after finance costs. OK

Discussions and Recommendations

- Debt collection in municipalities was highlighted as a serious issue of contention. The Board highlighted that debt collection depended on the equitable share. A strategic partnership was formalised with Umhlathuze Municipality for services rendered, and thus far, some of the funds for service provision has already been paid.
- Magalies has partnered with the Umkhanyakude Municipality to transfer skills to the municipality. Currently the levels of skills found in the municipality hamper service provision in the municipal area.

3.10 Namaqua

The regional director, Mr Louis Snyders, Northern Cape, DWAF, was appointed by the Minister in a caretaker capacity as there was no Board and there had never been a CEO. The Orange River was the only source of water for the board. It had to refurbish some pipelines. At present, it was still able to obtain loans, but this was posing a problem. Some mines had closed and unemployment had thus risen.

Namaqua noted the following challenges:

- Due to unemployment, people were beginning to find it increasingly difficult to pay for services.
- There had been no tariff increase in the last two years.
- There was a 30-day lag in payment, but the cash flow was good, especially with payment from De Beers.
- There was a loss of R7,4 million from a loan, and the Board still owed DWAF money. Some debt was written off.
- There was a need to appoint a new board.
- DWAF was assisting the Namaqua Municipality with the section 78 process, but it would take approximately 8 months for the report on this process.

Conclusions on Annual Financial Statements

- The current ratio is 0,98 is a considerable improvement from the past year where the current ratio was 0.36. The Board appears to be liquid.

- Debt Equity ratio is 0,3 which is OK, however the funds are tied up in fixed assets and are not utilisable to absorb losses.
- Debt service ratio is negative, the board cannot meet its interest payments and shows a loss before interest payments.
- The board appears to be liquid but also appears not to be able to service its debts adequately. However the two main users have taken responsibility for servicing the long term loans. It should be confirmed that this undertaking is in the form of a liquid document (i.e. a certain undertaking for a determinable amount over the signature of an authorised person).

Checklist for comments

Board, Management	
Audit report	Unqualified even though board made a loss.
Other	A strategy must be developed to turn around the loss.
Reserves	OK but all tied up in fixed assets.
Liabilities	The board appears to be liquid but appears not to be able to service its debts. However the two main users have taken responsibility for servicing the long term loans. It should be confirmed that this undertaking is an undertaking for a certain and determinable amount above their signatures (i.e. in the form of a liquid document).
CAPEX	No CAPEX other than vehicles. OCC infrastructure has been taken over.
Financial Investments	Not shown how invested.
Receivables	Debtors increased from R1,634 m to R 4,088 m indicating that sales is growing but collections deteriorating.
Current ratio	0,98 almost liquid.
Profitability	Loss for year after interest of R7,6 million.
Fixed Assets	Inadequate funding exists for maintenance and refurbishment.

Discussions and Recommendations

- Clarity was sought on when the CEO position would be filled
- Land and Buildings registration
- The Committee raised that the Board did not seem viable, but also questioned what would be in place to provide water, if the Board was not operating in Namakwa.
- Conclusion of the section 78 process will provide clarity to Namakwa on its viability and future existence.

3.11 Overberg

Overberg Water was established in 1982 as a bulk rural water provider for the South Western Cape region. The district municipalities served by the board are: Eden and Overberg. The local municipalities served by the board are: Hessequa and Theewaterskloof. The staff complement is 70.

Overberg has appointed two staff members to pilot the DWAF / SAAWU initiative with HIV/AIDS counselling for staff. The Board assured the Committee that it is actively implementing the aims of Government BBBEE by appointing staff in line with the targets set through employment equity.

Overberg noted the following achievements:

- General on-site systems were implemented to cope with daily workplace health and safety measures at all the purification plants and the various administration centres.
- Investigations of several other income streams are being investigated. Better management of resources and fixed assets which will generate the revenue that is needed, while compliance with all necessary legislation is maintained.
- The Board indicated that it was assisting in the eradication of the bucket system, as outlined in the State of the Nation Address 2007.

Overberg noted the following challenges:

- Overberg reported that although it has forged strong working relationships with Municipalities in its area, there remains reluctance within the municipal structures to conclude long term contracts. This will enable Overberg Water to plan for the future more efficiently and effectively.
- Planning of the Boards maintenance and infrastructure refurbishment programmes could be done more cost effectively.
- The Board has serious capacity constraints with regards to current infrastructure, especially in areas such as Theewaterskloof and Hessequa.

Conclusion on Financial Statements

Overberg Water has produced good results.

Checklist for comments

Board, Management	Disclosures of board meeting attendance. Board member remuneration etc not included.
Audit report	Unqualified.
Other	Nil
Reserves	R30 million OK.
Liabilities	OK
CAPEX	OK
Financial Investments	DWAF needs a firm policy on allowable investments with a clear time frame (say 18 months) for compliance. Profit on realisation of Investments needs to be understood.
Receivables	56 days, improvement on last year.
Current ratio	2,36 OK
Profitability	The nature of the investment profit must be determined. If it is an abnormal profit then it should preferably not be included in operating profits but should be shown below the line.

Discussions and Recommendations

- The board indicated that that perhaps it was time for DWAF and DPLG to intervene on behalf of the Board to secure long-term contracts with the Municipalities in the Board's area of jurisdiction.
- Staff retention was highlighted by the Committee as a challenge with the proposal from the Board to send staff for training overseas.

3.12 Pelladrift

Pelladrift Water was formed with the main purpose of supplying water to the Black Mountain mine, a wholly owned subsidiary of the Anglo American Corporation in the Northern Cape. The district municipality served by the board is Namakwa. The local municipality served by the board is Khe i-Ma. 90% of the Board output services the Mine in the Area and 10% of the water provided services the local municipality.

The Board noted that it was the first time that it attended hearings of this nature, and appreciated the opportunity to engage with other boards on the platform Parliament provided.

Pelladrift noted the following achievements:

- New delivery PR valve installed for Pella community
- Technical assistance given to Pofadder for installation of their own servitude pumps
- Full integrity inspection conducted on length of pipeline (GUL tests)
- Cathodic protection system on pipeline replaced and the protected area extended
- Servitude extended for community plantation project alongside the Orange river
- Clarifier reagent consumption reduced by 20%

Pelladrift noted the following challenges:

- Board faces lethargy from Pella and Pofadder consumers who are reluctant to pay water bills and will not accept even mild tariff increases
- Technical evaluation of the installation to be carried out to quantify future long-term capital requirements
- Benchmarking against similar sized water boards
- Succession planning, average age: 48 years
- Develop relationships with other water utility service providers
- Set up DWAF office in Springbok to work more closely with the water board
- Partnership with the BM mine is beneficial but ultimately not sustainable
- Capacity within KM Municipality to manage the pumping station is non-existent
- Unaware of government's IT strategy and service delivery improvement plan
- Board capacity insufficient for possible Gamsberg expansion

Conclusions on Annual Financial Statements

- The current ratio is less than 1.0, i.e. current liabilities exceed current assets by approximately 1 month. Although it appears that a provision has been made for liabilities and the situation is manageable at present it is important that the Board turns this around in the New Year through a reduction in operating costs.

Checklist for comments

Board, Management	OK
Audit report	Unqualified.
Other	
Reserves	OK
Liabilities	Uncertain of the nature of the provision.
CAPEX	No information provide

Financial Investments	Standard Bank Call OK
Receivables	Only 8 days, very good
Current ratio	Possible problem at 0,8 (+_R400 000 shortfall) depending on nature of provision and deposit.
Profitability	R36 955 - declining trend concerning

Discussions and Recommendations

- Benchmarking against similar sized water boards
- Succession planning, average age: 48 years
- Develop relationships with other water utility service providers
- Set up DWAF office in Springbok to work more closely with the water board
- The Committee highlighted that there was no room in the Board's finances to cover any unexpected future expenditure that might arise.
- The Committee highlighted that the inability to appoint Board members from 2005 was in contravention of the National Water Act. The Department was singled out by the Board as being responsible for the delay in the appointment of Board members since the Board had completed all its responsibilities in this regard.

3.13 Rand

Rand Water was established in 1903 to serve the mining towns in the Witwatersrand. The Water Board is the biggest and strongest Board in the country, serving most of Gauteng and Northern Free State, as well as the North West. The district municipalities served by the board are: Bojanala, Johannesburg, Tshwane, Ekurhuleni, Gert Sibanda, Sedibeng, Northern Free State, Southern District and West Rand. The local municipalities are: Rustenburg, Govan Mbeki, Metshimaholo, Emfuleni, Lesedi, Midvaal, Merafong, Mogale City, Randfontein, Westonaria, West Rand DMA.

Rand's presentation noted that the board focused on bulk water supplies. The Board is currently servicing part of the Bushbuckridge municipal area. It has also been tasked to assist Ghana with bulk water service provision.

Rand noted the following achievements:

- The net income last year was R593 million, and the increase in sales volumes was 9%.
- The numbers of staff and training were tabled.
- The audit report was unqualified and the board was fully compliant with the PFMA and the MFMA.
- The rating of the board, which would make future funding unproblematic.
- Employment equity was fine at the executive level.

Rand noted the following challenges:

- Employment equity was poor on a general level, especially amongst female employees.

Conclusions on the annual financial statements

- The liquidity ratios are deceptively low due to the maturing liabilities.
- Rand Water surpluses are substantial. A trade off between Rand Water surpluses and TCTA debt is possible should TCTA at any time struggle to meet its commitments due to low water sales growth.

Checklist for comments

Board, Management	OK
Audit report	OK

Other	
Reserves	R3,7 bn OK as borrowings of R735 million and contract commitments/authorisations of R489 million still by far exceeds long-term investments R138 million. Debt/Equity 0,30. Short-term investments required to offset current liabilities. Current ratio 1,44.
Liabilities	Rand Water stock OK Bank max borrowing rate 10,54% OK
CAPEX	R2,2 bn projects and refurbishment approved with outstanding value in progress of R1, 1 bn.
Financial Investments	RSA stock maturing 2010. OK. Short-term investments in money market.
Receivables	R403 million, 39 days good.
Current ratio	1.44 looks lean, but availability of finance or loan finance not a problem so liquidity can be managed at low level.
Profitability	R591, 8 million surplus. OK

Discussions and Recommendations

- The Committee enquired about Rand's role in alleviating the Delmas Cholera outbreak. Rand Water assisted the affected area when the outbreak of Cholera was reported, by providing clean safe water.
- Rand Board members had been appointed at Ikangala Water Board, but the ownership of assets was mentioned as being problematic.
- Skills transfer to municipalities was highlighted by the Committee as an area where Rand could focus its resources toward.

3.14 Sedibeng

Sedibeng Water was established in 1979 to serve the Free State Goldfields and the former Western Transvaal. The district municipalities served by the board are: uMgungundlovu and eThekweni. The local municipalities served by the board are: Mkhambathini, Msunduzi, uMngeni and uMshwathi. The staff total is 600.

Sedibeng operates services across three provinces, namely: Gauteng, North West Province and Northern Cape. It provides from source to tap services in some of the areas outlined above. The Board has recently signed service level agreements with municipalities

Sedibeng noted the following achievements:

- The following savings were achieved on processes :
 - R 2.1m for Energy
 - R 0.8m for Chemical
 - R 1.3m for Procurement
- Water quality maintained at Class 1 except for periodic colour and turbidity.
- Sedibeng Water carried out the following projects under project consolidate in Phumelela Local Municipality:
- Site functional assessment, skills audit and technical gap analysis at the Water Purification and Sewage Treatment Plants
- Seconded and trained operators in Warden and Memel WTP.

- Refurbishment of Warden WTW
- Refurbishment of Memel Water & Sewage Treatment Works and training of temporary operators.
- Upgrading of Warden Bulk Sewer (in progress)
- Capacity building: SETA training of operators within the Free State (Wepener, Ladybrand, Bethlehem & Nhariep)

Sedibeng noted the following challenges:

- Obtaining support from DWAF to maintain raw water tariff increases below inflation in line with water boards potable water tariff increases
- Concluding multi-year water tariff agreements with stakeholders
- Raw water deterioration at the middle and lower Vaal River
- Renewal of the WSA/WSP Service Level Agreements
- Managing the uncertainty created by the institutional reform process
- The Board did not submit a financial statement with its Annual report.

Conclusions on financial statements

- Sedibeng can just cover its own operating expenditure but cannot break even after interest charges without subsidies.
- Receivables are slipping after earlier improvements.

Checklist for comments

Board, Management	No information provided
Other	Sedibeng has been reliant on subsidies in the past. Clarity is required on availability of subsidies for future years.
Reserves	Reserves are positive but have been bolstered by subsidies.
Liabilities	Finance lease agreements of 15.52% also expensive but possible that these cannot be renegotiated.
CAPEX	No major movements
Financial Investments	Invested in money market, zero coupons and fixed deposits. OK
Receivables	Receivables up considerably from R74 million to R75 million with reduction in provision for bad debt of R4 million over last financial year.
Current ratio	1.62 OK but deceptive unless undertaking DWAF gives firm commitment for future subsidies.
Profitability	Sedibeng has finally broken even. Need to assess whether the Water Board will be able to operate without subsidies in the future.

Discussions and Recommendations

- It was established that accounts receivables is slipping, after earlier improvements and this needs to be carefully monitored.
- The Committee enquired about the outstanding Debt. Renegotiation with DBSA on the interest rate on the outstanding Debt was sought by the Board.

3.14 Umgeni

Umgeni Water was launched in 1974 to cater for greater Durban and Pietermaritzburg. Currently, the board serves 24 000km² and is the 2nd largest water utility in South Africa. The district municipalities served by the board are: uMgundundlovu and eThekweni. The local municipalities served by the board are: Mkhambathini, Msunduzi, uMgeni and uMshwathi. The staff complement is: 750.

Umgeni noted the following achievements:

- There is a plan in place to assist the Department of Education in the Area with provision of Water to Schools in the area of jurisdiction.
- The Board received an unqualified Audit Report
- R137m surplus achieved matches planned expectations
- R101m reduction in net debt
- Financial viability of Umgeni Water is secure
- There is ongoing evaluation of Board's performance.
- Conversion and adoption of International Financial Reporting Standards (IFRS)
- An enterprise wide risk management framework is in place.
- The Board has met all Business Plan requirements, which was submitted timeously to DWAF
- 100% compliance Water Quality Standards: contractual & statutory standards are in place.

Umgeni noted the following challenges:

- Historical capital cost of transferred rural
 - schemes (policy contradiction)
- Regional Bulk Scheme funding mechanisms
- Defaulting Municipality

Conclusions to be drawn from Annual Financial Statements

- Umgeni Water appears to have overcome its liquidity and solvency challenge. The ability to meet debt payments may have been improved by an increase in water sales.
- Umgeni Water's operating and administrative costs have still not declined adequately with the result that the Operating Ratio is still not adequate. A concerted effort is required in reducing costs.

Checklist for comments

Board, Management	OK
Audit report	OK
Other	
Reserves	OK, Accumulated surplus
Liabilities	Bond issues, interest rates not visible. Build up to year 2010 liabilities maturing +-R1, 4 bn and probable need to roll over must be properly managed.
CAPEX	R228 million authorised but not contracted for. R41 million contracted for but not provided for in financial statements.
Financial Investments	Zero coupon bonds OK. Current assets in money market investments.
Receivables	Average age of receivables 41,5 days is constant and OK.

Current ratio	OK, Ratio of 1,2 is reasonable but must be monitored.
Profitability	Profit after taxation R137 m good turnaround from previous losses.

Discussions and Recommendations

- Umgeni was pointed out as a Water Board that was struggling in previous years, but was commended by the Committee for its turnaround.

4. Input by DWAF, SALGA and TCTA

4.1 DWAF

DWAF is responsible for oversight and support of the water boards. According to the National Treasury Guidelines to Legislative Oversight, strategic reports are necessary, if performance in annual reports are to be measured. The Portfolio committee had requested the strategic documents of the Water Boards in the previous hearings in 2006, but only received copies from DWAF at the end of the 2007 Water Board hearings.

The Committee was therefore unable ascertain the following:

- If the Water Boards' annual reports conformed to their strategic plans.
- If the Water Boards' performance, in terms of water provision, could be measured against what they set out to achieve in the year ended June 2006.
- If the issues highlighted in the State of the Nation Address was incorporated into the strategic plans of the Water Boards.

DWAF provided the Committee with clarity on the following issues:

- The Borrowing Limits are determined by National Treasury.
- Stipends of Board Members are determined by the Minister - all Water Boards are compliant.
- Demographics of Water Boards are representative. All Water Boards are represented in terms of race & gender; persons with disabilities need to be accommodated.
- National Treasury set guidelines on borrowing limits on External debt, all Water Boards are compliant to these borrowing limits.
- 11 Water Boards have submitted their five year business plans.

The smaller to medium sized boards needed more management from DWAF on specific issues that hampered the Boards' ability to provide water. Some of these specific issues are:

- No formal communication occurred with Ikangala regarding the dissolution of the Board.
- Most of the smaller boards highlighted that the conclusion of the section 78 process is slow, and that this will affect them.
- Transfer of Assets to Amatole Water Board has still not taken place, despite the Board being established in 1998
- Pelladri Water Board is still awaiting a decision from DWAF regarding the Selection of Board members. The Board members term expired in 2005. The CVs of new candidates are still with DWAF.
- Debt collection of monies owed to Water Boards from Municipalities. DWAF does not support Water Boards with regards to debt collection, despite there being legislation that advocate what should be done to resolve this between the spheres of government
- In several instances the Minister had intervened on behalf of a Water Boards to recover debt owed by the Municipalities. The Minister has intervened between:

- i. Lepelle Water & Baphalaborwa
- ii. Mhlathuze Water & Mkhanyakude
- iii. Umgeni Water & Umsunduzi
- iv. Botshelo Water & Central District Municipality
- v. Bushbuckridge Water & Bohlabela/BBR Municipality and lately Mbombela

- DWAF also supplied written responses to issues the Committee raised in the previous year's report and the questions that the committee considered.

4.2 SALGA

SALGA was invited to the Water Board Hearings since it represents Local Government. The Water Boards provides bulk water to Local Government, i.e. municipalities on behalf of DWAF. SALGA was asked to explain the high level of municipal debt owed to the Water Boards for the Provision of Bulk Water. Currently, R40 billion is owed to Water Boards collectively.

SALGA's presentation highlighted to the Committee that there was no 'ring-fencing' of funds in Local government budgets for water services. SALGA also highlighted that water is constitutionally protected, and thus it is not easy to disconnect non-paying debtors. It was highlighted that the 6 kilolitres that is constitutionally protected is unsustainable.

There were several Good practices that were pointed out, whereby certain Boards and Municipalities had signed service agreements for the provision and payment of Bulk Water supplied to the Municipalities.

Challenges highlighted included the completion of the Section 78 of the Municipal Systems Act and Tariff policy formulation and enforcement, and the retail price of water being set too low.

SALGA suggested that the way forward was for DWAF and SALGA to approach National Treasury to resolve debt owed by Municipalities, as outlined in Section 44 of the Municipal Finance Management Act. SALGA also suggested that a review of the estimated costs of the Water service provision is done in order to introduce different average service costs for municipalities with relatively comparable costs of services.

Facilitation of signing bulk water agreements was also suggested as a way forward in resolving the high levels of debt. Ring-fencing of municipal budgets for Water services costs, and putting debt collection mechanisms in place throughout the entire value Chain was suggested as way forward from SALGA.

4.3 TCTA

TCTA received an unqualified audit report for the financial year ending 2006. TCTA gave the Committee an explanation of the tariff costs and how these costs are passed on to the end user. The Exit strategies for the Berg Water Project was also explained, the strategies were inclusive of the local community. The TCTA assured the Committee that its indebtedness will decrease over time. The TCTA was 95% employment equity compliant, and involved in community upliftment.

5. Further Issues to Consider:

- Compliance with the PFMA and MFMA and other Legislation and Guidelines

5.1 PFMA

Most of the Water Boards were compliant with the PFMA. In certain instances, one or two Boards were in contravention of specific sections of the PFMA, and have thus received a qualified audit report. These qualifications are listed above per Water Board.

In terms of submission of Business plans and strategic plans; five of the Boards did not submit their plans to DWAF. This meant that DWAF was unable to do adequate monitoring and evaluation of the Water Boards, and give guidance when needed. The strategic plans submitted to DWAF did not contain budgets, which entails failure to comprehensively comply with the PFMA section listed above. The Boards, Pelladri, Namakwa, Ikangala and Albany that did not submit any strategic plans, and are wholly in contravention of section 52 of the PFMA:

5.2 MFMA

The Committee highlighted that although most of the Water Boards are compliant to the MFMA, certain Water Boards needed to be monitored closely, due to outstanding debt playing a pivotal role in the financial viability of the boards. SALGA, DWAF and the Water Boards highlighted that municipalities are to blame for the high monetary value of debtors reported by certain Boards. The MFMA states that all procedures must be exhausted in trying to collect monies owed to Water Boards. In certain instances the Minister of Water Affairs and Forestry has intervened, on behalf of several Boards with Municipalities, listed above in this report.

5.3 Other Legislation and Guidelines

The smaller Water Boards highlighted to the Committee that the completion of the Section 78 process will provide clarity to them regarding their Board's viability and future existence.

According to the "National Treasury guidelines to Oversight", reference is made to the Obligations Parliament has to effect meaningful oversight over the Executive and Public Entities reporting to the Executive. One of the requirements outlined is the submission of strategic plans and budgets, as outlined in the PFMA as well. In terms of the Committee's obligation to conduct oversight over the entities, the Committee felt that submission of the available strategic reports would have aided the Committee in its responsibilities to conduct thorough oversight over the Department and the entities that presented on their annual reports.

6. Conclusion

In terms of the above listed aims, the Committee established that only 5 Water Boards received a qualified Audit report. This was an improvement from the previous years' hearings on the Water Boards' Annual reports. Most of the Boards complied with the PFMA and the MFMA. Where the few Boards did not comply with the PFMA and received qualified Audit reports, generally it was due to a single issue that the Auditor General raised. Ikangala was the only Board that received a qualified audit report for the second year, where the qualifications for this year were similar to the previous year's qualifications.

Most of the Water Boards submitted their strategic plans to DWAF. Although these plans were submitted, there were no budgets submitted with the strategic plans, these budgets are submitted to Treasury and should not prove difficult for the Boards to make this information available with their strategic plans. This would enable DWAF to do comprehensive monitoring of the Water Boards, and as suggested in DWAF's closing remarks, enable it to do quarterly monitoring and evaluation. This would also aid the Water Boards to also monitor their own spending against their budgets, and thus curb over-, under-spending, reckless and fruitless expenditure, since it would be monitored quarterly and can thus be detected and corrected closer to the time of its occurrence.

DWAF responded to the recommendations of the Committee's report on the Water Board tablings in May 2006 in writing. This was supplied at the end of the hearings and thus did not allow the Committee to engage DWAF on the progress made on the implementation of the recommendations made.

Since the Strategic Plans were submitted at the end of the hearings, the Committee was unable to engage the Water Boards on the attainment of their strategic objectives. According to the National Treasury guideline to Legislative oversight, the Committee would have been able to measure the performance of the Water boards, as presented in their annual reports, against their strategic objectives.

7. Recommendations

The Portfolio Committee's core responsibility in the oversight process is to review the performance of Departments, constitutional institutions and public entities as reported in their annual report. The

Committee should look beyond the formats and technical aspects and ask "What does the annual report actually say about the entity's performance in the past financial year?" Thus having considered the 2005/06 Annual Reports and Financial Statements of the Water Boards, the Committee recommends the following:

- The Department should strengthen its oversight responsibilities of the Water Boards, in terms of submission of the 5 year strategic plans and strategic plans of the entities in order for the Committee to engage more extensively and comprehensively interrogate the annual reports and financial statements of entities.
- The Committee should receive the strategic plans of the Water Boards timeously, as this will strengthen the Committee's ability to conduct oversight of the annual reports as per National Treasury oversight Guidelines.
- The budgets of the Water Boards should be availed with the strategic plans of the Water Boards, when submission to Parliament is made.
- The Department should dedicate human and other resources to the oversight of entities reporting to it.
- The technical quality of the Water Board annual reports should be of a standard that meets the specifications in the Public Finance Management Act No. 1 of 1999 and the "National Treasury Legislative guidelines for oversight", so as to inform, and provide for engagement by the Committee.
- It is important for the Department to review if the entities are structured appropriately to deliver on their mandate. The Department should conduct an analysis in this regard to establish if the entities are structured accordingly, to deliver on their mandate.
- In terms of the Public Finance Management Act No. 1 of 1999, Section 49 – 55 listed the duties and responsibilities of the accounting authorities. Adherence to these sections is recommended for the Water Boards that received qualified audit reports, namely: Botshelo-, Ikangala- and Bushbuckridge Water Boards
- The Department should give focus in its oversight to:
 - How well the entities objectives and performance is linked to that of Government's overall aims.
 - Monitor the continuity of the performance targets of the entities each year. If effective information systems are in place to measure performance against targets and objectives set.
 - If the entities have adequate systems in place to ensure that they can identify and meet the clients' requirements.
 - If scope for innovative and efficient usage of finance and improvement of performance exist in the entities.
- The Department should report bi-annually to the Committee on the progress of the Water Boards with regard to the above recommendations.

2. Report of the Portfolio Committee on Water Affairs and Forestry on the strategic plan and budget of 2007/08 for the Department of Water Affairs and Forestry: 03-04 May

1. Introduction

The Constitution recognises that Parliament and the legislatures have a critical role to play in overseeing better performance in the delivery of services. Therefore, the challenges facing Members of Parliament and the provincial legislatures is to improve the capacity of Committees that hold Government departments accountable for their performance by using budget documents, strategic plans, annual reports, briefings and study tours.

It is against the above background that the Portfolio Committee on Water Affairs and Forestry undertook briefings and received submissions, on the 3rd and 4th May 2007, on the following:

- The Department of Water Affairs and Forestry Budget Vote 34 and Strategic Plan, with an emphasis on the eradication of the bucket backlogs as outlined in the State of the Nation Address.

- Briefings by Provinces on achieving the Millennium Development Goal target on the eradication of buckets in formal areas by December 2007.

1.1 Department of Water Affairs and Forestry Strategic Plan and Budget vote 34 for 2007/08

Overview of Budget Vote 34 and Strategic Plan

The Minister of Water Affairs and Forestry, Hon. Ms L Hendricks, highlighted the successes and the challenges that the strategic plan and budget plans to address:

- 8 million people are without access to water and sanitation in South Africa.
- Allocation of Water is to be used as a tool to alleviate poverty.
- Skills shortages exist in the Department of Water Affairs and Forestry.
- Transfer of responsibility for service delivery to the relevant tiers of Government.
- Transformation of the Department and thus the sector was also highlighted as a key flagship project that the Minister outlined. The Establishment of the Agency will also be established part of this process.
- Other key flagship projects are the attainment of a clean audit report this year and to streamline the processes in the Department.

The Director-General of the Department of Water affairs and Forestry, Mr. J Sindane, placed the strategic plan and budget into an apt context, by presenting a general overview of the water services sector. Highlights of the presentation were:

- The strategic plan is in line with the MTEF period 2007/08-2009/10.
- The role of the Department as a regulator was clearly outlined. The function of the Department is to strengthen and support Municipalities to meet the sanitation target set and ensure that bodies effecting services delivery on behalf of the Department, fulfil government's mandate to deliver services.
- Re-allocation of water was to be used as a tool to eradicate inequality, alleviate poverty and boost economic development through the equitable allocation of water for economic development and sustainable growth.
- Some of the Major infrastructure plans of the Department are:
 - De Hoop Dam
 - Nandoni Distribution works
 - Hluhluwe Regional Water supply
 - Mdloti River resource Project
 - Completion of the Berg River Dam by December 2007.
- The Department is also involved internationally in SADC forestry and water activities.

1.2 Financial implications

The revised estimate for 2006/07 shows that the projected under-spending for the department is R794 million, due to delays in obtaining the environmental approvals from the Department of Environmental Affairs and Tourism for the De Hoop Dam and delays in finalising transfer agreements with municipalities for water schemes.

The budget for the financial year 2007/08 is R5, 3 billion. The breakdown per programme is as follows:

- 9% to Administration
- 9% to Forestry
- 46% to Water Resources
- 36% to Water Services

An overview of the overall expenditure trend for the department reflects that total expenditure decreased from R4.3 billion in 2005/06 due to the transfer of expenditure on new water and sanitation projects to the Municipal Infrastructure Grant (MIG) from the Water Services programme. The increase in expenditure of R856.3 million between 2005/06 and 2006/07 is due to:

- The allocations for the construction of the De Hoop Dam,

- The increased allocation for improving dam safety,
- Funds rolled over for personnel costs related to the transfer of some of the department's functions,
- Disaster management projects (drought relief and flood damage to structures),
- The management of commercial forestry in the Mpumalanga area.

Spending is expected to increase by an annual average of 19.1% over the Medium Term Expenditure Framework (MTEF) period, because of the additional allocations for the De Hoop Dam, the Working on Fire programme, and the allocation for refurbishing infrastructure and for bulk water services infrastructure.

1.3. Overview of Programmes

1.3.1 Programme 1: The Administration programme

The Department's human resource development strategy is based on the demand in the Water sector to drastically increase the pool of black people with technical skills.

1.3.1.1 Corporate services

The strategic objectives of corporate services branch are:

1. To build the capacity of the Department in order to deliver on its mandate
2. Empowerment of women
3. Improvement of departmental-wide performance
4. Implementation of the human resource turnaround strategy and,
5. Monitoring and evaluation

1.3.1.2 Finance

The strategic objectives of Finance are:

1. Reorganization of the finance branch at national and regional offices.
2. Strengthen and continue engagements with the Office of the Accountant General.
3. Implementation of the SAP software. SAP is the preferred enterprise resource planning system to support the trading activities of the Department. The aim of implementing the SAP software is the conversion of the department to the accrual system of accounting for the trading activities, which is in line with the Generally Accepted Accounting Principles (GAAP). Implementation of SAP ensures compliance with the provisions of section 40(1) of the Public Finance Management Act (Act 1 of 1999) (PFMA).
4. Supply chain management implementation and compliance to treasury regulations.

1.3.2 Expenditure trends

Expenditure for Administration

Programme 1: Administration	Budget from previous year	Budget for current year	Increase / Decrease in Budget	Nominal Percent change	Real Percent change
R thousand	2006/07	2007/08	2007/08	2006/07	
Minister	885	938	53	6.0%	0.7%
Management	89156	74315	-14841	-16.6%	-20.8%
Corporate Services	154518	176442	21924	14.2%	8.5%
Information Services	107632	77314	-30318	-28.2%	-31.7%
Property Management	98979	109501	10522	10.6%	5.2%
Financial Management	58500	63600	5100	8.7%	3.3%
TOTAL	509670	502110	-7560	-1.5%	-6.4%

Expenditure rose steadily at an average annual rate of 15,3 per cent, growing from R332,2 million in 2003/04 to R509,7 million in 2006/07, mainly due to the devolution of funds from the Department of Public Works from 2005/06 and related personnel costs for the transfer of water schemes. Expenditure under the *Information Services* subprogramme increases from R74,9 million in 2005/06 to R107,6 million, an increase of 43,7 percent, due to upgrading and replacing the department's IT infrastructure. R72,9 million was rolled over from 2005/06 to 2006/07, because of protracted delays in reaching agreements with labour unions in the transfer of staff to receiving municipalities.

From 2006/07 to 2009/10, expenditure will increase at an average annual rate of 3,6 per cent, from R509,7 million to R566 million in 2009/10, driven mainly by the establishment of a learning academy for developing critical scarce skills in the water and forestry sectors.

1.3.3 Findings and Analysis

- A net decrease in the Administration budget of 6,4% in real terms is in line with the Department's objective of streamlining the department and transformation.
- One of the flagship projects of the Department is the attainment of a clean audit report this year. The budget allocated to financial management shows an increase in 3,3% in real terms, of the budget, which will support the re-organisation/ training of head office and regional offices.
- No timeframes have been allocated, nor have concrete figures/targets been allocated in the corporate services outputs and targets. This contradicts the emphasis placed on monitoring and evaluation, since no clear realisable targets are outlined.
- The department has short- and medium-term strategies in place to address the above-mentioned capacity constraints:
 1. Short term plans to improve financial capacity of the Department is to source financial expertise from the Accountant-General, and to appoint 70 finance interns across the regions and Head Office.
 2. Medium term plans include the training of 30 scientists, 14 forestry scientists and 17 engineering scientists through the learning academy.
- An exchange programme is currently being developed whereby existing bi-lateral agreements are being used to exchange staff.
- Training of current staff was highlighted to increase the skills levels of the existing staff in the Department.

1.3.4 Recommendations

- A study to be conducted by the department to ascertain the number of women and disabled persons currently in the department and identify percentages of women and disabled persons that should be recruited.
- Quarterly timeframes should be attached to the realisation of targets set in the strategic plan for 2007/08.

1.3.5 Programme 2: The Water Resources Management

The measurable objective is: Ensure that water resources are allocated so that they promote social and economic development, maintain the reliable availability of water in sufficient quantities and of an appropriate quality, to meet the needs of all consumers and meet all water sharing agreements, while ensuring that water resources are developed and protected to enable sustainable water availability and use.

1.3.5.1 Situational Analysis

A situational analysis reveals that South Africa is a water scarce country, with many communities situated in arid areas depending on groundwater. With changing rainfall patterns, the increased unpredictability of drought and flooding experienced, implementation involves a mix of data collection, information analysis, planning, conservation, and large infrastructure development. Outlined below are the strategic objectives of the Water Resources Management:

- Policies, priorities and strategic objectives of Water resource management are:
 - Revision of certain parts of the National Water Act on:
 - Transfer of water use authorizations
 - The status of users that were lawful under previous legislation
 - Alignment with the proposed National Water Services Bill and the proposed National Water Resource Infrastructure Agency Bill.
 - Addressing equity, sustainability and efficiency through the National Water Act.
 - Establishment of an institutional framework for managing water resources.
- Analysis of constraints and measures to overcome them
- Description of quality improvement measures

1.3.5.2 Expenditure for Water Resources Management

Programme 1	Budget from previous year	Budget for current year	Increase / Decrease in Budget	Nominal Percent change	Real Percent change
R thousand	2006/07	2007/08	2007/08	2006/07	
Equitable supply	138,531	156,589	18,058	13.0%	7.4%
Sustainable supply	471,705	493,985	22,280	4.7%	-0.5%
Protection policies	31,912	40,371	8,459	26.5%	20.3%
Protection measures	2,000	2,524	524	26.2%	20.0%
Institutional regulation	26,560	29,473	2,913	11.0%	5.5%
Institutional development	6,674	4,104	-2,570	-38.5%	-41.5%
Strategic alignment	153,765	140,056	-13,709	-8.9%	-13.4%
Stakeholder empowerment	140,151	128,945	-11,206	-8.0%	-12.5%
African cooperation	12,099	13,505	1,406	11.6%	6.1%
Water resource administration	22,217	25,644	3,427	15.4%	9.7%
Water resource support	112,504	73,234	-39,270	-34.9%	-38.1%
Operations of water resources	302,660	283,553	-19,107	-6.3%	-10.9%
Infrastructure development and rehabilitation	816,489	1,038,049	221,560	27.1%	20.9%
Total	2,237,267	2,430,032	192,765	8.6%	3.2%

Expenditure grew strongly, at an average annual rate of 26, 1 per cent, from R1, 1 billion in 2003/04 to R2,2 billion in 2006/07, driven by expenditure in the *Sustainable Supply* and the *Institutional Regulation* subprogrammes. Expenditure in the *Sustainable Supply* subprogramme increases because of the additional allocations for constructing the De Hoop Dam, as well as funding for improving dam safety.

The additional allocations for the De Hoop Dam are reflected as transfers to the water trading account, through which the department manages the construction and maintenance of large water infrastructure.

The sharp increase from R12,3 million to R26, 6 million, or 115, 9 %, from 2005/06 to 2006/07 in the *Institutional Regulation* subprogramme can be attributed to the institutional reform process currently under way in the department as part of its 10-year restructuring project, and to the establishment of catchment management agencies.

The 51,2 % average annual increase between 2003/04 and 2006/07 in the *Water Resource Administration* subprogramme reflects the increasing need for programme support and administration services, resulting from an overall increase in expenditure in the programme. There is a decrease in expenditure in the *Operations of Water Resources* subprogramme and a simultaneous increase in the *Sustainable Supply* subprogramme from 2005/06 to 2006/07 due to the shift of the Working for Water programme.

Over the MTEF period, spending is expected to increase by 24, 5 %, due partly to the design and construction of new water resource infrastructure and rehabilitation of existing infrastructure.

1.3.5.3 Findings and Analysis

- A 10.9% decrease in the budget for operations of water resources is in line with the strategic plan of the department of devolving water service delivery to lower levels of Government.
- Stakeholder empowerment has a 12.5 % decrease in budget, in real terms, the output for this sub-programme is that the guidelines on Catchment management strategies (CMS) be finalized and distributed.
- Protection policies and measures budgets have increased by 20.3% and 20% in real terms respectively. But the strategic plan only outlines that policies will be developed for 2007/08. The 2008/9 target is policy roll-out and capacity building in this regard.

1.3.5.4 Recommendations

- Concrete timeframes and measurable outputs to be attached per sub-programme.
- Stakeholder empowerment should include marketing and education strategies, since this will strengthen the water demand side management.
- An ad hoc measure should be implemented while policy on protection of resources is finalized so that current defaulters should be penalised for transgressions against policies and legislation.

1.3.6 Programme 3: The Water Services programme

1.3.6.1 Overview

The measurable objective is: Ensure the provision of effective, efficient and sustainable basic services, bulk infrastructure by local Government and delegated water services institutions.

1.3.6.2 Water services programme

The Water services programme ensures the access to effective, sustainable and affordable water and sanitation services, through policy development, planning, regulating and monitoring of the sector, which includes institutional and implementation support to local government.

The Strategic Framework for Water Services (SFWS) highlights that the driver for the strategic framework for Water services is the Constitution, Section 155 and Schedule 4, which states that water service provision is a provincial government function. Ensuring access to basic water supply and sanitation services remains a core priority for the Department and an extensive effort is being made to achieve the water and sanitation delivery targets in the SFWS.

A challenge the Department experiences in this regard is that the department is held accountable for the achievement of the sanitation targets, but not in control of the funding allocated for the attainment of the sanitation targets. In light of this constraint, the Department undertakes to have a more hands-on approach with the implementation of water services by local government.

1.3.6.3 Water services and sanitation

Progress has been made in the attainment of the Millennium Development Goals of halving the backlog of access to water and sanitation by 2015. An amount of R950 million has also been made directly available to the Department for the provision of sanitation in schools and clinics. The department will have to ensure that the December 2007 deadline for water and sanitation in clinics is met.

The deadline of December 2007 for the bucket eradication will be met. The identified backlog consists of 252 000 buckets, thus far, 140 000 (55%) has been eradicated.

A challenge that still exists is provision of support to municipalities where high levels of poverty exist. Lack of infrastructure stunts the rollout of services to these communities.

1.3.6.4 Expenditure trends

Expenditure for Water Services

	Budget from previous year	Budget for current year	Increase / Decrease in Budget	Nominal Percent change	Real Percent change
Programme 3: Water Services	2006/07	2007/08	2007/08	2006/07	
Provisioning policies	2,999	33,999	31000	1033.7%	977.6%
Water and sanitation services	18,132	394,497	376365	2075.7%	1968.2%
Water sector policies	44,586	50,004	5418	12.2%	6.6%
Water sector support	75,324	88,691	13367	17.7%	11.9%
Institutional policies	10,845	11,387	542	5.0%	-0.2%
Institutional support	46,264	47,705	1441	3.1%	-2.0%
Transfer policies	0	0	0		
Transfer of functions	18,195	16,255	-1940	-10.7%	-15.1%
Africa Initiative	100	100	0	0.0%	-4.9%
African participation	300	803	503	167.7%	154.4%
Water services administration	10,183	10,711	528	5.2%	0.0%
Water services support	105,913	90,726	-15187	-14.3%	-18.6%
Operations of water services	1,132,125	1,168,782	36657	3.2%	-1.9%
TOTAL	1,464,966	1,913,660	448694	30.6%	24.2%

Expenditure decreased sharply at an average annual rate of 15,1 %, from R2, 4 billion in 2003/04 to R1,5 billion in 2006/07, due to the transfer of expenditure on new water and sanitation projects to the municipal infrastructure grant in 2004/05.

Expenditure increases sharply from R1,5 billion in 2006/07 to R2,5 billion in 2009/10 at an average annual rate of 19,9 % because of additional allocations for refurbishing infrastructure and for bulk infrastructure.

Expenditure under the *Provisioning Policies* subprogramme is expected to increase on average by 155% over the MTEF period, because of the two new allocations it has received: the bulk infrastructure grant and the grant for sanitation and water in clinics and schools. In addition, the department will continue to develop capacity aimed at achieving the Millennium Development Goals, resulting in an increase in expenditure in the *Africa Participation* subprogramme of 45,2 % over the MTEF period.

1.3.6.5 Findings and Analysis

- "Moving" targets of the bucket backlog.
- Budget allocated for this programme is in line with Government's goal in eradicating sanitation and bucket backlogs by the end of 2007.
- Water services support budget has decreased by 18, 6% in real terms, which is in line with the strategic plan since this support is given to water sector institutions, to whom responsibility for service delivery implementation has devolved.

1.3.6.6 Recommendations

- The Department should attach timeframes to the eradication of the bucket system and the sanitation backlog.

1.3.7 Programme 4: The Forestry programme

1.3.7.1 Overview

The measurable objective for the Forestry sub-programme is: To ensure the sustainable management of all forests, woodlands and plantations, and enhance the contribution of forest resources to social and economic development.

Currently, the Forestry sector has an annual turnover of R32 billion, a value-adding contribution of R14 billion to other industries and provides 170 000 jobs. There are 12 sub-programmes, which reflect the organizational restructuring that the department has undergone thus far:

1. Forestry Oversight
2. Forestry Governance
3. Forestry Development
4. Community Empowerment
5. Fire Regulation and Oversight
6. Fire Governance
7. State Forest Transfer and Regulation
8. State Forest Administration and Oversight
9. State Forest Management
10. Sustainable Forest Management
11. Forestry Management and Support
12. Forestry Support Services.

1.3.7.2 Selected outcomes

The Department has been working with other departments to promote community-based afforestation in Kwa-Zulu Natal and the Eastern Cape. Forestry has been identified as a key output that can provide employment and upliftment of rural communities.

The Forestry Charter has been designed to empower rural communities and women in forestry. To date only 15% of the equity value is owned by black people, far less is owned by rural women.

One million fruit trees to be planted this year. About 710 hectares of land no longer needed for forestry, would be transferred from forestry to other Government departments. This will free land in rural areas for government's programme of action.

1.3.7.3 Expenditure trends

	Budget from previous year	Budget for current year	Increase / Decrease in Budget	Nominal Percent change	Real Percent change
Programme 4: Forestry R thousand	2006/07	2007/08	2007/08	2006/07	
Forestry oversight	16,258	59,300	43,042	264.7%	246.7%
Forestry governance	2,397	2,207	-190	-7.9%	-12.5%
Forestry development	10,153	10,770	617	6.1%	0.8%
Community empowerment	21,855	22,892	1,037	4.7%	-0.4%
Fire regulation and oversight	4,591	3,200	-1,391	-30.3%	-33.7%
Fire governance	2,537	2,301	-236	-9.3%	-13.8%
State forest transfer and regulation	6,973	8,670	1,697	24.3%	18.2%
State forest administration and oversight	23,293	24,720	1,427	6.1%	0.9%
State forest management	2,113	2,240	127	6.0%	0.8%
Sustainable forest management	317,081	291,421	-25,660	-8.1%	-12.6%
Forestry management and support	3,244	1,782	-1,462	-45.1%	-47.8%
Forestry support services	37,905	31,042	-6,863	-18.1%	-22.2%
TOTAL	448,400	460,545	12,145	2.7%	-2.4%

The industrial plantation trading account ceased to operate in 2002/03, and the revenue linked to state-owned forestry enterprises was paid into the National Revenue Fund. The revenue recovered from forestry operations was reassigned to the department for 2003/04, 2004/05 and 2005/06 to cover operating costs for Mpumalanga commercial forestry. R50 million was rolled over to cover the operating costs for Mpumalanga commercial forestry for 2006/07. The decommissioning of plantation operations in Mpumalanga is expected to continue in 2007/08 to make way for the establishment of the Blyde River National Park.

The increase from R448, 4 million in 2006/07 to R460, 5 million in 2007/08 is mainly due to the R40 million allocations for implementing the broad based BEE forestry charter.

1.3.7.4 Findings and Analysis

- Training for the empowerment of women and BBBEE: necessary skills like management and book-keeping should form part of training for forest management.
- If there is a plan to roll-out fruit tree planting nationally, since the target is 1 million fruit trees to be distributed.
- Budget allocated to the forestry programme is not in line with the aims of poverty alleviation.
- A forest takes 10 years to grow, there are no short-term plans outlined in the Strategic plan to sustain rural communities that needs to be uplifted.

1.3.7.5 Recommendations

- The department should submit plans to Parliament on the training that will take place to empower rural women and the skills identified to be transferred.
- The department should submit plans to Parliament regarding how the livelihoods of rural poor will be sustained while forests are growing.

1.4. Issues for further consideration

- Whether there is a plan of action in place that specifically targets rural economically viable usage and access to water.
- Whether there are any plans in place to address job creation for rural women.
- A breakdown was also requested of the number of women and youth interns recruited. These numbers could not be given off hand to the Committee, but assurance was given that it was taken into consideration when appointments took place.
- The quality of water must also be ensured when delivering water services.
- Timeframes to be supplied for the projects that were highlighted.
- The sharp increase in the budget for African participation. The previous budget was R300 000 whereas the budget allocated is now R800 000.

1.4.1 Key interventions to address financial issues

- The attainment of a clean audit report has been identified as a flagship programme by the Minister of Water Affairs and Forestry.
- The SAP training programme is being implemented to capacitate financial staff on the accrual system of accounting, which is in line with the Generally Accepted Accounting Principles.
- Training for managers on the Public Finance Management Act is also taking place, to ensure that managers are financially accountable and knowledgeable of their responsibilities in terms of the Public Finance Management Act. Performance agreements are to incorporate financial performance and management as a key result area.

2. Hearings on the bucket backlog eradication

2.1 Eastern Cape Province

Presentation by the MEC of Eastern Cape Mr. Galelo Mambisa

In 2004/ 2005 the bucket backlog was 46 977 buckets. At the end of January, the backlog was 26 558 buckets. Currently the backlog is 20 419 units. The funding that is needed to eradicate this backlog R250, 987 million. Available funding through municipal infrastructure grant is R145.26 million. Funding of R44.9 million was sourced elsewhere. The shortfall in funding required to meet the national target is R65.9 million.

Presentation by the Amatole District Municipality

The number of buckets reported in Amatole District Municipality is 10 572. To date, 4 241 buckets has been eradicated (40%). 6331 buckets still need to be eradicated. Funding approved for the eradication of buckets totals R 73,3 million, thus far R30,2 has been spent. The balance of funding available is R43,1 million. A shortfall of 53 million was highlighted as a challenge in awarding the last four tenders to eradicate the bucket backlog.

Presentation by the Chris Hani Municipality

The progress on bucket eradication is slow. 6976 buckets have been identified for eradication, thus far 1120 buckets (17%) have been eradicated, 5856 buckets (83%) still need to be eradicated. 3 projects for the eradication of buckets has been completed, 5 projects are currently 'under review' while 3 projects are still being planned. R150 million is required to eradicate the bucket backlog. Currently R77 million is available to the municipality. A shortfall of R73 million in funding was identified.

2.2. Free State Province

Presentation by the Free State Civil Society: Rural support services

The strategic framework for water services in Free State highlights the fact that government is committed to promote the active involvement of civil society in the provision of sustainable water services. This will take place in the following manner:

- Engaging civil society organisations in policy, research and advocacy, and assisting with planning, implementation and management of programmes and projects at community level;
- Engaging civil society organisations in creating a link between government and local communities;
- Engaging capacitated community-based organisations to manage water services projects at the local level; where appropriate; and
- Assisting in the mobilisation of funds for non-government and community-based organisations where appropriate.

Presentation by the MEC of Free State – Mr. J Mafereka

At the end of March 2007, 84 021 buckets constituted the backlog experienced in Free State. The DoRA allocated budget is R600,599 million. The total amount required is R 1021, 207 million. A shortfall of R 420, 607 million is currently experienced. The unit cost of identified technology is R13,119. The Free State will not meet the bucket backlog deadline of December 2007, due to the constraints of funding and a lack of integrated planning at the provincial level. A task team has been established in the Province which advised that funding be redirected away from less critical targets to the bucket eradication target.

2.3. North West Province

Presentation by the City of Matlosana

There are more than 14402 buckets that will need to be eradicated. In order for the Municipality to meet the target set for December 2007, an additional R101 million will be required. Of the R151 473 000 available to the municipality, R85 547 000 has been allocated to bucket eradication.

Presentation by the Maquassi Hills Municipality

Maquassi Hills Municipality had eliminated its bucket backlog by January 2007. Inter-grated planning was credited for the success of eradicating the backlog.

2.4. Other stakeholders

Presentation by the National Civil Society

Ms. Thoko Sigwazi, Director of Sector Collaboration, gave an overview of civil society's role in advocacy and promotion of community involvement in the water sector. Some of the challenges noted are:

- The need to strengthen partnerships between Local Government and civil society based in the respective communities.
- Training offered and undertaken in the water sector needed to be accredited
- The role of civil society as a watchdog needed to be strengthened.

Presentation by the Council for Scientific and Industrial Research

Sanitation technology available is diverse. Several technologies exist for water scarce areas; several technologies also exist for water abundant areas. The technology options are:

- Dry Systems
 - Ventilated Improved Pit toilet (VIP)
 - Ventilated Improved Double Pit toilet (VIDP)
 - Compositing/urine diversion toilet (UD)
- Wet Systems
 - Pour-flush toilet
 - Aqua-privy and soak away
 - Conservancy tank
 - Septic tank and soak away or small bore solid free sewer
 - Shallow sewerage/ Condominium system
 - Full borne waterborne sewerage

As the technologies become more complex, the higher the costs associated with implementation become. No actual costs of technology options were presented.

Presentation by the Msinga Peace Development Committee

Msinga is surrounded by four rivers, but the community of Msinga does not have access to reticulated water. The Committee is involved with community upliftment and offer assistance in the delivery of water services to the community of Msinga.

2.5. Gauteng Province

The reported bucket backlog in 2005 was 12 332 buckets. Thus far 11 054 buckets have been eradicated. The outstanding 278 buckets should be eradicated by June 2007. The total cost of the bucket backlog eradication is R75 million. The portion of the Municipal Infrastructure Grant allocated currently is R3.1 million. The major challenge that exists for the Gauteng province is the unavailability of suitable land for low-cost housing due to dolomitic soil conditions that result in sink-holes.

2.6. Limpopo Province

Presentation by the MEC of Limpopo – Ms Mhloti Hetisani

There is no bucket backlog in Limpopo, but that the provincial government is currently eradicating the Water Backlog that exists in all the district and local municipalities. Belabela Municipality water backlogs have been eradicated completely. 72% of the province water backlogs have been eradicated. Sanitation technology has also been implemented in the province. 40% of the sanitation backlog has been eradicated. The challenges faced include funding by the provincial government, inappropriate implementation of sanitation technology in the province and low skill levels of staff responsible for the implementation on these technologies.

2.7. Northern Cape Province

Backlogs exist in providing water and sanitation services to schools and clinics and bucket eradication. A reported total of 6846 buckets still exist in the province. The challenges that hamper the eradication of these backlogs are the lack of water in the area. The Northern Cape is a water scarce area, and the implementation of full waterborne sanitation and sewage systems does pose a challenge for the municipality.

2.8. Western Cape Province

The Western Cape Department of Local Government and Housing in partnership with the Department of Water Affairs and Forestry, undertook a study on the sanitation backlog that exists in the Western Cape Province. The existing number of buckets in the province is 1488 buckets. The following municipalities have buckets:

- George (135), Hessequa (60), Kannaland (403), Knysna (106), Oudtshoorn (100), Eden District (28), Theewaterskloof (496), Cederberg (60) and Matzikama (100)
- There is a growth rate in the number of buckets, due to people relocating from the Eastern and Northern Cape to the Western Cape.

To eradicate the backlog, waterborne sewerage systems were proposed. In rural areas where the flow is less than 0.8 Ml/day, an oxidation pond is proposed. In rural communities where the flow is less than 0.2 Ml/day package plants are proposed to cope with the low flows that will be encountered in the remote, rural areas. Septic tanks have also been implemented in rural communities in the Western Cape.

The estimated cost of eradicating the existing backlog is R10.5 billion. The average unit cost for the solution is R25 600 per household. A challenge highlighted was capacitating the municipalities with technical personnel in order to meet the targets set for the eradication of bucket and sanitation backlogs.

2.9. Kwa-Zulu Natal Province

Kwa-Zulu Natal has implemented two bucket eradication projects, commencing in 2006/07. The two municipalities in the province, Indaka Municipality and Umzimkhulu Municipality reported a limited number of buckets that needed to be eradicated. In Indaka Municipality, 192 buckets were eradicated at a cost of R1.9 million. This project has been completed; flush toilets have been connected to the existing sewerage system.

In the Umzimkhulu Municipality, 100 buckets needed to be eradicated. The estimated cost of eradicating these buckets is R1.8 million. 80% of the project is completed. Kwa-Zulu province was confident that it would be the first province to meet the national target, by eradicating all its buckets by July 2007.

2.10. Recommendations

The Committee recommends that:

- 2.10.1 The Department should submit to the Portfolio Committee an up to date, accurate figure of exactly what the bucket backlog is per province at the time of reporting. All provinces concerned seem to have problems with funding. Once the backlogs have been accurately identified, the Department can then inform the Portfolio Committee of the outstanding amount needed to meet the December 2007 target. This should be done as a matter of urgency so the Portfolio Committee can make the necessary recommendations.
- 2.10.2 The Department gives the committee feedback on why the community at Msinga does not have reticulated water, exactly what the problems are and what plans does DWAF have in place to rectify the situation.
- 2.10.3 The Department should investigate the validity of the claims on the shortfall on all the submissions the committee has received in view of the additional monies required to eradicate the bucket system in the various municipalities, as well as the validity of the figures submitted of the backlogs.
- 2.10.4 The Department should ascertain the need to make representation to National treasury on additional funding, to realize the targets for the December 2007 eradication of buckets in formal areas. The Department is urged to provide the Portfolio Committee with a response on this matter.
- 2.10.5 The Department should look at matters that impede the roll-out of the Bucket eradication, namely the tender process and the human resource challenges.
- 2.10.6 The Department should provide the Portfolio Committee with quarterly reports on progress of the eradication of bucket backlog.

3. Report of the Portfolio Committee on Public Service and Administration on the Consideration of 2007/8 Budget Vote: 10 for the Public Service Commission

INTRODUCTION

The Public Service Commission (PSC) plays a key role in promoting a culture of good governance, accountability and transparency. In carrying out its mandate, the PSC focuses on guiding and improving public service labour relations and the role of various role players in human resources management, leadership and performance improvement. It further aims at eradicating corruption in the public service sector. The monitoring and evaluation strategy is one of the Public Service Commission's main tools for assessing service delivery and quality assurance.

THE INPUT: BY THE PUBLIC SERVICE COMMISSION

As custodian of good governance, greater demands are placed on the Public Service Commission (PSC) to advise and introduce innovative approaches to public administration. Through the years the PSC has built a reputation on which the Public Service can rely with respect to high quality and analytical research, sound investigative audits and reviews as well as effective promotion of sound practices. With such recognition has come an increase in requests for advice and support. These requests are of a diverse nature and cover the full extent of the PSC's broad mandate that is inclusive of a Public Service with more than one million employees. Despite this increase in demand, there has not been a concomitant increase in the budget. The increasing demands for the PSC's advice and support in all areas of its mandate, is placing considerable strain on its resources.

Human resource capacity constraints

The PSC has reached a critical point where its operationalization of its mandate has broadened. It can no longer sustain service delivery with the current staff capacity and skills accommodated in the current approved establishment. It would particularly be important to increase the resource base of the PSC in such a manner that additional human resources can be acquired. The total staff complement of the PSC is only 233. Per capita the PSC therefore has approximately one staff member for every 4300 public servants. Given that the role of the PSC covers the whole spectrum of public administration, its staff is exposed to a wide range of practices and therefore possess unique skills and expertise.

The staff turnover rate, specifically at the level of middle management is a critical concern for the PSC. During the past financial year the turnover rate stood at 14%. The rate of staff-turnover at middle management level can be attributed to the fact that currently the posts of Deputy Director are at level 11 and that of Assistant Director at level 9. Staffs at these levels are poached by departments that can afford to employ such middle managers at levels 12 and 10 respectively. The PSC's ability to retain staff is therefore constrained by its budget as it cannot match such offers.

To illustrate the limitations within which the PSC has to operate given its mandate, a comparison with the Office of the Auditor-General can be made. The Western Cape Regional Office of the Auditor-General has more posts than the entire establishment of the PSC. In providing this example the PSC by no means suggests that the mandate of the Auditor-General does not warrant such capacity. It does, however, put into context the limitations experienced by the PSC in implementing its broad mandate.

Budgetary limitations

The limits placed on the PSC's budget impacts on its ability to effectively execute its mandate in a number of key performance areas. This has been pointed out to National Treasury but adequate funding has not been secured. The following serve as a few examples of the impact that the budgetary constraints has had:

Strengthening Monitoring and Evaluation

With existing capacity the PSC in implementing its transversal monitoring and evaluation system could only focus on modest samples of about 15 departments. These samples are not adequate to optimally draw information for the Public Service and consequently restrict the oversight work of the PSC. Samples of 40 departments would be more credible. Because of the small samples currently used and the need to cover the entire Public Service the PSC has not been able to meet a key requirement of effective monitoring and evaluation namely that departments must be revisited to measure progress over a period of three years.

Conducting Citizens' Forums

The PSC in collaboration with the Portfolio Committee on Public Service and Administration has developed a unique concept for public participation called Citizens' Forums. These Forums bring together members of the Community, members of legislatures, government departments and local government to collectively propose measures to improve service delivery. Such a process addresses the constitutional imperative of public participation which is a key consideration in our developmental state. The concept was piloted with the PSC being the facilitating agency. Attempts to secure funds for this important initiative have on numerous occasions been made with no success. Consequently the PSC has had to adopt a different approach of providing a toolkit to the different role players on how to conduct Citizens' Forums. It still has to provide guidance on the implementation of the toolkit and interact with departments to assist them with the process.

Strengthening capacity to manage the National Anti-Corruption Hotline

When the decision to allocate the management of the NACH to the PSC was taken, funding was only obtained for the outsourcing of the call center. However, the call center is only the entry point in the process of dealing with allegations of corruption. Calls reported at the call center are referred to the case management system which is managed by the PSC. A total of more than 400 reports have been generated by the Hotline. After a process of analysis to determine whether cases can be investigated and by whom, more than 2201 cases of alleged corruption have been referred to departments for investigation. The Hotline also has had an unintended result in that service delivery related as well as other non-corruption related complaints are reported. The PSC, given its mandate cannot simply ignore these complaints and has to facilitate feedback to callers. Normally the PSC would deal with approximately 40 investigations emanating from the application of its Complaints Rules per annum. As a result of the Hotline 915 additional complaints that are not corruption related have been received.

Strategic human resource reviews

The ability of the Public Service to achieve its developmental goals and rise to the challenges arising out of ASGISA depends critically on its human resource capacity. The PSC is mandated to monitor, evaluate and investigate personnel practices of the Public Service and to advise national and provincial organs of state of own accord or on receipt of a complaint. The area of human resource management is very broad and encompasses a wide variety of practices. The PSC has produced some of its most significant work in this area which has contributed to improved policies and practices (see the list of reports at Annexure A). However, within its budgetary limitations, this function has to be performed by only one directorate resulting in the PSC not being able to give due attention to this critical area. This becomes a major concern given that most of the interventions that the PSC has been involved with indicate that the area of human resources within departments is vulnerable to the irregularities and maladministration often witnessed.

Regional offices

As a result of a directive of Cabinet the Regional Offices the PSC has been allocated a fixed establishment of five posts that cannot be deviated from. This directive was released on 23 November 1998, before the PSC's functions came into effect and did not take into account the full magnitude of the PSC's mandate. The result is that the PSC does not have adequate capacity in provinces to effectively execute its mandate. This lack of capacity inhibits the flexibility that the PSC has in responding to challenges.

2007/08 Budget analysis

Programme	Budget from previous year	Budget for current year	Next year's budget	Following year's budget	Nominal Percent change	Real Percent change
K'000	2006/07	2007/08	2008/09	2009/10	2007/08	
Programme 1: Administration	48 947	53 028	55 606	58 989	8.34%	3.24%
Programme 2: Investigations & HR Reviews	24 943	28 171	29 557	31 212	12.94%	7.84%
Programme 3: Monitoring & Evaluation	23 113	24 158	25 343	26 764	4.52%	-0.58%
TOTAL	97 003	105 357	110 506	116 965	8.61%	3.51%

RECOMMENDATION:

The Committee noting the relevance of issues raised on the input by the Public Service Commission, on the constraints in dealing with priority issues, recommend that such constraints be noted by Parliament for further intervention, where necessary.

4. Report on the Budget, 1960, and 11 of the Department of Public
Administration and Administration, State Information System, and
the Council of Administration and the Department of Public Administration.

The following information was obtained from the files of the Department of the Interior, Bureau of Land Management, and the Bureau of Reclamation, and is being furnished to you for your information. It is not to be used for any other purpose without the express written consent of the Department of the Interior.

11-11-68

RESEARCH DESIGN

The Department of Public Health and Administration is responsible for public health programs and is concerned with conditions of public health, as well as the cooperation between the various administrative public health programs with industry and education in health, especially in the field of public health. The Department is engaged in the study of public health problems and is interested in the health of South Africa.

1990

1. The following are the names of the persons who have been appointed to the various committees of the Board of Directors:

• How to get the most out of your car

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The Long-Term Impact of the 1960-1970 American Indian Movement on the Native American Community

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Journal of Management Studies, 19(1), 67-80.

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1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

the Nation Address. Thus, matters pertaining to skills development and the efficiency of the state system are given more attention. Therefore, the budget caters for this policy directive.

Performance bonuses are under this programme's flagship. The voluntary Senior Management Service (SMS) is now in place in 60 departments to assess capacity and to ensure that performance bonuses are congruent with actual performance. The bigger slice of the programme budget emanates from transfers amounting to R18 421 million to the Public Sector Education and Training Authority (PSETA) because this authority is now registered as a public entity. The allocation serves to upgrade skills capacity in the public service. The Department, through the authority, has developed and co-ordinated the implementation of transversal learnerships and skills programmes in the public service.

The Management of Compensation programme was previously included in the Integrated Human Resources programme. It develops and implements compensation policies and guidelines, and ensures co-ordinated bargaining. In 2006/07, the programme registered R169 226 million due to the additional allocations for the Government Employees Medical Scheme (GEMS), but in 2007/08 the figure is at R79, 9 million. It is estimated that GEMS has a 40% membership, comprising of members that did not have a medical scheme before.

In 2006/07, the Policy and Procedure on Incapacity Leave and Ill-health Retirement (PILIR) had an allocation of R78 million, because it was mainly within the Department, and not in other departments. The programme has been rolled out and decentralised to other national and provincial departments, hence an inflation-adjusted budget decrease of 57,8%.

The Information and Technology Management programme ensures the effective use of information and technology (IT) in government, and facilitates the use of IT for modernising government and establishing e-government practices. One of the main objectives of the programme is to afford public accessibility to government services and information. Hence, "the Department has continued to roll out the Batho Pele e-Gateway portal, reaching 23 Thusong service centres against the target of 65".

Budget allocation will reflect an average 5,5 % over the Medium-term Expenditure Framework (MTEF) period, but as for the 2007/08 the increase is at 0,81%, which translates into about R2, 2 million. This is because there has been a considerable decrease in the transfer to the State Information Technology Agency (SITA), which has become more self-sustaining due to the sale of its services to a variety of clients.

The Service Delivery Improvement programme offers supportive interventions and partnerships to improve efficiency and effectiveness, innovative learning, and knowledge-based modes and practices of service delivery. The programme had been applied as an intervention in KwaZulu-Natal and the Eastern Cape during the 2005/06 year.

The programme has seen an increase from R67 091 million to R78, 8 million (about 12,5%). This is due to, among other things, the intervention support was provided to the Democratic Republic of Congo (DRC) for a census project in the 2005/06 financial year. There is also an agreement between Sweden and South Africa on assisting the DRC to develop their public service, which was concluded in May 2006. In the 2005/06 financial year, 286 senior management service members were exposed to Project Khaedu, followed by 444 in 2006/07. The objective of the programme is to share experiences between senior and junior managers.

The Governance programme aims to improve governance and public administration for improved service delivery in Africa and other participating countries worldwide. The budget allocation for 2006/07 was R74, 2 million, and for 2007/08 is estimated at R30,054 million. The allocation for the programme has dropped sharply by 64,6% because the Global Forum V on Fighting Corruption and Safeguarding Integrity and the national anti-corruption programme are once-off projects, which were respectively catered for in the 2005/06 and 2006/07 budgets.

The programme supports the vision towards efficiency and increased public participation in governance, by fighting corruption and carrying out participatory monitoring. The Government, through the Department, managed the African Peer Review Mechanism (APRM) process so as to determine the level of transparency and participatory governance.

Implications for Parliament

The 2007/08 budget programmes have the following implications for Parliament:

- *Human Resource Management and Development*

Parliament should ensure that policy on Senior Management Service (SMS) delivers on the implementation of competency-based management and performance management systems. This would ensure that funds for this programme are gainfully utilised. Departments and Heads of Departments that do not comply with performance assessment should be called to account and drastic measures should be taken for recurrence of non-compliance.

The system of performance bonuses that is not congruent with the overall performance of a given department should be reviewed so that performance is not tied to an individual only, but also to the institution on whose performance the Head of Department is assessed. Since the Batho Pele principles have recently been included in the Performance Management Development System (PMDS), it would now be easier for Parliament to raise concerns on Heads of Department receiving good performance ratings when the institutions they manage perform below standard.

The Department introduced the voluntary SMS competency assessment in 2006. Competency is a core quality for measuring the potential to deliver on key performance areas of service. Competency assessment also serves to point at both areas of strength and development with a view to consolidating such strengths and employing remedies for weaknesses. Competency assessment is by nature not punitive. Therefore, Parliament must ensure that the competency assessment policy becomes mandatory.

Parliament should require targeted progress reports on employment equity so that people with disabilities get a fair chance to access employment in the public service, especially at middle and senior management levels. Cabinet approved a 2% target for people with disabilities by 2010. Parliament must ensure that budget allocation reflects this policy target.

Parliament should establish benchmarks the Human Resource Strategy so that the investment on improving competency levels of public servants, through learnerships and skills programmes, is not lost to preventable high staff turnover. Contributing factors to high turnovers should be investigated and addressed.

Political and financial oversight on the Public Sector Education and Training Authority (PSETA) would be ideal for the realisation of the authority's mandate to upgrade skills capacity in the public service. The PSETA has a budget of R18,4 million in the MTEF 2007/08, which should be used efficiently to enhance public service capacity, as was highlighted in the 2007 State of the Nation Address.

- *Information and Technology Management*

The Batho Pele e-Gateway portal being rolled out countrywide is a step in the right direction to improve public access to government services through the use of Information and Communication Technology (ICT). Parliament has a decisive role to monitor and determine whether or not the content of the portal is user-friendly. Parliament has to investigate whether the portal could be used for enquiries and queries, and assess whether return service on such queries and enquiries is expedient and timeous.

- *Service Delivery Improvement*

In 2005, the Department, in collaboration with the Office of the Public Service Commission, assisted the KwaZulu-Natal Province with capacity for provincial

departments to deliver on their mandates. The Department and the Commission came up with a review report containing recommendations, which were implemented in five departments between September 2005 and June 2006. Parliament must require an update in order to determine whether progress has been made in these provincial departments. This will ensure that previous capacity problems do not recur and remedial strategies consolidate.

- *Governance*

Parliament must assess and determine with keen interest the developments regarding the African Peer Review Mechanism (APRM) with a view to strengthening matters of governance, which forms part of oversight aimed at ensuring that the government operates according to international conventions. The South African Government is one of the founder members of the New Partnership for Africa's Development (NEPAD). Therefore, strict adherence to principles of good governance should be practised.

Information and Technology Management

The Information and Technology Management programme aims to ensure the effective use of information and IT in government, and facilitate the use of IT for modernising government and establishing e-government practices.

Apart from *Management*, there are three current subprogrammes:

- *E-govt Architecture and Integration* provides support and leadership to national and provincial departments and to SITA to develop a government wide architecture and system integration plan.
- *Government Chief Information Officer Operations* develops policies, strategies and regulations on ICT across the public service; oversees SITA; provides secretarial services to the Government Information Technology Officers' Council and oversees all ICT initiatives in the public service.
- *Information and Communication Technology Programme Management* supports all national and provincial departments on significant transversal projects and e-government projects.

Expenditure estimates

Table 9.6 Information and Technology Management

Subprogramme	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
	2003/04	2004/05	2005/06		2007/08	2008/09	2009/10
R thousand				2006/07			
Management E-govt	581	1 189	2 253	1406 2	1 613	1785	1
Architecture and Integration				446	2 494	2 597	881
Government Chief Information Officer	-	-	-	5 273	5 762	6 025	6 295
Information and Communication Technology	15 094	18 680	19 704	28 912	30 417	31 952	33 434
State Information Technology Agency	50 002	-	-	-	-	-	-
Total	65 677	19 869	21 957	38 037	40 286	42 359	44 606
Change to 2006 Budget estimate				13 323	14 496	15 232	

R thousand	Audited			Adjusted appropriation	Medium-term expenditure		
	2003/04	2004/05	2005/0		2007/08	2008/09	2009/10
Economic classification							
Current payments	10 870	19 717	21 297	37 778	40 166	42 218	44 425
Compensation of employees	2 576	3 633	5 385	8 550	9 310	9 709	10 383
Goods and services	8 294	16 084	15 912	29 228	30 856	32 509	34 042
of which:							
Communication	154	146	262	238	365	386	397
Computer services	-	-	3 531	14 092	14 851	15 596	16 375
Consultants, contractors and special services	7 010	14 336	8 606	12 953	11 972	12 720	13 389
Maintenance, repairs and running costs	22	3	9	78	27	50	33
Operating leases	-	-	110	-	-	-	-
Travel and subsistence	371	643	951	896	1 365	1 401	1 430
Transfers and subsidies	50 010	11	16	5	20	21	41
Provinces and municipalities	8	11	16	5	-	-	-
Departmental agencies and accounts	50 002	-	-	-	-	-	-
Foreign governments and international	-	-	-	-	20	21	41
Payments for capital assets	4 797	141	644	254	100	120	140
Machinery and equipment	4 797	127	644	254	100	120	140
Software and other intangible assets	-	14	-	-	-	-	-
Total	65 677	19 869	21 957	38 037	40 286	42 359	44 606

Details of major transfers and
subsidies: Departmental agencies and
accounts Capital
State Information Technology Agency

50 001

50 001

- *Expenditure trends*

The average annual growth of the programme's budget increases at 5,5 per cent over the MTEF period, including an additional allocation for completing the CabEnet project. There was a sharp decrease in spending between 2003/04 and 2004/05, due to the reduction in the transfer to SITA.

- *Service delivery objectives and indicators*

Recent outputs

Research on current e-government architecture frameworks and tools will be completed in February 2007 and on South African government systems and standards in November 2007.

A draft memorandum of understanding to facilitate implementation of the chief information officer (CIO) exchange programme has been developed and is currently being consulted on, as is a code of ethics for CIOs.

The department has developed a set of documents, consulted on in 2005, which are aimed at eliminating fragmented service delivery across the three spheres of government, improving public convenience in accessing government services, and increasing the productivity of civil servants.

To improve public access to government services through the use of ICT, the department has continued to roll out the Batho Pele e-Gateway portal, reaching 23 Thusong service centres against the target of 65. The content of the portal has been translated into seven of the official languages. The other languages will be done by the end of 2006/07. Information on provincial and local government has been updated.

The web co-existence strategy has been developed and consultation with stakeholders is in progress. Currently each department has its own website and is responsible for updating info. The intention is to have a central point to ensure updates are automatically made across departmental websites. In addition, the disaster recovery plans for transversal systems have been developed and tested, and are being consulted with the Government Information Technology Officers' Council.

Selected medium-term output targets

Information and Technology Management

Measurable objective: Improve access to government services by providing a single, 24 hour IT window in a steady and efficient manner.

Subprogrammes	Output	Measure/Indicator	Target
Architecture and Integration	Government wide enterprise architecture	Enterprise architecture framework developed Existing systems architecture documented	November 2008 January 2009
Government Chief Officer Operations	SITA IT informational library Standard IT plans IT policy framework	Library implemented Single standard IT plan adopted across government Revised minimum interoperability standards	January 2008 June 2008 March 2008

ICT Programme Management	General service	65 GSCs rolled out to Thusong service centres Content on the portal broadened and enhanced to include services information from provincial and local departments Establish link for co-existence of government websites with the portal	December 2007 September 2008 March 2008
	counters (GSC)		
	Improvement to		
	transversal systems		

SOUTH AFRICAN MANAGEMENT DEVELOPMENT INSTITUTE VOTE 11

1. Introduction

Service delivery is dependent upon a pool of skills within the public service; a well-trained and competent public service is the key to accelerated service delivery.

Central to SAMDI's mandate is the development of a comprehensive training strategy, as well as the provision of training programmes for management development in public servants so as to improve the state's capacity to discharge its duties effectively and efficiently.

Thus, its role is to ensure that the state's capacity at a national and local government level is improved. Cabinet's decision to approve SMADI to be transformed into a Public Service Academy will broaden its scope and mandate so as to afford more time and resources for effective training activities.

The report provides a critical budget analysis and highlights also what are the focal areas and strategic priorities that members of Parliament will be focusing on in 2007, in performing their oversight function.

This report assesses how the budget allocated relates to the State of the Nation Address. It presents a comparative report as it looked at the previous (2006/07) budget expenditure trends as well as the budget estimates for 2007/08. The report assesses how budget estimates relates to the key strategic areas and the 2007 State of the Nation Address.

2. Policy Priorities

During the medium terms expenditure framework period SAMDI seeks to address the following six strategic objectives in its quest to provide training and the skills development of public servants. These policy priorities are summarised as follows:

- Develop and administer a training framework that sets norms and standards for curricula and materials used by providers of junior middle managers.
- Co-ordinate the provision of an executive development programmer for the senior management service, in a way that is oriented towards service delivery.
- Develop and implement a suitable quality management and monitoring system.
- Capacitate government departments to identify their human resource development needs in relation to their service delivery objectives.
- Establish and maintain partnerships and links with national and international management development institutes and training providers.

- Arrange customised training programmes in support of South Africa's foreign policy within the African Union (AU) and the New Partnerships for Africa's Development (NEPAD).

A policy implication for SAMDI is to ensure that it promotes and enter into partnerships with various institutions that are providing education and training. Through these partnerships with the identified institutions SAMDI will be able to ensure that relevant and realistic training programmes that address human resource capital development are introduced and implemented.

The 2007 State of the Nation Address raised the training of public servants in order to ensure that the state has the required skills in order to diligently perform its duties, as one of the strategic priorities. It is hoped that through trained and skilled public servants the state will be much more effective and productive. This implies training analysis and skills audit should be conducted in order to determine the best suitable training programmes for a productive and efficient state.

Transformation of SAMDI into a Public Service Academy will have its own implications because it is tentative that at the first early stages the academy will produce the intended outputs in. Further delays in the provision of training for public servants will frustrate further the provision of improved service delivery, as well as the effectiveness and efficiency of the State.

5 Budget Analysis

5.1 Total Allocation

Between 2003 and 2006/07 SAMDI's budget has increased to an average of 16,8% and is expected to grow further in 2008/09. The actual budget increase in 2007/08 financial year is estimated at 14,8%, which is largely based on the huge administrative support demand, as well as for the academy costs. Transfer increases are meant to cover the new academy costs and also to ensure that increased training activities will be carried out. Total expenditure growth between 2006/07 to 2009/10 is estimated to a 14%, which derives from the need to provide adequate support to the newly proposed Public Service Academy.

Table 1: provides budget and expenditure trends as per programme between 2006/07 till 2007/08.

Programme	Budget from previous year	Budget for current year	Increase / Decrease in Budget	Nominal Percent change	Real Percent change
	2006/07	2007/08	2007/08	2007/08	
Programme 1: Administration	R 32,017	R41,910	9893	30.9%	24.4%
Programme 2: Public Sector Organisational and Staff Development	R 26,206	R 29,216	3010	11.5%	6.0%
Programme 3: Transfers	R 23,059	R 29,216	6157	26.7%	20.4%
Total	58223	71126	12208	20.7%	14.8%

Source: Estimates of National Expenditure

5.2 Programme Allocation

Table 2:

R Thousand Programme	Adjusted appropriation	Medium-term expenditure estimates	Medium-term expenditure estimates
	2006/07	2007/08	2008/09
Management :	R 3,720	R 7,285	R7 697
Cooperate services	R 28,642	30250	R32 550
Property management	R 350	R 4,375	R4 400
Total	32712	41910	R44 647

The budget administration increase seeks to ensure that SMADI is able to ensure that training programmes aimed at improving the skills capacity for public servants are developed and implemented. Budget for administration has remained at an average rate of 30.9%, which translates it to real 24.4% increase. The huge administrative expenditure increase is meant to enable SMADI to meet the administrative requirements and demands of the proposed new Public Service Academy.

5.3 Public Sector Organisational and Staff Development

The Public Sector Organisational and Staff Development Programme received a 11.5% average increase, which translates into a 6.0% real increase, which is a smaller increase as compared to administration. This component is critical despite the minimal increase received. This derives from the fact that other funds will be sourced from other departments such as the Department of Public Works. It is expected that trading account will augment the component's budget through the provision of monthly transfers. The budget decline in this component will have no negative impact as SAMDI conducts training for government departments who pay for services rendered.

5.4 Trading Account Expenditure Trends

SAMDI in its attempt to ensure financial stability in 2002 established a trading account as a cost recovery mechanism to ensure that its provision for training remains effective and viable. Its principal objective is to provide organisational development interventions for national, provincial and local government departments.

Organisational development interventions that increased the revenue from R14,9 million in 2003/04 to R32,8 million in 2006/7. This increase seeks to cover the academy's costs in order to ensure that it runs effective management training programmes as well as induction programmes. The revenue for this programme is expected to grow further due to the fact that government intends to ensure that public servants are capacitated and well trained to meet new challenges. Furthermore, it is expected to grow further over the MTEF period from R38,3 million in 2007/08 to R48,3 million in 2009/10. This seeks to translate government's intention of having competent managers, skilled and motivated public servants for accelerated services.

6. Implications for Parliament

The Portfolio Committee on Public Service and Administration and the Select Committee on Local Government and Administration will have to perform their oversight function through ensuring that the proposed Public Service Academy produces the desired outputs. Close monitoring and effective accountability should be amongst the priority programmes for Parliament in order to ensure that this Public Service Academy performs its duties by ensuring that public servants receive quality training that will contribute towards an effective, skilled and productive public service.

Parliament should ensure that the proposed Public Service Academy receives the required institutional and adequate resource support that will enable it to effectively discharge its duties. In essence, this suggests that Parliament should ensure it evaluates the impact of SAMDI and the Public Service Academy in terms of improving skills capacity of public servants through developing a skilled and motivated public service that provides accelerated delivery.

7. Impact on Gender, Youth and Disability

In terms of its priorities SAMDI, has fallen short in identifying the key strategic issues that relate to Gender, Youth and Disability. These are sectors that require special attention in order to ensure that the goal of building a caring public service is realised. It is necessary to develop relevant strategies and programmes that will empower and develop youth and people with Disabilities to realise their potential and participate fully in the reconstruction and develop, as they will become active members of their own societies and sectors. These programmes and strategies should also ensure that they create an enabling environment for Gender parity and development.

The in-service training programme, information and communication technology and engineering should be amongst other programmes that meant for Youth, Gender and Disabilities development. Improving participation and increasing the outputs in the engineering and information and communication technology sectors is the key to the development of Youth, Gender and Disabilities.

8 Conclusion

The medium-term SAMDI's budget allocations gives hope towards the realisation of improving skills capacity and the development of a skilled and effective public service through the provision of capacity building programmes and training. It is imperative to pay serious attention to compensation of employees in order to ensure that government is more competitive and retains highly skilled personnel for improved and accelerated service delivery.

3. Report of the Portfolio Committee on Justice and Constitutional Development on the Regulation of Interception of Communications and Provision of Communication-related Information Amendment Bill [B9-2006] (National Assembly – sec 75), dated 22 June 2007:

The Portfolio Committee on Justice and Constitutional Development, having considered the subject matter of the **Regulation of Interception of Communication and Provision of Communication-related Information Amendment Bill [B9-2006]** (National Assembly – sec 75), referred to it and classified by the Joint Tagging Mechanism as a section 75 Bill, endorses the classification of the Bill and reports the Bill with amendments [B9A-2006].

TUESDAY, 31 JULY 2007

ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Draft Bills submitted in terms of Joint Rule 159

(a) *Education Laws Amendment Bill*, 2007, submitted by the Minister of Education. Referred to the **Portfolio Committee on Education** and the **Select Committee on Education and Recreation**.

(b) *National Environmental Management: Integrated Coastal Management Bill*, 2007, submitted by the Minister of Environmental Affairs and Tourism. Referred to the **Portfolio Committee on Environmental Affairs and Tourism** and the **Select Committee on Land and Environmental Affairs**.

(c) *National Environmental Management: Waste Bill*, 2007, submitted by the Minister of Environmental Affairs and Tourism. Referred to the **Portfolio Committee on Environmental Affairs and Tourism** and the **Select Committee on Land and Environmental Affairs**.

(d) *National Environmental Management Laws Amendment Bill*, 2007, submitted by the Minister of Environmental Affairs and Tourism. Referred to the **Portfolio Committee on Environmental Affairs and Tourism** and the **Select Committee on Land and Environmental Affairs**.

(e) *National Environmental Management Second Amendment Bill*, 2007, submitted by the Minister of Environmental Affairs and Tourism. Referred to the **Portfolio Committee on Environmental Affairs and Tourism** and the **Select**

**Committee on Land and
Environmental Affairs.**

TABLINGS

*National Assembly and National Council
of Provinces*

1. The Minister of Finance

- (a) Annual Report of the Bank Supervision Department on the South African Reserve Bank for the year ended 31 December 2006.
- (b) Annual Financial Statements of the Corporation for Public Deposits for 2006–2007, including the Report of the Independent Auditors on the Financial Statements for the year ended 31 March 2007.
- (c) Report and Financial Statements of the Financial Services Board on the Registrar of Friendly Societies for 2005.

2. The Minister of Transport

- (a) Report of the Railway Safety Regulator on the State of Railway Safety in South Africa for 2005–2006 [RP 7-2007].

Please note: The tabling above replaces item 3(c) under “Tablings” on page 1472 of the Announcements, Tablings and Committee Reports of 27 July 2007.

- (b) International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC Convention), tabled in terms of section 231(2) of the Constitution, 1996.

- (c) Explanatory Memorandum to the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC Convention).

- (d) Agreement between the Government of the Republic of South Africa and the Government of the Republic of Senegal on Cooperation with regard to Civil Aviation Security, tabled in terms of section 231(3) of the Constitution, 1996.

- (e) Explanatory Memorandum to the Agreement between the Government of the Republic of South Africa and the Government of the Republic of Senegal on Cooperation with regard to Civil Aviation Security.

WEDNESDAY, 1 AUGUST 2007

ANNOUNCEMENTS

*National Assembly and National Council
of Provinces*

The Speaker and the Chairperson

**1. Classification of Bill by Joint
Tagging Mechanism**

- (1) The Joint Tagging Mechanism, in terms of Joint Rule 160(6), classified the following Bill as a section 75 Bill:

- (a) *Broadband Infraco Bill* [B 26—2007] (National Assembly—(sec 75)).

COMMITTEE REPORTS

National Assembly

- 1. Report of the Portfolio Committee on Minerals and Energy on**

the *Mineral and Petroleum Resources Development Amendment Bill* [B 10—2007] (National Assembly—sec 75), dated 20 June 2007:

The Portfolio Committee on Minerals and Energy, having considered the subject of the *Mineral and Petroleum Resources Development Amendment Bill* [B 10—2007] (National Assembly—sec 75), referred to it, and classified by the Joint Tagging Mechanism as a section 75 Bill, reports the Bill with amendments [B10A—2007].

THURSDAY, 2 AUGUST 2007

ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Classification of Bills by Joint Tagging Mechanism

(1) The Joint Tagging Mechanism, in terms of Joint Rule 160(6), classified the following Bill as a money Bill:

(a) *Diamond Export Levy Bill* [B 22—2007] (National Assembly—(sec 77)).

(2) The Joint Tagging Mechanism, in terms of Joint Rule 160(6), classified the following Bill as a section 75 Bill:

(a) *Diamond Export Levy (Administration) Bill* [B 23—2007] (National Assembly—(sec 75)).

2. Assent by President in respect of Bills

(a) *Immigration Amendment Bill* [B 28—2007]—Act No

3 of 2007 (assented to and signed by President on 28 June 2007).

(b) *Appropriation Bill* [B 2—2007]—Act No 7 of 2007 (assented to and signed by President on 24 July 2007).

(c) *Taxation Laws Second Amendment Bill* [B 19—2007]—Act No 9 of 2007 (assented to and signed by President on 24 July 2007).

TABLINGS

National Assembly and National Council of Provinces

1. The Minister of Finance

(a) Government Notice No R 621 published in Government Gazette No 30072 dated 13 July 2007: Amendment of Schedule No 2 (No 2/291) to the Customs and Excise Act, 1964, made in terms of section 56 of the Customs and Excise Act, 1964 (Act No 91 of 1964).

(b) Government Notice No R 622 published in Government Gazette No 30072 dated 13 July 2007: Amendment of Schedule No 2 (No 2/292) to the Customs and Excise Act, 1964, made in terms of section 56 of the Customs and Excise Act, 1964 (Act No 91 of 1964).

(c) Government Notice No R 624 published in Government Gazette No 30075 dated 20 July 2007: Correction Notice to Notice No 518 of Government Gazette No 29455 dated 15 December 2006, Amendment of Schedule No 1 (No 1/1338) to the