No 19—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

WEDNESDAY, 8 MAY 2002

1. The House met at 15:03.
2. The Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [15:04] Questions—Deputy President and Cluster 3: Economics.
4. [17:00] Notices of motion.
5. [17:17] The Deputy Chief Whip of the Majority Party moved without notice: That the House—
   (1) notes with sadness the tragic air plane crash in Kano, Nigeria, on Sunday, 5 May 2002, which claimed 148 lives;
   (2) further notes that amongst the casualties was Nigeria's Minister of Sport, Ishaya Mark Aku;
   (3) mourns with the people of Nigeria; and
   (4) sends its heartfelt condolences to the Nigerian Parliament and the people, and to those who lost loved ones in this tragedy.

   Agreed to.
6. The House adjourned at 17:18.

S MFENYANA,

Secretary to Parliament.

No 52—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

WEDNESDAY, 8 MAY 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   The Minister of Health submitted the ***Wetsontwerp op die Herroeping van die Wet op die Gesondheidskenkingsfonds*** [W 20—2002] (National Assembly—sec 75) to the Speaker and the Chairperson on 8 May 2002. This is the official translation of the ***Health Donations Fund Act Repeal Bill*** [B 20—2002] (National Assembly—sec 75), which was introduced in the National Assembly by the Minister on 29 April 2002.

National Assembly:

The Speaker:

1. Adv S P Holomisa has been appointed as Chairperson of the Joint Constitutional Review Committee with the effect from 8 May 2002.
2. Mr A C Nel has been appointed as Deputy Chief Whip of the Majority Party with the effect from 7 May 2002.
3. Mr L T Landers has been appointed as Chairperson of the Joint Standing Committee on Ethics and Members' Interests with the effect from 8 May 2002.

National Council of Provinces:

1. The Chairperson:

   The following papers have been tabled and are now referred to the relevant committees as mentioned below:

   (1) **The following papers are referred to the Select Committee on Security and Constitutional Affairs:**

   (a) Strategic Plan of the Department of Correctional Services for 2002-2005.

(b) Strategic Plan of the Independent Complaints Directorate for 2002-2005.

(c) Strategic Plan for the Department of Justice and Constitutional Development for 2002-2005.

(d) Government Notice No R.37 published in Government Gazette No 23029 dated 18 January 2002, Magistrates Courts: Amendment of the Rules of Court, made in terms of section 6 of the Rules Board for Courts of Law Act, 1985 (Act No 107 of 1985).

(e) Government Notice No R.38 published in Government Gazette No 23029 dated 18 January 2002, Magistrates Courts: Amendment of the Rules of Court, made in terms of section 6 of the Rules Board for Courts of Law Act, 1985 (Act No 107 of 1985).

(f) Proclamation No R.9 published in Government Gazette No 23119 dated 15 February 2002, Commencement of sections 10, 14, 16, and 51, made in terms of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000).

(g) Government Notice No R.187 published in Government Gazette No 23119 dated 15 February 2002, Regulations regarding the Promotion of Access to Information, made in terms of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000).

(h) Government Notice No 292 published in Government Gazette No 23176 dated 28 February 2002, Directives made in terms of section 7 of the Criminal Matters Amendment Act, 1998 (Act No 68 of 1998).

(i) Proclamation No R.15 published in Government Gazette No 23149 dated 15 February 2002, Commencement of the Criminal Matters Amendment Act, 1998 (Act No 68 of 1998).

(j) Government Notice No R.213 published in Government Gazette No 23149 dated 28 February 2002, Determination of remuneration payable to *curator ad litem*, made in terms of section 29 of the Mental Health Act, 1973 (Act No 18 of 1973).

(k) Government Notice No R.214 published in the Government Gazette No 23149 dated 28 February 2002, Regulations prescribing the tariff of allowances payable to psychiatrists who appear as witnesses in court, made in terms of the Criminal Procedure Act, 1977 (Act No 51 of 1977).

(2) **The following papers are referred to the Select Committee on Finance for consideration and report:**

(a) Agreement between the Government of the Republic of South Africa and the Government of the Republic of the Seychelles for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, tabled in terms of section 231(2) of the Constitution, 1996.

(b) Explanatory Memorandum on the Double Taxation Agreement between the Republic of South Africa and the Republic of the Seychelles.

(3) **The following papers are referred to the Select Committee on Public Services:**

(a) Air Transport Agreement between the Government of the Republic of South Africa and the Government of the Republic of Germany, tabled in terms of section 231(3) of the Constitution, 1996.

(b) Bilateral Air Services Agreement between the Government of the Republic of South Africa and the Government of the Federal Republic of Brazil, tabled in terms of section 231(3) of the Constitution, 1996.

(4) **The following paper is referred to the Select Committee on Labour and the Select Committee on Public Services:**

Annual Report and Financial Statements of the Construction Education and Training Authority for 2000-2001, including the Report of the Auditor General on the Financial Statements for 2000-2001 [RP 19-2002].

(5) **The following papers are referred to the Select Committee on Finance:**

(a) Proclamation No 17 published in Government Gazette No 23169 dated 28 February 2002, Commencement of the Financial Intelligence Centre Act, 2001 (Act No 38 of 2001).

(b) Proclamation R.19 published in Government Gazette No 23169 dated 1 March 2002, Fixing of date on which sections 37(1), 38(1) and 48(1) shall come into operation, made in terms of the Revenue Laws Amendment Act, 2001 (Act No 19 of 2001).

(c) Government Notice No R.256 published in Government Gazette No 23196 dated 1 March 2002, Determination interest rate for purposes of paragraph *(a)* of the definition of "official rate of interest" in paragraph 1 of the Seventh Schedule, made in terms of the Income Tax Act, 1962 (Act No 58 of 1962).

(d) Proclamation Notice No 20 published in Government Gazette No 23207 dated 15 March 2002, Appointment of members of the Special Courts for the hearing of income tax appeals, made in terms of the Income Tax Act, 1962 (Act No 58 of 1962).

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Education:

   Report of the Study Team on the Implementation of the National Qualifications Framework.

2. The Minister of Finance:

   Annual Report and Financial Statements of the National Development Agency for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001 [RP 28-2002].

3. The Minister of Labour:

Annual Report and Financial Statements of the Public Service Sector Education and Training Authority for 2000-2001, including the Financial Statements of Auditor-General on the Financial Statements for 2000-2001.

No 20—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

THURSDAY, 9 MAY 2002

1. The House met at 14:00.

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

3. [14:00] Notices of motion.

4. [14:17] Mrs C Dudley moved without notice: That the House—

   (1) notes that today is Ascension Day and that it is the day according to the Christian faith, belief and tradition that is celebrated and recognised by most denominations as the day that the Lord Jesus Christ ascended to heaven; and

   (2) takes note of this day as Christians throughout the world go about observing their faith and wishes them well.

   Agreed to.

5. FIRST ORDER [14:18]

   Debate on Vote No 27—Environmental Affairs and Tourism, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

   Debate concluded.

6. SECOND ORDER [16:45]

   Debate on Vote No 6—Public Works, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

   Debate concluded.

7. The House adjourned at 18:58.

S MFENYANA,

Secretary to Parliament.

No 8—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL COUNCIL OF PROVINCES

THURSDAY, 9 MAY 2002

1. The Council met at 14:04.

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

3. [14:05] Notices of motion.

4. [14:09] Mr K D S Durr moved without notice: That the Council—

   (1) notes that today is Ascension Day and that it is the day according to the Christian faith, belief and tradition that is celebrated and recognised by most denominations as the day that the Lord Jesus Christ ascended to heaven; and

   (2) takes note of this day as Christians throughout the world go about observing their faith and wishes them well.

   Motion agreed to in accordance with section 65 of the Constitution.

5. [14:10] Ms J N Vilakazi moved without notice: That the Council—

   (1) applauds the installation of an Aids Care Unit at Conradie Hospital in a joint venture with St Lukes Hospital in the Western Cape;

   (2) notes that certain parts of Conradie Hospital have been transformed into a care unit for Aids patients;

   (3) appreciates that the facility will offer comfort and specialised care to Aids patients in the final stages of disease;

   (4) notes with appreciation that funding of this facility is provided by the Government and that medical, pharmaceutical and logistical support is provided by Conradie Hospital; and

   (5) applauds such a move as a true example of dedication, vision, courage and integrity and as part of the many-pronged effort to control the HIV epidemic in this province.

   Motion agreed to in accordance with section 65 of the Constitution.

6. [14:11] Dr P J C Nel moved without notice: That the Council—

(1) notes that —

(a) on 4 May 2002, two of the hon member Mr Adriaan van Niekerk's children, Sjan-Mari and Iaan van Niekerk, participated in the International Open Karate Kickboxing Tournament in New York; and

(b) Sjan-Mari won one gold and one bronze medal and Iaan won one gold, one silver and one bronze medal;

(2) congratulates them on these excellent achievements;

(3) further notes that on 11 May 2002 these two young people will be participating in the karate kickboxing world championship tournament in Orlando, Florida; and

(4) wishes them lots of success and expresses the hope that they will once again hold South Africa's name high in this particular code of sport.

Motion agreed to in accordance with section 65 of the Constitution.

7. [14:13] The Chief Whip of the Council moved: That, with a view to its debate this afternoon, the Council notes—

(1) the rapidly deteriorating situation in the Middle East, occasioned by Israeli state aggression against the state and people of Palestine, including the killing and maiming of civilians;

(2) the occupation of Palestinian land and territory by the Israeli government;

(3) the violation by the Israeli government of UN Human Rights treaties and the Geneva Convention and protocols on the treatment of civilians and prisoners of war;

(4) the efforts of the Arab States, the United Nations, the UN Security Council and several other governments, including the Government of South Africa, to finding a lasting peaceful solution in the Middle East;

(5) the refusal of the Israeli government to permit UN observers to investigate the events in Jenin; and

(6) the progress in regard to resolving an impasse in the Church of Nativity in Bethlehem.

Motion agreed to in accordance with section 65 of the Constitution.

8. [14:18] The Council discussed the following subject: Palestine: A struggle for self-determination, freedom, human dignity and peace.

Debate concluded.

9. FIRST ORDER [15:34]

Policy debate on Budget Vote No 33: Water Affairs and Forestry, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

Debate concluded.

10. SECOND ORDER [17:50]

Consideration of Report of Select Committee on Land and Environmental Affairs (Announcements, Tablings and Committee Reports, p 346—***Kyoto Protocol on Climate Change***).

Debate concluded.

Report adopted in accordance with section 65 of the Constitution.

11. The Council adjourned at 18:04.

S MFENYANA,

Secretary to Parliament.

No 53—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

THURSDAY, 9 MAY 2002

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Public Works:

   Memorandum by the Minister of Public Works setting out particulars of the Building Programme for 2002-2003 [RP 62-2002].

No 21—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

FRIDAY, 10 MAY 2002

1. The House met at 09:02.

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

3. [09:02] Notices of motion.

4. [09:17] The Deputy Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes that Sunday, 12 May, is Mother's Day;

   (2) recognises that the role of motherhood is often undervalued and overlooked in society;

   (3) acknowledges, on behalf of all South Africans, the debt we all owe our mothers who have conceived, delivered and nurtured us; and

   (4) wishes all mothers a very happy Mother's Day and pledges to fight for the safety and dignity of all women.

   Agreed to.

5. Mr T D Lee moved without notice: That the House—

   (1) expresses its distress at the double tragedy of the pregnant woman seriously injured by a stray bullet in Mitchells Plain on Wednesday night;

   (2) strongly regrets the death of her seven-month-old baby, delivered prematurely as she lay in a coma;

   (3) appeals to anyone who might know her identity to come forward to assist in finding this woman's family; and

   (4) prays for her full recovery.

   Agreed to.

6. [09:18] The Speaker announced that Mr N P Nhleko had been appointed Chief Whip of the Majority Party with effect from 9 May 2002 to replace Ms N N Mapisa-Nqakula.

7. FIRST ORDER [09:33]

Debate on Vote No 33—Water Affairs and Forestry, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

Debate concluded.

8. The House adjourned at 11:52.

S MFENYANA,

Secretary to Parliament.

No 54—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

FRIDAY, 10 MAY 2002

ANNOUNCEMENTS:

National Assembly:

1. The Speaker:

The following changes have been made to the membership of *Portfolio Committees*, viz:

Correctional Services

Appointed: Maseka, J T.

Defence

Appointed: Makanda, W G.

Finance

Appointed: Bekker, H J (Alt); Woods, G G.

Foreign Affairs

Appointed: Frolick, C T (Alt).

Health

Appointed: Nkabinde, N C.

Public Works

Appointed: Nkabinde, N C.

2. The Speaker:

The following papers have been tabled and are now referred to the relevant committees as mentioned below:

(1) **The following paper is referred to the Portfolio Committee on Correctional Services:**

The Strategic Plan of the Department of Correctional Services for 2002-2005.

(2) **The following papers are referred to the Portfolio Committee on Finance for consideration and report:**

(a) Agreement between the Government of the Republic of South Africa and the Government of the Republic of the Seychelles for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, tabled in terms of section 231(2) of the Constitution, 1996.

(b) Explanatory Memorandum on the Double Taxation Agreement between the Republic of South Africa and the Republic of the Seychelles.

(3) **The following papers are referred to the Portfolio Committee on Finance:**

(a) Proclamation No 17 published in Government Gazette No 23169 dated 28 February 2002, Commencement of the Financial Intelligence Centre Act, 2001 (Act No 38 of 2001).

(b) Proclamation R.19 published in Government Gazette No 23169 dated 1 March 2002, Fixing of date on which sections 37(1), 38(1) and 48(1) shall come into operation, made in terms of the Revenue Laws Amendment Act, 2001 (Act No 19 of 2001).

(c) Government Notice No R.256 published in Government Gazette No 23196 dated 1 March 2002, Determination interest rate for purposes of paragraph *(a)* of the definition of "official rate of interest" in paragraph 1 of the Seventh Schedule, made in terms of the Income Tax Act, 1962 (Act No 58 of 1962).

(d) Proclamation Notice No 20 published in Government Gazette No 23207 dated 15 March 2002, Appointment of members of the Special Courts for the hearing of income tax appeals, made in terms of the Income Tax Act, 1962 (Act No 58 of 1962).

(4) **The following papers are referred to the Portfolio Committee on Transport:**

(a) Air Transport Agreement between the Government of the Republic of South Africa and the Government of the Republic of Germany, tabled in terms of section 231(3) of the Constitution, 1996.

(b) Bilateral Air Services Agreement between the Government of the Republic of South Africa and the Government of the Federal Republic of Brazil, tabled in terms of section 231(3) of the Constitution, 1996.

(c) Bilateral Air Services Agreement between the Government of the Republic of South Africa and the Government of the Federal Democratic Republic of Ethiopia, tabled in terms of section 231(3) of the Constitution, 1996.

(5) **The following paper is referred to the Portfolio Committee on Safety and Security:**

Strategic Plan of the Independent Complaints Directorate for 2002-2005.

(6) **The following paper is referred to the Portfolio Committee on Labour, the Portfolio Committee on Housing and to the Portfolio Committee on Public Works. The Report of the Auditor-General is referred to the Standing Committee on Public Accounts for consideration and report:**

Annual Report and Financial Statements of the Construction Education and Training Authority for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001 [RP 19-2002].

(7) **The following papers are referred to the Portfolio Committee on Justice and Constitutional Development:**

(a) Strategic Plan for the Department of Justice and Constitutional Development for 2002-2005.

(b) Annual Report of the Judicial Inspectorate on Prisons and Prisoners for 2001-2002 [RP 61-2002].

(c) Government Notice No R.37 published in Government Gazette No 23029 dated 18 January 2002, Magistrates Courts: Amendment of the Rules of Court, made in terms of section 6 of the Rules Board for Courts of Law Act, 1985 (Act No 107 of 1985).

(d) Government Notice No R.38 published in Government Gazette No 23029 dated 18 January 2002, Magistrates Courts: Amendment of the Rules of Court, made in terms of section 6 of the Rules Board for Courts of Law Act, 1985 (Act No 107 of 1985).

(e) Proclamation No R.9 published in Government Gazette No 23119 dated 15 February 2002, Commencement of sections 10, 14, 16 and 51, made in terms of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000).

(f) Government Notice No R.187 published in Government Gazette No 23119 dated 15 February 2002, Regulations regarding the Promotion of Access to Information, made in terms of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000).

(g) Government Notice No 292 published in Government Gazette No 23176 dated 28 February 2002, Directives made in terms of section 7 of the Criminal Matters Amendment Act, 1998 (Act No 68 of 1998).

(h) Proclamation No R.15 published in Government Gazette No 23149 dated 15 February 2002, Commencement of the Criminal Matters Amendment Act, 1998 (Act No 68 of 1998).

(i) Government Notice No R.213 published in Government Gazette No 23149 dated 28 February 2002, Determination of remuneration payable to *curator ad litem*, made in terms of section 29 of the Mental Health Act, 1973 (Act No 18 of 1973).

(j) Government Notice No R.214 published in the Government Gazette No 23149 dated 28 February 2002, Regulations prescribing the tariff of allowances payable to psychiatrists who appear as witnesses in court, made in terms of the Criminal Procedure Act, 1977 (Act No 51 of 1977).

(8) **The following papers are referred to the Portfolio Committee on Trade and Industry:**

(a) Trade Agreement between the Government of the Republic of South Africa and the Government of the Republic of Bulgaria, tabled in terms of section 231(3) of the Constitution, 1996.

(b) Explanatory Memorandum to the Agreement.

(c) Trade and Economic Co-operation Agreement between the Government of the Republic of South Africa and the Government of the Republic of Belarus, tabled in terms of section 231(3) of the Constitution, 1996.

(d) Explanatory Memorandum to the Agreement.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Home Affairs:

   Strategic Plan of the Department of Home Affairs for 2002-2005.

2. The Minister of Transport:

   Bilateral Air Services Agreement between the Government of the Republic of South Africa and the Government of the State of Qatar, tabled in terms of section 231(3) of the Constitution, 1996.

3. The Minister of Health:

   (a) Government Notice No R.393 published in the Government Gazette No 23277 dated 5 April 2001, List of approved facilities where pharmacists can perform community service in 2003, made in terms of the Pharmacy Act, 1974 (Act No 53 of 1974).

   (b) Government Notice No R.490 published in the Government Gazette No 23340 dated 26 April 2002, List of approved facilites where dentists can perform community service in 2003, made in terms of the Health Professions Act, 1974 (Act No 56 of 1974).

   (c) Government Notice No R.491 published in the Government Gazette No 23340 dated 26 April 2002, List of approved facilites where medical practitioners can perform community service in 2003, made in terms of the Health Professions Act, 1974 (Act No 56 of 1974).

   (d) Government Notice No R.492 published in Government Gazette No 23340 dated 26 April 2002, Regulations relating to Microbiological standards for foodstuffs, made in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No 54 of 1972).

   (e) Government Notice No R.493 published in Government Gazette No 23340 dated 26 April 2002, Regulations relating to Labelling of foods for special medical purposes, made in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No 54 of 1972).

   (f) Government Notice No R.494 published in Government Gazette No 23340 dated 26 April 2002, Regulations relating to Application of the

Hazard Analysis and Critical Control Point System(HAACP System), made in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No 54 of 1972).

(g) Government Notice No R.540 published in Government Gazette No 23379 dated 30 April 2002, Amendment to the General Regulations, made in terms of the Medical Schemes Act, 1988 (Act No 131 of 1998).

(h) Government Notice No 399 published in Government Gazette No 23282 dated 4 April 2002, Correction: replacing "Act" with "Bill", made in terms of the Health Donations Fund Repeal Bill, 2002.

National Assembly:

1. The Speaker:

(1) Half-yearly Report of the Public Protector for the period 1 July to 31 December 1996 (Report No 10).

(2) Report of the Public Protector for 1997 (Report No 14).

(3) Report of the Public Protector for 1998 (Report No 15).

(4) Report of the Public Protector for 1999 (Report No 16).

(5) Report and Financial Statements of the Public Protector for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001 (Report No 17).

(6) Written Explanation from the Acting Minister for Safety and Security, in terms of section 65(2)*(a)* of the Public Finance Management Act, 1999 (Act No 1 of 1999), explaining that the delay in the tabling of the Financial Statements of the Secret Services Account Account and the Report of the Auditor-General on the Financial Statements was as a result of a lengthy consultation process between the President, the Minister of Finance and the Minister for Safety and Security.

(7) Letter from the Minister of Arts, Culture, Science and Technology following on the Resolution of the House of 21 February 2002:

Dear Dr Ginwala

RESOLUTION ON INTERPRETER TRAINING AND STANDARDS

Following the Resolution on the training and standards of interpreters adopted on 21 February 2002 by the National Assembly, it is a pleasure to report on the following steps that have been taken by my Department.

Further to the recommendations regarding language facilitation services in the Final LANGTAG Report of 1996 (a process initiated and driven by my Department), the Pan South African Language Board (PANSALB), in collaboration with my Department conducted a wide process of consultation with relevant stakeholders such as language practitioners, universities, the South African Translators' Institute (SATI) and court interpreters from 1997 to 1999 regarding the matter of regulating translation and interpreting in South Africa. Upon completion of the consultation process, my Department prepared a draft Bill on the South African Language Practitioners' Council which was presented for discussion at the 2nd Language Indaba in 2000. The draft Bill was subsequently revised in line with comments from the Indaba. The objective of the draft Bill is that the Language Practitioners' Council will accredit language practitioners in order to regulate the profession and to improve the quality of translation, editing and interpreting in South Africa. The draft Bill will be tabled in Parliament within the near future.

Notwithstanding the above, concrete steps have been taken by my Department to ensure that some of the proposed implementation strategies of the Language Policy and Plan are applied. Arguably one of the most significant developments in this regard is the pilot Telephone Interpreting Service for South Africa (TISSA) which I announced in Parliament on 8 March and which was launched on 15 March 2002. The TISSA project is a first not only for South Africa, but also in the African continent. TISSA has provided dedicated training and jobs to some 40 interpreters from all the official languages of South Africa, including also Sign Language. Recognising that interpreting is a skill that needs to be sharpened from time to time, the TISSA interpreters are also being trained on a continuous basis, by a leading interpreter training institution that also managed the interpreting services for the Truth and Reconciliation Commission.

Yours sincerely

DR B S NGUBANE, MP
MINISTER

COMMITTEE REPORTS:

National Assembly:

1. Report of the Standing Committee on Public Accounts on Study Tour to Ireland, Germany and UK, dated 13 March 2002:

A. Introduction

A delegation from the Standing Committee on Public Accounts (the Committee) undertook a study visit to Ireland, Germany and the United Kingdom from 15 to 25 January 2002. The broad aim was to exchange ideas and experiences with the Committee's counterparts in all three countries on the role of public accounts committees, to observe how these committees conduct their business and to learn from them.

Other bodies that the Committee met, were the Auditors-General and Treasury officials, to find out about working relationships with the public accounts committees.

The multi-party delegation consisted of:

ANC

1. Mr V G Smith, MP (Leader of the delegation)
2. Mr L Chiba, MP
3. Mr P A Gerber, MP
4. Mr D M Gumede, MP
5. Ms N L Hlangwana, MP
6. Mr B W Kannemeyer, MP
7. Mr N H Masithela, MP
8. Ms P K Mothoagae, MP

DP

9. Mr N S Bruce, MP

New NP

10. Col A Blaas, MP

UDM

11. Dr G W Koornhof, MP

Committee Secretary

12. Mr I K Dlamini

B. Ireland—findings

1. Meeting with Mr A O'Callaghan, Partner: Price Waterhouse Coopers

The delegation met with Mr O'Callaghan, a partner at Price Waterhouse Coopers and an expert in attracting foreign investment. He lectured the delegation on reasons that led to dramatic development in the Irish economy. He gave six reasons:

* Abandonment of protectionism
* Embracing foreign investment

* Investment in education
* Taking membership of the European Union
* Pursuing social partnership
* Enforcing fiscal rectitude

2. Meeting with public accounts committee (PAC)

(a) Nature and composition of committee

The PAC is the Committee of the Dáil House. The committee is appointed to examine and report to the Dáil on:

* Accounts showing the appropriation of the sums granted by the Dáil to meet the public expenditure and such other accounts as they see fit which are audited by the Comptroller and Auditor-General (C&AG) and presented to the Dáil, together with any reports by the C&AG thereon.
* The C&AG's reports on his or her examination of economy, efficiency and effectiveness of evaluation systems, procedures and practices.
* Other reports of the C&AG.

The committee has 12 members, six of whom are from the majority party and the rest from the smaller parties. The party representation in the committee reflects that of the House. The chairperson is traditionally elected from the opposition. Members of the PAC enjoy absolute privilege. The PAC has the power to investigate. However, it can recommend to the C&AG to investigate, but it is up to the C&AG to decide whether to do so or not. In most cases the C&AG honours the PAC's recommendations. Recently the PAC commissioned an investigation called the Deposit Income Retention Taxes (DIRT), which unearthed a lot of corruption in banks and which was very popular.

(b) Work method

Parliamentary standing orders require that, as much as practicable, committees should hold their meetings in public. However, the PAC holds meetings both in public and private sessions—it is up to the Committee to decide, based on the issues they dealing with at a given time.

The PAC normally meets on Tuesdays only, and meetings lasts approximately three hours. A work programme is prepared well in advance but may be changed as the need arises.

If the PAC has decided to call a hearing, it first issues a preliminary notice to the witnesses, followed by a formal notice.

Accounting officers are defined by law and are the ones who are called to appear before the PAC. In the case of

government departments, Secretaries-General are in charge of implementing government policies and are therefore the ones who are regarded as accounting officers.

Through the Compellability Act, 1997, the PAC can compel a witness to appear before it. Witnesses do not enjoy absolute privilege, but can be afforded qualified privilege. This Act also has "escape clauses", which preclude the PAC from delving into areas like the Secret Service.

It is normally not difficult for the committee to reach consensus, because they do not question policy matters and parties cannot instruct their PAC members on what to do in PAC meetings.

(c) Other matters discussed

Members of the public who want to appear before the committee are required to make written submissions, and it is then up to the committee to decide whether to afford those individuals the opportunity. On the question of "prescription", the PAC can direct authorities to recover monies due to the State, but it does not have the power to recover monies itself.

(d) Resources

The PAC has four secretariat members—a committee clerk, an assistant and two secretaries. The committee has acquired new technology which assists in accomplishing its work easier.

(e) Lessons learnt

The PAC's membership does not change frequently. Some members have been with the committee for more than 10 years. This is to preserve experience and continuity in the committee.

The PAC's terms of reference precludes it from questioning on matters that deal with policy. Therefore Ministers, as custodians of departments' policies, are not called to appear before the committee.

Members of other committees are not allowed to participate in the proceedings of the PAC and are confined to the public gallery. The PAC does recommend that certain matters be referred to other committees.

During the DIRT enquiry, each member of the PAC was allowed to appoint a research assistant, and the committee was also allowed, through change in legislation, to appoint a subcommittee for the first time.

3. Meeting with Comptroller and Auditor-General (C&AG)

(a) Nature of office

The Constitution provides for the establishment of an independent office of the Comptroller and Auditor-General. The office normally conducts regularity, compliance and

value-for-money audits. From time to time it publishes special and project reports. All C&AG's reports are presented to Parliament.

The office is understaffed because currently there is a boom in the economy, which results in accountants being more in demand in the private sector. As a result of this shortage of staff, the office contracts out work to private firms, but they have to be certified by the C&AG.

(b) Relationship between C&AG and PAC

The reports of the C&AG form the basis for the PAC's enquiries; the committee considers about 40 reports. There is a close working relationship between the C&AG's office and the PAC, as well as between the C&AG and the PAC chairperson. The C&AG is a permanent witness in all meetings of the PAC. If he is absent, an official from his office attends. During a hearing, questions can be posed to him and he can request to comment if he feels that the accounting officer is not telling the whole truth.

There is a liaison officer from the office who liaises with the PAC chairperson. One of his duties is to prepare the chairperson's brief before the hearing, highlighting important matters that should be covered. In preparing the brief, he sometimes liaises with the auditors who had conducted the audit of a department or public entity. Other members of the committee get the reports and it is up to them to read them and do their own preparations.

(c) Lessons learnt

Parliament nominates and recommends the C&AG for appointment, but it is the President who finally appoints him. The term of office of the C&AG is permanent until the retirement age of 65 years, and he can be removed from office by consensus of the two Houses of Parliament. Amongst other requirements, an accounting qualification is essential for this position.

During PAC meetings, the C&AG sits next to the chairperson, and he is the one who introduces the subject at the beginning of hearings.

The C&AG has set up an advisory group from various interested bodies, including the Institute of Chartered Accountants. This group helps to keep the office up to date with the latest developments in its field of operation.

The office also audits local government authorities who administer central government funds, and it is normal practice for the PAC to call the accounting officers of these authorities to appear before it.

The C&AG is an ex officio member of the Standards and Public Office Commission, where senior members of government and politicians declare their interests, gifts, etc.

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The committee clerk drafts committee reports and sends them to the C&AG's office to check whether all matters are covered.

4. Meeting with officials of Department of Finance

(a) Relationship between finance department, PAC and other departments

The Minister of Finance replies to PAC recommendations through a "Minister's note". It is up to departments and entities to implement PAC recommendations, and they are not binding. The Department of Finance does not act as a supervisor to other departments, but only gives them information—it is up to them to use it. Therefore responsibility lies with departments themselves.

Unauthorised expenditure does not occur because departments stick to programmes spelt out in appropriation accounts.

(b) Expenditure control

To exercise control on departmental spending, the finance department maintains ongoing communication with them. Departments are required to submit progress reports every month, which indicate whether efficient controls are in place.

The finance department issues a statement every month on spending trends of departments; most of the time, departments supply reliable information. Every quarter the finance department holds a press conference to address questions based on these statements. If, at the end of a financial year, there is unspent money in a department's budget, it can negotiate with the finance department to have that money carried over to the following year.

(c) Internal audit

There is no legislation which stipulates that departments should have internal audit units. However, departments do have such units, although it is not clear whether all of them take this function seriously. Because of the risks that big departments face, they do take this function seriously.

There have been developments in the area of internal auditing. Previously the function used to focus on transaction processing only, but now it covers business processes and risks as well.

There is a lack of properly qualified auditors; the government has developed a one-year course, in the process of being accredited. Internal audit units report to line-function managers and ultimately to Secretaries-General.

(d) Accrual accounting

A new project, endeavouring to show inputs employed and outputs produced as well as liabilities and assets, has been

introduced. It tries to track all government resources up to their point of impact on the economy. The project is not fully understood or supported by all departments, and the finance department is urging all departments to follow it. Contributing to the problem is that there is no legislation which says that appropriations should be in an accrual system.

(e) Lessons learnt

Accountability goes down to the third level, down from Secretary-General. This means that the committee can call to account departmental officials who are at principal officer level.

The "Minister's note" for one department is sent to all other heads of departments. The reason for this practice is that the matter replied to may be transversal.

There is no legislation which stipulates what could be done to accounting officers who have acted inappropriately. It is still in the process of being developed.

There is also no legislation which stipulates that departments should establish internal audit units.

C. Germany

The German system is in most instances different from the one which is followed in South Africa. Therefore, for the purposes of this Report, all the topics covered are regarded as lessons which have been learnt by the delegation.

1. Meeting with budget committee

(a) Nature and composition of committee

The budget committee is a committee of the Bundestag. It is principally responsible for the authorisation of budgeted funds. Each year it considers the draft federal budget for the coming year as well as any supplementary budgets or budgetary amendments submitted by the federal government.

It has three subcommittees:

* Finance—deals with taxation and related matters
* Public Accounts—processes reports of the Federal Court of Audit
* Audit—deals with the budget and budget control

All subcommittees meet separately and report to the whole committee. This means that the same group of people is responsible for both authorising and controlling the budget, thus ensuring a high degree of control effectiveness.

The Committee has 42 members, and party representation is reflective of the House. There is no party which has an absolute majority.

In terms of secretarial and research capacity, each member of Parliament is allowed to hire two to three assistants.

(b) Public accounts subcommittee (PASC)

The system of accounting by the government to the public accounts committee started in the 18th century. The sub-committee is considered a "knight without a sword", because it considers accounts after the effect. It has 17 members who come from other portfolio committees, and meets about 15 times a year.

The PASC has one rapporteur, whereas in other subcommittees each party has a rapporteur. Members serving in this subcommittee work independently and trust is placed in the rapporteur.

2. Meeting with Federal Court of Audit (FCA)

Nature of office and relationship with budget committee

The FCA is independent from the government. The President and Vice-President are proposed by the federal government, elected by the Bundestag and Bundesrat, respectively, and appointed by the federal President. They are appointed for one term of office of 12 years. Members of the FCA enjoy judicial independence similar to that enjoyed by the judiciary.

The FCA has a total staff of about 700, of which 70 are members of the court and 450 are auditors. The President or Vice-President and at least one third of the members are required to be qualified lawyers.

Within the federal administration, the FCA audits the accounts of departments and examines the management of the budget and the conduct of business in respect of economy and correctness.

Other bodies that the FCA audits, are:

* All government agencies
* Federal government special funds
* Federal government enterprises
* Government participation in private law enterprises through direct or indirect holdings, giving consideration to commercial principles

The criteria of FCA audits are the regularity, compliance and efficiency of administrative activity. The FCA issues special reports on matters of particular significance where it considers that Parliament and the federal government should be informed without delay.

The FCA receives the provisional estimates of government departments and attends budget negotiations between the federal ministry of finance and government departments, and gives advice. It is also represented in the deliberations of the budget committee on government draft and at the preparatory rapporteur discussions.

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The FCA receives the provisional estimates of government departments and attends budget negotiations between the federal ministry of finance and government departments, and gives advice. It is also represented in the deliberations of the budget committee on government draft and at the preparatory rapporteur discussions.

Normally, audit reports on departments is in the form of an annual report containing a summary of audits on all departments that goes before the PASC. The whole audit report on an individual department goes before the PASC only if it contains significant findings.

The FCA is authorised to audit secret service agencies as well, and reports on these are considered by specific people within the PASC.

3. Meeting with members of federal ministry of finances

The Deputy Minister of Finance attends meetings of the budget committee and gives advice on the budget and audited accounts.

D. United Kingdom

Basically the system in UK is more or less similar to the one followed in South Africa.

1. Meeting with PAC and attendance of hearing

(a) Nature and composition of committee

The PAC is a committee of the House of Commons. It has 13 members and party representation in the committee reflects that of the House. The chairperson is by convention elected from the opposition. This is taken seriously and seen as essential for a democratic state.

(b) Work method

The work programme is prepared well in advance and the C&AG's reports form the basis for the committee's enquiries. The PAC does not deal with policy matters, but focuses on efficiency, economy and value-for-money issues. Ministers are not held accountable by the committee. Permanent Secretaries are in charge of departments' administration, and they are held accountable by the PAC. If by the end of the hearing, there are areas in the report which have not been covered by the members, the chairperson raises them with the accounting officer before closing the meeting.

The PAC has never voted—it reaches decisions by consensus. The fact that it does not deal with policy issues, helps in reaching decisions by consensus. The committee's recommendations are not binding to departments.

(c) Resources

The secretariat comprises of one committee clerk, two committee assistants and three secretaries.

(d) Lessons learnt

Some senior officials at the second level from that of the Permanent Secretary, who are in charge of big divisions within departments, are also held accountable by the PAC.

Permanent Secretaries are permanent civil servants and Ministers may not change them as they want.

Parliament allocates 60 000 Pounds to each member per year to hire support staff.

Membership of the Committee does not change frequently, so as to maintain continuity. Members serving in the Committee are mostly senior members; one member has been with the committee since 1965.

In doing committee work, members work individually and independently. During the hearings, each member is allocated 15 minutes to pose questions to witnesses.

In future, the PAC will also call to hearings contractors contracted by government departments.

2. Meeting with National Audit Office (NAO)

(a) Nature of office

The National Audit Office is independent of the government, and the C&AG is the head of the office. By virtue of his office, the C&AG is the Officer of the House of Commons. The office normally conducts regularity, propriety and value for money reports and produce about 40 reports a year on departmental financial statements and on value for money.

There are about 750 staff members, split between the types of audits conducted by the office.

(b) Relationship with PAC

The C&AG and the chairperson of the PAC meet frequently to discuss various issues of common interest. Since the chairperson guides the committee from dwelling on policy matters during deliberations, it is during these meetings with the C&AG where they get to discuss matters, including policy, which may have a bearing on the committee's work.

The C&AG or a representative from the office attends all PAC meetings. Before a hearing, the C&AG meets with the chairperson and gives him an indication of which questions would be important to raise with a particular witness. The C&AG also prepares a brief for the whole committee.

PAC resolutions are prepared by the NAO, and are mainly based on what had transpired in hearings. The NAO assists in following up information requested by the PAC from departments. It also handles other information and correspondence for the chairperson and evaluates all replies, including Treasury Replies, from departments.

3. Meeting with Her Majesty's Treasury (HMT) official

(a) Working relationship between HMT and PAC

There is a representative from HMT who attends all PAC hearings. After Parliament has passed PAC resolutions on C&AG reports, HMT co-ordinates replies to Parliament. If PAC recommendations in respect of a department are relevant to other departments, HMT informs them. HMT

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assesses departments' responses to check if all recommendations were responded to. Not all recommendations are accepted, but most are, and departments inform HMT if they are not going to implement PAC recommendations. The Minister of HMT would then report the reasons why it would be appropriate for a department not to implement such recommendations.

(b) Perfomance reporting and control over departmental spending

There are Public Service Agreements (PSAs), which are statements that set out the aims and objectives of each government department as well as performance targets, including measures of operations and outcomes. These statements are focused on outcomes and not inputs. Included in the PSAs is the statement of accountability issued by Ministers.

Specialist spending and delivery teams from HMT assist departments in planning their delivery and on how to achieve targets.

In monitoring and reporting on spending patterns of departments, HMT requires that departments submit monthly reports, indicating the stage they are at in achieving their targets. Information provided by departments is consolidated on a database and is presented to a Cabinet Committee every quarter.

Every spring, departments issue to the public progress reports against targets. A review conducted by the government showed that these reports were failing. At present Parliament relies on these reports and HMT is currently developing a new reporting format whereby departments will report to Parliament. The first report in the new format will come out in April 2002.

(c) Resource accounting and budgeting (RAB)

The original timetable for implementing Resource Accounting and Budgeting (RAB) was set out in 1995, with the time for full implementation set for 2001-02. The system follows Generally Accepted Accounting Practice as far as possible.

With the introduction of resource accounting, the Financial Reporting Advisory Board (FRAB) was set up in 1996. Its purpose was to introduce an independent element to the process of setting financial reporting standards for government, and to help ensure that, as far as possible, departmental resource accounts are governed by generally accepted accounting practice, and that any departures from or modifications to it are fully explained.

FRAB comprises representatives of interested bodies, and its terms of reference is to advise the Treasury on the application of financial reporting principles and standards in

respect of the central government bodies for which the Treasury has responsibility as regards the issuing or approval of accounts directions.

A manual called the Resource Accounting Manual (RAM) was developed; the first working version became available in 1997. FRAB examined the manual after completion—it is in FRAB's terms of reference to keep it under review and to consider proposals for material change.

The Treasury must ensure that all relevant matters are brought to the attention of the board and consider all advice received from the board.

The board's remit has subsequently been extended to oversee accounting guidance in respect of executive non-departmental public bodies and trading funds, and also to the accounting policies underlying all government accounts.

The RAM is underpinned by accounting standards issued by the Accounting Standards Board (ASB) for the private sector.

The manual is updated due to changes in GAAP, issues arising in departments and reviews conducted on the functioning of the system. In updating the manual, a consultation procedure is followed which involves the HMT officials themselves, departments, the NAO and FRAB.

According to the timetable, the rehearsal implementation phase of resource accounts was 1998-99. The first resource accounts were scheduled to be published and laid before Parliament in 1999-2000, and the first resource-based estimates were set for 2001-02.

During the move to the new system the staff skills levels were low, and it was left to individual departments to develop staff according to their needs. Stock verification in big departments was a problem, and that was exacerbated by the fact that land and buildings are owned by individual departments. The financial accounting system is decentralised. The Treasury developed standard chartered accounts for departments to follow. Some departments use a similar system, whereas others prefer unique systems. It is also practice for departments to hire systems from one another.

(d) Computer management information systems

Departmental computer management information systems are decentralised and are stand-alones. HMT consolidates them and is at present trying to set standards to be followed by all departments.

An Office on Government Commerce (OGC) has been set up to lead a wide-ranging programme to modernise procurement in government and deliver substantial value for money improvements. OGC also serves as a central computer agency for the State.

(e) Financial management expertise in public sector

There is a Government Accountancy Service (GAS), a body of accountants, trainees and accounting technicians employed and managed within central government departments and agencies in a variety of government accounting roles.

The objectives of GAS are:

* To improve financial management
* To provide information
* To provide information on employment opportunities and developments in accountancy practice

There is also the Development of Accountancy Resource Team (DART), whose aim is to help improve financial management in government through:

* Facilitating definition and dissemination of best practice in developing the skills necessary to achieve effective financial management
* Co-ordinating the framework of GAS
* Exchanging ideas, training manuals, etc, with other sectors in the UK and overseas

The long-term aims of GAS and DART are:

* Promoting accountancy and accountants in government
* Broadening the use of specialist expertise
* Promoting and broadening general financial awareness in the overall decision-making process of government

As part of developing staff skills in financial management, there is a government diploma which takes one year to achieve. Recruitment for staff is done at the workplace rather than outside, because studies revealed that people who are trained internally do not leave for other jobs.

Trainees enter into an agreement with departments to serve two years after completion of the diploma. Only five per cent of those trained leave the government service upon completion of their training.

A problem encountered, is that salary payment is devolved to individual departments, but some departments pay higher salaries than others for the same position.

(f) Internal audit within departments and agencies

There is a Central Internal Audit Training Team, established 20 years ago because of NAO's and the PAC's concerns about the state of internal audit functions in departments. There are 15 people serving on the team.

The team sets standards for internal audit in government departments. When the project started, the team developed and produced a manual on internal auditing, which served as a guide for departments. In the 90s, the team mainly started picking themes, such as fraud and value-for-money, as areas for more focus.

In order to develop skills for staff, the team liaised with universities and colleges and requested them to develop training programmes for the government and the private sector. That did not seem to be enough, because training was mostly attended by junior staff, and management did not attend.

The team continues to run conferences and workshops. In the past, they used to conduct reviews on the usefulness of the internal audit function by visiting the departments and issue reports thereafter. In the past three years it became necessary for accounting officers to be responsible for ensuring that their internal audit function was useful, and the team stopped conducting the reviews.

Themes which have grown recently as areas of more focus, are corporate governance and risk management. Private companies are issuing statements, called the Turnball Reports, on the way they do risk assessments. Accounting officers are going to be required to do these reports as well.

The debate on whether internal audit units should report to accounting officers or not is also going on in the UK. There are no audit committees, but the matter of establishing them is being looked into.

E. Conclusion

From the above, it is clear that generally there is a close working relationship between public accounts committees, Auditors-General and finance departments and that this relationship assists the public accounts committees, and thus Parliaments, to fulfil their role of oversight over public monies.

What is also apparent, is that committees in these countries have better resources that enable members to do their work effectively and efficiently.

F. Appendix

Documents received by delegation

1. Ireland

(a) Standing Orders relative to Public Business of Dáil Éireann

(b) Comptroller and Auditor-General and Committees of the Houses of the Oireachtas (Special Provisions) Act, 1998

(c) Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) Act, 1997

(d) Comptroller and Auditor-General Amendment Act, 1993

(e) Comptroller and Auditor-General's Report (Value for Money) on Department of Justice, Equality and Law Reform on Purchasing of Tyres by the Garda Síochána

(f) Public Service Amendment Act, 1997

(g) Compact Disc on Parliamentary Inquiry (Public Accounts Committee) into DIRT

(h) Statement of Strategy (2001-03) of the Department of Finance

(i) A guide on Internal Audit Standards by Department of Finance

(j) Budget for 2002

(k) A guide to Irish Parliament

2. Germany

(a) Guide on the Budget System of the Federal Republic of Germany

(b) Guide on Federal German Budget Legislation

(c) Overview of the process of government accounting

(d) Overview of Federal Ministry of Finance as part of Accounting and Control

(e) Handbook on the Supreme Audit Institution of the Federal Republic of Germany, and its Regional Audit Offices

(f) Compact Disc: Bundeshaushalt 2001: Finanzplan des Bundes 2000 bis 2004

3. United Kingdom

(a) A range by HM Treasury called Managing Resources:

— Analysing resource accounts: user's guide

— Analysing resource accounts: an introduction

— What Senior Civil Servants need to know

— How the Resource Accounting and Budgeting project was managed

— Full implementation of Resource Accounting and Budgeting

— Better decision-making in departments

— Maximising benefits for departments

— A strategic approach to finance training

— Case Studies

— Summary

(b) HM Treasury's Guides on:

— The Responsibilities of an Accounting Officer (RAB-related version)

— Public Accounts Committee and National Auditing Office

— Financial and Accountancy Competencies Framework

— Outcome-focused Management in the United Kingdom

(c) Review of the Government Accountancy Service

(d) Report of the Financial Reporting Advisory Board to the Treasury

(e) Handbook on Regularity and Propriety

(f) HM Treasury's Spending Review 2000:

— New Public Spending Plans 2001-2004

— Public Service Agreements 2001-2004

— Service Delivery Agreements 2001-2004: a guide

— Departmental Investment Strategies: a Summary

No 55—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

MONDAY, 13 MAY 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   The following papers have been tabled and are now referred to the relevant committees as mentioned below:

   (1) **The following papers are referred to the Portfolio Committee on Home Affairs and the Select Committee on Social Development:**

   (a) Annual Report and Financial Statements of the Electoral Commission for 1998-1999, including the Report of the Auditor-General on the Financial Statements for 1998-1999 [RP 11-2002].

   (b) Annual Report and Financial Statements of the Electoral Commission for 1999-2000, including the Report of the Auditor-General on the Financial Statements for 1999-2000 [RP 12-2002].

   (c) Annual Report and Financial Statements of the Electoral Commission for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001 [RP 13-2002].

   (2) **The following paper is referred to the Portfolio Committee on Housing and the Select Commitee on Public Services:**

   Strategic Plan of the Department of Housing for 2002-2004.

   (3) **The following paper is referred to the Portfolio Committee on Public Works and the Select Commitee on Public Services:**

   Memorandum by the Minister of Public Works setting out particulars of the Building Programme for 2002-2003 [RP 62-2002].

(4) **The following paper is referred to the Portfolio Committee on Education and the Select Committee on Education and Recreation:**

Report of the Study Team on the Implementation of the National Qualifications Framework.

(5) **The following paper is referred to the Portfolio Committee on Labour, the Portfolio Committee on Social Development and the Select Committee on Finance. The Report of the Auditor-General is referred to the Standing Committee on Public Accounts for consideration and report:**

Annual Report and Financial Statements of the National Development Agency for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001 [RP 28-2002].

(6) **The following paper is referred to the Portfolio Committee on Labour, the Portfolio Committee on Public Service and Administration and the Select Committee on Labour and Public Enterprises. The Report of the Auditor-General is referred to the Standing Committee on Public Accounts for consideration and report:**

Annual Report and Financial Statements of the Public Service Sector Education and Training Authority for 2000-2001, including the Financial Statements of Auditor-General on the Financial Statements for 2000-2001.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Provincial and Local Government:

   (a) Strategic Plan of the Department of Provincial and Local Government for 2002-2005.

   (b) Annual Report and Financial Statements of the Board for Municipal Accountants for 2000-2001.

2. The Minister of Public Enterprises:

   Annual Report and Financial Statements of ESKOM for 2001.

3. The Minister for Safety and Security:

   Annual Report and Financial Statements of the Secret Services Account for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001 [RP 30-2002].

COMMITTEE REPORTS:

National Assembly:

1. Report of Portfolio Committee on Trade and Industry on Budget Vote 31: Trade and Industry, dated 8 May 2002:

The Portfolio Committee on Trade and Industry, having considered Budget Vote 31, reports as follows:

Introduction

The committee examined the budget of the Department of Trade and Industry (Vote 31) for the 2002/3 financial year as well as the forward estimates for 2003/4 and 2004/5 included in the *Estimates of National Expenditure*.

Main features

The main features of the 2002/3 budget are:

- The Department is allocated R2 468,6 million for the financial year 2002/3, while forward estimates anticipate it receiving R2 627,0 million and R2 787,5 million in the years 2003/4 and 2004/5 respectively. This compares to the R2 214,6 million voted in last year's budget which rose to R2 280,1 million in the Adjusted Appropriation for 2000/1. The Department's budget for 2001/2 is broadly in line with last year's forward estimate for 2001/2 (which was R2 465,1 million), as is the amount anticipated for 2003/4. The Department's budget can thus be described as a constant budget with minor fluctuations.
- The 2002/3 budget is divided into six programmes, compared to the previous five. These are: Programme 1, Administration, (6,9 % of the total), Programme 2, International Trade Development, (2,7%), Programme 3, Enterprise and Industry Development, (33%), Programme 4, Consumer and Corporate Regulation (5,4%), Programme 5, The Enterprise Organization (34%) and Programme 6, Trade and Investment South Africa (18%). The programmes broadly correspond to the Department's operational divisions.
- After growing for several years, the budget for Programme 1 stabilizes and in fact decreases slightly from R179,5 million in the adjusted appropriation for 2001/2 to R169,6 million in 2002/3
- The budget for activities falling under Programme 2 is stable with R65,9 million budgeted for 2002/3 compared to the R65,5 in the Adjusted appropriation for 2001/2. The main activities budgeted for under Programme 2 are multi-lateral and bilateral trade negotiations, the promotion of African economic integration and the activities of the Commission for International Trade Administration (previously known as the Board of Tariffs and Trade)
- The budget for Programme 3 is reduced slightly from R854, 3 million in the Adjusted appropriation for 2001/2 to R815, 1 million in 2002/3. Programme 3 is the Department's largest programme and includes mostly transfer payments to associated Council of Trade & Industry (COTII) institutions. The decrease in expenditure in the present and previous budget year reflects the normalization of expenditure following significant one off transfer payments to re-capitalize Khula, initial start up contributions to the National Empowerment Fund and increased contributions to Namac, Proudly South Africa and THRIP.
- Programme 4's budget is increased from R96,8 million to R134,1 million. Some of the increase is accounted for by transfers to the Companies and Intellectual Property Office (CIPRO).

- Programme 5's budget increases from R628,1 million to R840,2 million. 97% of the expenditure under this programme consists of transfers under various business support programmes. The increase is largely accounted for by anticipated better take up of improved support programmes, and expenditure is expected to rise further to R963,8 and R1 021 million in 2003/4 and 2004/5.
- The budget for programme 6 is stable being R455,8 million in the Adjusted appropriation for 2001/2 and R443,6 million in 2002/3.
- Transfer payments account for approximately 82% of the total budget. A significant part of these transfer payments are made to associated DTI "family institutions". There are 17 public entities and 3 other bodies that report to the Minister of Trade and Industry. These now participate in regular meetings of the Council of Trade and Industry Institutions.
- The budget for 2002/3 can also be divided into the following functional categories:

— Transfer to associated COTII	R690mn	28%
— Institutions		
— Incentives and Offerings to		
— Business	R1 320mn	53%
— Human Resources	R290mn	12%
— Operations	R170mn	7%

The amount for incentives and offerings to firms is up from the approximately R1 billion in 2001/2.

- The Director General indicated that new systems were being put in place to promote greater efficiency in the use of resources. Although these appeared to focus on minor "house keeping" matters, they were part of a process of getting the Department to operate faster, smarter and quicker in delivering services. For example, an investigation by the Department found that in the recent past 48% of incoming telephone calls were dropped. This has now been reduced to 29%
- The Department also reported further significant improvements in organizational efficiency during 2001/2. For example, the average time to register companies or close corporations at the Companies and Intellectual Property Office (CIPRO) has been reduced from 21 to 3 days.
- Once again, this year's budget includes in the *Estimates of National Expenditure* a table of "output indicators" and "targets" for Programmes 2-6. A feature of the Committee's interaction with the Department this year was that we were provided at our request, with a detailed Report on the extent to which output and service delivery targets identified in the 2001/2 budget were delivered upon.
- The latter report, which the Committee regards as a major step forward in its budgetary oversight, indicates that by and large the Department attained most of the output targets identified in 2001/2. The report also indicates that there were improvements in organizational efficiency, corporate governance and work environment.

- In terms of employment equity, the Department reported that it had enhanced the Public Service Commission's targets of achieving 50% equity by race and 30% by gender and set itself a target of 80% equity by race and 50% by gender. We were told that it had surpassed the latter targets, although there is still a need to address the issue of gender equity in the more senior grades.
- The improvement in the Department's record on spending observed in 2000/1 was continued in 2001/2. There is now a reasonable alignment of budgeted and actual expenditure with underspending anticipated to be a little over 10% in 2001/2 (excluding some reductions and anticipated commitments to be rolled over) compared to the more than 30% recorded before 1999.
- The Estimates of National Expenditure 2002 do not sufficiently address the financial and resource transfers to provinces, neither do they adequately reflect the impact of the Department's spending in the various provinces. The Department through a range of economic development agencies currently funds and coordinates various economic programmes in the provinces and local municipalities.

The Committee also had an opportunity, as in previous years, to engage on budgetary issues with four of the DTI's associated institutions—the Industrial Development Corporation, the Council for Scientific and Industrial Research, Ntsika and Khula. Highlights of these discussions included:

The Industrial Development Corporation (IDC)

- The IDC made 515 investment approvals worth R9, 3 billion during 2001, more than double the amount in the previous year. These assisted in the creation or sustaining of 20 000 job opportunities and generated R10,5 billion in additional export earnings.
- The IDC is also extensively involved in projects elsewhere in Africa. Over the past year it increased its African portfolio from 30 projects in 9 countries to 47 projects in 16 countries. Approvals in other African countries total almost R7,6 billion since 1998.
- The Corporation reported further progress in its efforts to promote Small and Medium Enterprise development as well as Black Economic Empowerment. The proportion of approvals going to empowerment companies was 33% in 2001 compared to 27% the previous year. By value, this represents around 16% of total approvals. Although the Corporation does not directly service the micro or very small business sector, it has taken some steps to make its facilities available to smaller enterprises. 68% by value of its portfolio is with clients with an asset base below R120 million.
- The IDC remains financially strong with capital and reserves of R24,4 billion (larger than any bank in the country). Its involvement in two poorly performing steel projects—Columbus and Saldanha—did, however, involve it in a capital loss. R5, 5 billion was injected into the restructuring of Saldanha and its incorporation into Iscor. This restructuring is now complete and Saldanha is now debt free, selling its products on the domestic as well as export markets.

The Council for Scientific and Industrial Research

- The CSIR's annual turnover is R810 million, of which 60% emanates from clients and contracts. The Council will receive just over R300 million from government this year, approximately the same as in the previous budget year.
- The CSIR participates in the COTII. The Council indicated that together with the DTI a number of medium term objectives had been agreed, including enhancing science and technology contributions to industrial technology policy development, raising awareness in industry of technological development, contributing to development of SMMEs, BEE and access by women to technology through its Technology for Women in Business project. It also has 60 rural development projects, many in poverty nodes identified by government.
- The CSIR is also involved in initiatives, projects and contracts in 17 other African countries and is contributing both to NEPAD and preparations for the World Summit on Sustainable Development. It has also been awarded contracts by major International Firms including Rolls Royce, Boeing, Daimler Chrysler and the European Commission for two food related projects.
- The CSIR confirmed that the trend identified last year of declining private sector involvement in Research and Development (R & D) continues to be a cause for concern. We were told that South Africa spends around 0,7% of its GDP on R & D, much less than successful industrializing countries. Less than half this comes from the private sector: Reasons which the Council said were cited for this included:

1. Less attractive tax incentives for R & D in South Africa than other jurisdictions.
2. The fact that incentive schemes such as SPII were based on the matching grant principle meant that there was no real incentive to begin completely new projects.
3. An environment that did not sufficiently encourage university-based researchers to develop commercial applications of their research.

Ntsika Enterprise Promotion Agency

- Ntsika is continuing to re-focus its activities away from its previous main activity of accrediting service providers to a demand driven provision of particular services to small business. Its focuses will be on information provision, training and advisory services.
- Ntsika is also carrying out a review of service provider intermediaries it has worked with, and will be dis-accrediting those that have not met defined performance criteria.
- Ntsika reported that from the time of its inception in 1996 until the end of 2001, it had supported 349 service providers, trained 2 435 employees of service providers and developed 2 310 business links. Service providers trained or assisted over 100 000 entrepreneurs in over 79 000 enterprises. Jobs created or sustained over this period are estimated at over 98 000.

- In 2002/3 Ntsika plans to support 280 service providers, train 1 050 staff of service providers and develop 1 120 business links. It expects service providers to train or assist 60 900 entrepreneurs in 81 500 SMMEs, thereby assisting in creating or sustaining 40 000 jobs.
- Ntsika is allocated R40 million in the current budget, an increase from the R35 million it received in 2001/2. It is anticipated that it will receive R50 million in the 2003/4 and R60 million in the 2004/5 budgets. The agency expects, however, to receive a substantial increase of donor funding—rising to R35,1 million in 2002/3 compared to R12 million in 2001/2. We were told that this money was confirmed. Including other smaller allocations, Ntsika would spend R85,1 million in 2002/3 compared to R64, 4 million in 2001/2

Khula Enterprise Finance

- An impact assessment study on Khula's products between 1996 and March 2001 carried out by UNISA's Market Research Bereau found that these had contributed to the creation and sustaining of 788 650 jobs over this period. 70% of these were in survivalist enterprises, with a high attrition rate.
- Khula plans to approve loans of R106 million and guarantees of R406 million during the current financial year, leading to the creation or sustaining of 124 498 jobs. It aims to ensure that administrative expenses do not exceed 8% of the value of its activities and that a return is secured on its capital not less than the rate of inflation.
- Khula welcomed the fact that DTI plans to hive off funding of survivalist enterprises to a new fund, saying this will help Khula to refocus its activities.
- Recapitalisation remains an issue for Khula, and we were told that Khula will not be able to achive its targets unless further capital is obtained. We were told that of the R200 million requested from DTI two years ago, Khula received R81 million in 2000/1 and R30 million in 2001/2. Of the funding requested within the framework of its current five-year projection, we were told that Khula had received R70 million from the DTI and that the re-valuation of some properties in its portfolio would add a further R120 million. No further commitments have been made by the DTI

Comments

The committee is pleased to report continued progress in the management, presentation, and reporting on the DTI's budget. In our last year' s report, we noted that programmes were more closely aligned to the major activities of the Department, that there was more effective financial reporting that better control systems were in place and that the trend evident in previous years of significant understanding was being corrected. All these achievements have been carried over into this year's budget. In addition, we now have the Department reporting to the Committee on the extent to which it has delivered on output targets.

In our view the latter represents an important step forward for our Committee in terms of its monitoring and oversight of the Department's work, as well as an important step towards effective outcomes based budgeting. The next challenges to take this process further are, in our view:

- To find a mechanism to present and discuss with the Committee proposed output targets ahead of their presentation in documents tabled at the time of the budget speech.
- To develop a coherent and convincing methodology to indicate the extent to which the output targets have impacted on the identified outcome targets viz "to lead and facilitate access to sustainable economic activity and empowerment for all South Africans through higher level of investment and increased access to international markets for South African products, and to create a fair, competitive and efficient market place for domestic and foreign enterprises as well for consumers". We were told that during the course of this year, the Department hoped to put in place reporting systems that would at least enable it to identify more clearly what proportion of its total funding was being deployed to support SMMEs.

As indicated above, the Committee found that in general there was improved delivery in 2001/2 on the output targets identified. A few matters of concern were however, identified by the committee these included

- Whether sufficient resources are being allocated to support our team involved in the WTO negotiations. This is not a simple matter. The cost of maintaining one person in Geneva is equal to employing 6 persons at director level, and the Department has already deployed the previous Deputy Director General of International Trade to head the team in Geneva, while establishing a dedicated team led by the former Minister-Counselor in Geneva in Pretoria. The Committee is nevertheless of the view that the WTO negotiations are of critical importance and pose many challenges. We look forward to engaging further with the Department on how these efforts can be re-enforced in, including ways in which Parliament and our Committee can assist in this regard.
- The time it is taking for the National Empowerment Fund to become operative. After many years, the NEF has at last received some funding from the Department and IDC to cover operational expenses and to launch its venture capital fund, but the NEF Corporation's substantial capitalization has yet to take place. The Committee urges the Department to ensure that this takes place expeditiously, and indicates that it will be seeking progress reports from relevant departments in the near future.
- It is our earnest hope that the recently established Cooperatives division will be in the near future in consultation with stakeholders; devise an effective support programme for cooperatives.

The Provinces and Local Authorities

- The Department will be requested to comment on the issue of provincial transfers indicated above, including possibly extrapolating some figures in respect of individual provinces by the time the Budget Vote debate takes place in the NCOP. With the objective of strengthening the relationships between the various economic development role players, nationally, provincially and locally, we would also be interested in receiving reports quantitatively measuring the employment, investment and economic empowerment impact, as well as indicating successes and challenges in the various provinces and

municipalities. We are aware that some of this information can only be supplied by MECs with regard to funds generated from provincial revenue. In this respect, we call on the Minister to request these inputs from MECs via the Min-MEC process. MECs could also be instrumental in generating an economic status report from local authorities in their respective provinces. It is envisaged that the NCOP debate will provide a useful forum for MECs to deliver initial reports this year, and more comprehensive reports in coming years within the MTEF framework.

National Council of Provinces:

1. Report of the Select Committee on Public Services on the ***National Railway Safety Regulator Bill*** [B 7B—2002] (National Assembly—sec 76), dated 10 May 2002:

   The Select Committee on Public Services, having considered the subject of the ***National Railway Safety Regulator Bill*** [B 7B—2002] (National Assembly—sec 76), referred to it, reports the Bill with amendments [B 7C—2002].

No 22—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

TUESDAY, 14 MAY 2002

1. The House met at 14:06.

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

3. The Speaker announced that the vacancy caused by the resignation of Dr A S Nkomo had been filled, in accordance with item 6(3) of Schedule 6 to the Constitution, 1996, by the nomination of Ms H N Qegu with effect from 1 May 2002.

   Ms H N Qegu, accompanied by Mrs M C Lobe and Mr S D Montsitsi, made and subscribed the oath and took her seat.

4. [14:07] Notices of motion.

5. [14:23] The Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes that friends and family from all over, gathered in Pretoria on Sunday, at a memorial service attended by Safety and Security Minister, the honourable Charles Nqakula, the National Police Commissioner and Gauteng Premier Mbhazima Shilowa;

   (2) recalls that 163 police members were murdered in 2001, and 31 have been murdered in 2002;

   (3) calls on all who seek a developed South Africa that is safe for our people to assist the police to do their work, and offer whatever support they are able to through participation in community police forums, neighbourhood watches and volunteering at their local police stations;

   (4) pays tribute to those who fell in the course of their duty in fighting crime; and

   (5) accords them the honour they deserve for sacrificing their lives for the good of the people and development of our country.

   Agreed to.

6. The Chief Whip of the Majority Party moved without notice: That the House—

   (1) expresses its deep regret and sadness at the death of Mrs Fikile Regina Matthews;

   (2) conveys its sincere condolences to her daughter Mrs Naledi Pandor, Chairperson of the National Council of Provinces, her husband, the honourable Deputy Minister Joe Matthews, and to other members of her family in their sad bereavement;

   (3) affirms the great affection and esteem in which she was held by all those who knew her; and

   (4) expresses its gratitude for her life of outstanding loyalty and close association with the struggle for freedom and democracy in our country.

   Agreed to.

7. FIRST ORDER [14:26]

   Debate on Vote No 21—Defence, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

   Debate concluded.

8. SECOND ORDER [17:09]

   Debate on Vote No 17—Housing, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

   Debate concluded.

9. The House adjourned at 19:32.

S MFENYANA,

Secretary to Parliament.

No 9—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 14 MAY 2002

1. The Council met at 14:04.
2. The Deputy Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [14:05] Questions.
4. [15:31] The Chief Whip of the Council moved without notice: That the Council —

   (1) expresses its deep regret and sadness at the death of Mrs Fikile Regina Matthews;

   (2) conveys its sincere condolences to her daughter Mrs Naledi Pandor, Chairperson of the National Council of Provinces, her husband, the honourable Deputy Minister Joe Matthews, and to other members of her family in their sad bereavement;

   (3) affirms the great affection and esteem in which she was held by all those who knew her; and

   (4) expresses its gratitude for her life of outstanding loyalty and close association with the struggle for freedom and democracy in our country.

   Motion agreed to in accordance with section 65 of the Constitution.
5. [15:33] Mr M A Sulliman moved without notice: That the Council—

   (1) congratulates Ms Evelyn Numpumelelo Lubidla on her birthday today;

   (2) notes that Ms Lubidla has been with this institution from its very beginning and has been an integral part of its evolution from the Senate to the National Council of Provinces;

   (3) commends her for the excellent contribution she has made in fostering a close working relationship between her province and the Council; and

   (4) wishes her well for the future.

   Motion agreed to in accordance with section 65 of the Constitution.

6. [15:34] The Chief Whip of the Council moved without notice: That the Council—

   (1) notes that the resolution adopted by the Council on 9 May 2002 was intended as a motivation for the agreed subject for discussion on Palestine of that afternoon; and

   (2) therefore resolves that the adopted resolution be viewed in that context.

   Motion agreed to in accordance with section 65 of the Constitution.

7. The Deputy Chairperson gave a ruling on a remark made by Mr B J Tolo during the debate on 7 May 2002, and directed him to withdraw the remark.

   Whereupon the member withdrew the remark.

8. FIRST ORDER [15:37]

   Policy debate on Budget Vote No 19: Sport and Recreation South Africa, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

   Debate concluded.

9. SECOND ORDER [18:09]

   Consideration of ***National Railway Safety Regulator Bill*** [B 7D—2002] (National Assembly—sec 76) and of Report of Select Committee on Public Services thereon (Announcements, Tablings and Committee Reports, p 388).

   Debate concluded.

   Question put: That the Bill be agreed to.

   IN FAVOUR OF: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Mpumalanga, Northern Cape, Northern Province, North West, Western Cape.

   Bill accordingly agreed to in accordance with section 65 of the Constitution.

10. The Council adjourned at 19:23.

S MFENYANA,

Secretary to Parliament.

No 3—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

JOINT SITTING

WEDNESDAY, 15 MAY 2002

1. Members of the National Assembly and the National Council of Provinces assembled in the Chamber of the National Assembly at 14:09.
2. The Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [14:09] Welcoming address by Mr E I Ebrahim, member of the National Assembly.
4. [14:16] Address by His Highness Sheikh Hamad Bin Khalifa Al-Thani, the Amir of Qatar.
5. [14:24] Vote of thanks by Ms J L Kgoali, member of the National Council of Provinces.
6. The Speaker adjourned the Joint Sitting at 14:27.

S MFENYANA,

Secretary to Parliament.

No 23—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

WEDNESDAY, 15 MAY 2002

1. The House met at 14:42.

2. The Chairperson of Committees took the Chair.

3. [14:42] Questions—Cluster 1: Peace and Security.

4. [16:47] Notices of motion.

5. [17:03] The Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes that on Tuesday, 14 May 2002, five thousand polling stations opened in Sierra Leone for the first presidential and parliamentary election, following the end of this country's ten year civil war;

   (2) recognises that the pre-election period has been by far the most peaceful in Sierra Leone, which in the past has suffered electoral violence, coups and a devastating civil war;

   (3) believes that this election is a major milestone towards the achievement of a peaceful, stable and democratic continent; and

   (4) wishes the people of Sierra Leone a successful and peaceful election and looks forward to their anticipated contribution to the development of the continent.

   Agreed to.

6. Mr H J Bekker moved without notice: That the House expresses its deepest condolences to Mrs Carien Meyer and to Mr Roelf Meyer, a former Minister in our Government, on the sad loss of their daughter Anarine in a motor car accident.

   Agreed to.

7. [17:06] The Deputy Chairperson of Committees made a ruling on a remark made by Mr J H Nash during the debate on 7 May 2002, and directed him to withdraw the remark.

   Whereupon the member withdrew the remark.

8. FIRST ORDER [17:10]

Second Reading debate—***Media Development and Diversity Agency Bill*** [B 2B—2002] (National Assembly—sec 75).

Debate concluded.

Bill read a second time (Democratic Party, New National Party, African Christian Democratic Party and Afrikaner Eenheidsbeweging dissenting).

9. The House adjourned at 18:56.

S MFENYANA,

Secretary to Parliament.

No 56—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

WEDNESDAY, 15 MAY 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

(1) The Minister of Transport on 9 May 2002 submitted a draft of the ***South African Maritime and Aeronautical Search and Rescue Bill***, 2002, as well as the memorandum explaining the objects of the proposed legislation, to the Speaker and the Chairperson in terms of Joint Rule 159. The draft has been referred to the Portfolio Committee on Transport and the Select Committee on Public Services by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).

(2) The Minister for Provincial and Local Government on 10 May 2002 submitted a draft of the ***Local Government: Municipal Structures Amendment Bill***, 2002, as well as the memorandum explaining the objects of the proposed legislation, to the Speaker and the Chairperson in terms of Joint Rule 159. The draft has been referred to the Portfolio Committee on Provincial and Local Government and the Select Committee on Local Government and Administration by the Speaker and the Chairperson, respectively, in accordance with Joint Rule 159(2).

(3) The following Bill was introduced by the Minister for Provincial and Local Government in the National Assembly on 14 May 2002 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

(i) ***Local Government: Municipal Structures Amendment Bill*** [B 22—2002] (National Assembly—sec 75) [Bill and prior notice of its introduction published in ***Government Gazette*** No 23247 of 19 March 2002.]

The Bill has been referred to the Portfolio Committee on Provincial and Local Government of the National Assembly.

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

(4) The following Bill was introduced by the Minister of Transport in the National Assembly on 14 May 2002 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

(i) ***South African Maritime and Aeronautical Search and Rescue Bill*** [B 23—2002] (National Assembly—sec 75) [Explanatory summary of Bill and prior notice of its introduction published in ***Government Gazette*** No 22509 of 7 September 2001.]

The Bill has been referred to the Portfolio Committee on Transport of the National Assembly.

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

National Assembly:

1. The Speaker:

(1) Mr N P Nhleko has been appointed Chief Whip of the Majority Party with effect from 9 May 2002.

(2) Message from National Council of Provinces to National Assembly:

Bill, as amended, passed by National Council of Provinces on 14 May 2002 and transmitted for consideration of Council's amendments:

(i) ***National Railway Safety Regulator Bill*** [B 7D—2002] (National Assembly—sec 76).

The amended Bill has been referred to the Portfolio Committee on Transport for a report and recommendations on the Council's amendments.

National Council of Provinces:

1. The Chairperson:

(1) Message from National Assembly to National Council of Provinces:

Bill passed by National Assembly on 15 May 2002 and transmitted for concurrence:

(i) ***Media Development and Diversity Agency Bill*** [B 2B—2002] (National Assembly—sec 75).

The Bill has been referred to the Select Committee on Labour and Public Enterprises of the National Council of Provinces.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Labour:

Preliminary Annual Report of the Department of Labour for 2001-2002 [RP 70-2002].

No 24—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

THURSDAY, 16 MAY 2002

1. The House met at 14:04.

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

3. [14:05] Notices of motion.

4. [14:20] The Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes that—

   (a) on Sunday, 12 May 2002, Mr André Pienaar, a farmer, was murdered on his farm near Viljoenskroon, Free State, in an attack in which his wife Mrs Nelia Pienaar was injured; and

   (b) the Northern Free State police have arrested eight men in connection with the attack;

   (2) congratulates the detectives who effected such speedy arrests; and

   (3) offers it condolences to Mrs Nelia Pienaar, the bereaved family and relatives.

   Agreed to.

5. Ms E Thabethe (on behalf of the Chief Whip of the Majority Party) moved without notice: That the House —

   (1) notes—

   (a) the announcement of the national soccer squad, Bafana Bafana, that will be doing national duty at the FIFA World Cup 2002 in Korea and Japan;

   (b) that the composition of the squad is well balanced with regard to playing strength and is a true reflection of the massive soccer talent base of our country;

   (2) congratulates each member of the squad on being honoured to represent our country at football's most prestigious global event;

(3) wishes the team well as they embark on a major assignment to represent all the people of our country; and

(4) calls on all South Africans to support the team as they prepare for their opening match against Paraguay in June.

Agreed to.

6. The Chief Whip of the Majority Party moved: That Rule 253(1) be suspended for the purposes of conducting the Second Reading debate on the ***Immigration Bill*** [B 79B—2001] (National Assembly—sec 75).

Agreed to.

7. FIRST ORDER [14:22]

Debate on Vote No 9—Public Enterprises, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

Debate concluded.

8. SECOND ORDER [16:34]

Debate on Vote No 7—Government Communication and Information System, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

Debate concluded.

9. The House adjourned at 18:00.

S MFENYANA,

Secretary to Parliament.

No 10—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL COUNCIL OF PROVINCES

THURSDAY, 16 MAY 2002

1. The Council met at 14:04.

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

3. [14:05] Notices of motion.

4. [14:11] Ms J N Vilakazi moved without notice: That the Council—

   (1) notes with sadness and shock the killing of the Commissioner of the Diepkloof Police Station, Senior Superintendent Elias Mashau, by a prisoner on Saturday, 11 May 2002;

   (2) strongly condemns this mindless attack on a police officer;

   (3) expresses condolences to his family, his colleagues and the communities which are affected by his death; and

   (4) calls on the authorities to launch a thorough investigation into the incident so as to bring the perpetrators to book.

   Motion agreed to in accordance with section 65 of the Constitution.

5. [14:12] Ms E N Lubidla moved without notice: That the Council—

   (1) notes with concern the scale of gold theft which was highlighted last week when police seized more than half a ton of gold dust during a raid on a mineworkers' hostel in Thabong, Welkom, in the Free State;

   (2) further notes that thieves steal about 35 tons of pure gold at a value of nearly R2 billion from South African mines every year;

   (3) also notes that a study by the institute for security studies in Cape Town has highlighted that the total working profit for South Africa's gold mines in 1998 would have been 33,3% higher had there been watertight security;

   (4) believes that international crime syndicates should be dealt with in co-operation with other international agencies; and

(5) therefore resolves that the only way to root out this crime is for governments across the world to attack the illegal gold market itself rather than to depend on the police to catch the criminals at lower levels of these syndicates.

Motion agreed to in accordance with section 65 of the Constitution.

6. [14:13] Ms J N Vilakazi moved without notice: That the Council—

(1) applauds the South African Airways for rendering a very good service to the community;

(2) notes that due to the fast growing industries in Empangeni, Richards Bay and the surrounding areas, Flight 1607 from Johannesburg to Richards Bay is always full;

(3) further notes that frequent flyers are facing a problem of being left behind now and again;

(4) also notes that according to SAA the runway at the Richards Bay Airport is too small to accommodate bigger aircraft; and

(5) therefore requests SAA, as a priority measure, to address this problem encountered by members who frequently fly to serve the communities in this area.

Motion agreed to in accordance with section 65 of the Constitution.

7. FIRST ORDER [14:16]

Policy debate on Budget Vote No 17: Housing, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

Debate concluded.

8. The Council adjourned at 17:03.

S MFENYANA,

Secretary to Parliament.

No 57—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

THURSDAY, 16 MAY 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   (1) The following changes have been made to the membership of ***Joint Committees***, viz:

   Joint Budget Committee:

   Appointed: Hlangwana, N (Alt); Masutha, M T (Alt); Sikakane, M R.

2. The Speaker and the Chairperson:

   (1) The Joint Tagging Mechanism (JTM) on 14 May 2002 in terms of Joint Rule 160(6), classified the following Bills as section 74 Bills:

      (i) ***Constitution of the Republic of South Africa Amendment Bill*** [B 16—2002] (National Assembly—sec 74).

      (ii) ***Constitution of the Republic of South Africa Second Amendment Bill*** [B 17—2002] (National Assembly—sec 74).

   (2) The Joint Tagging Mechanism (JTM) on 14 May 2002 in terms of Joint Rule 160(6), classified the following Bills as section 75 Bills:

      (i) ***Land and Agricultural Development Bank Bill*** [B 12—2002] (National Assembly—sec 75).

      (ii) ***Financial Services Ombud Schemes Bill*** [B 13—2002] (National Assembly—sec 75).

      (iii) ***Insolvency Amendment Bill*** [B 14—2002] (National Assembly—sec 75).

      (iv) ***Mineral and Petroleum Resources Development Bill*** [B 15—2002] (National Assembly—sec 75).

(v) ***Probation Services Amendment Bill*** [B 18—2002] (National Assembly—sec 75).

(vi) ***Prevention of Corruption Bill*** [B 19—2002] (National Assembly—sec 75).

(vii) ***Health Donations Fund Act Repeal Bill*** [B 20—2002] (National Assembly—sec 75).

(3) The Joint Tagging Mechanism (JTM) on 15 May 2002 in terms of Joint Rule 160(6), classified the following Bill as a money Bill (section 77):

(i) ***Private Security Industry Levies Bill*** [B 11—2002] (National Assembly—sec 77).

National Assembly:

1. The Speaker:

(1) The following changes have been made to the membership of ***Portfolio Committees***, viz:

Health:

Discharged: Cwele, S C.

Communications:

Discharged: Cwele, S C.

(2) The vacancy which occurred owing to the resignation of Mr M E Mabeta has been filled with effect from **26 April 2002** (and not with effect from 24 April 2002 as reflected on the Minutes of Proceedings of the National Assembly of 7 May 2002) by the nomination of the following member from the National List of the United Democratic Movement:

Nkabinde, N C.

2. The Speaker:

The following papers have been tabled and are now referred to the relevant committees as mentioned below:

(1) **The following papers are referred to the Portfolio Committee on Justice and Constututional Development:**

(a) Half-yearly Report of the Public Protector for the period 1 July to 31 December 1996 (Report No 10).

(b) Report of the Public Protector for 1997 (Report No 14).

(c) Report of the Public Protector for 1998 (Report No 15).

(d) Report of the Public Protector for 1999 (Report No 16).

(2) **The following paper is referred to the Portfolio Committee on Justice and Constitutional Development. The Report of the Auditor-General to be referred to the Standing Committee on Public Accounts for consideration and report:**

Report and Financial Statements of the Public Protector for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001 (Report No 17).

(3) **The following paper is referred to the Portfolio Committee on Home Affairs:**

The Strategic Plan for the Department of Home Affairs for 2002-2005.

(4) **The following paper is referred to the Portfolio Committee on Transport for information:**

Bilateral Air Services Agreement between the Government of the Republic of South Africa and the Government of the State of Qatar, to be tabled in terms of section 231(3) of the Constitution, 1996.

(5) **The following paper is referred to the Joint Standing Committee on Intelligence, the Portfolio Committee on Safety and Security and the Standing Committee on Public Accounts for consideration and report:**

Financial Statements of the Secret Services Account for 2000-2001 and the Report of the Auditor-General on the Financial Statements of the Secret Services Account for 2000-2001 [RP 30-2002].

(6) **The following paper is referred to the Portfolio Committee on Public Enterprises:**

Report and Financial Statements of Eskom for 2001.

(7) **The following papers are referred to the Portfolio Committee on Provincial and Local Government:**

(a) Strategic Plan of the Department of Provincial and Local Government for 2002-2005.

(b) Report and Financial Statements of the Board for Municipal Accountants for 2000-2001.

National Council of Provinces:

1. The Chairperson:

The following papers have been tabled and are now referred to the relevant committees as mentioned below:

(1) **The following paper is referred to the Joint Standing Committee on Intelligence and the Select Committee on Security and Constitutional Affairs for consideration:**

Financial Statements of the Secret Services Account for 2000-2001 and the Report of the Auditor-General on the Financial Statements of the Secret Services Account for 2000-2001 [RP 30-2002].

(2) **The following paper is referred to the Select Committee on Labour and Public Enterprises:**

Report and Financial Statements of Eskom for 2001.

(3) **The following papers are referred to the Select Committee on Local Government and Administration:**

(a) Strategic Plan of the Department of Provincial and Local Government for 2002-2005.

(b) Report and Financial Statements of the Board for Municipal Accountants for 2000-2001.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Arts, Culture, Science and Technology:

   (a) Annual Report and Financial Statements of the William Humphreys Art Gallery for 2000-2001.

   (b) Annual Report and Financial Statements of the War Museum of the Boer Republics for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001.

   (c) Annual Report and Financial Statements of the Engelenburghuis Art Collection for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001.

2. The Minister of Communications:

   Annual Report and Financial Statements of the Independent Communications Authority of South Africa (ICASA) for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001 [RP 134-2001].

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Home Affairs on the ***Immigration Bill*** [B 79—2001] (National Assembly—sec 75), dated 16 May 2002:

   The Portfolio Committee on Home Affairs, having considered the subject of the ***Immigration Bill*** [B 79—2001] (National Assembly—sec 75), referred to it and classified by the Joint Tagging Mechanism as a section 75 Bill, presents the ***Immigration Bill*** [B 79B—2001] (National Assembly—75).

2. Report of the Portfolio Committee on Agriculture and Land Affairs on the ***Land and Agricultural Development Bank Bill*** [B 12—2002] (National Assembly—sec 75), dated 14 May 2002:

   The Portfolio Committee on Agriculture and Land Affairs, having considered the subject of the ***Land and Agricultural Development Bank Bill*** [B 12—2002] (National Assembly—sec 75), referred to it and classified by the Joint Tagging Mechanism as a section 75 Bill, reports the Bill with amendments [B 12A—2002].

No 25—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

FRIDAY, 17 MAY 2002

1. The House met at 09:04.

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

3. [09:05] Notices of motion.

4. [09:21] The Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes that Mr Walter Sisulu, a veteran and a stalwart of the struggle of the liberation of the people of South Africa, will turn 90 on Saturday, 18 May 2002;

   (2) recognises the role he played in building national unity and national reconciliation and working towards a free, non-racial, non-sexist and democratic South Africa; and

   (3) wishes tata Sisulu a joyous 90th birthday.

   Agreed to.

5. The Deputy Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes that—

      (a) the ruling People's Movement for the Liberation of Angola (MPLA) plans to hold a broad-based conference in June on the nation's post war future; and

      (b) the conference will discuss mechanisms to strengthen the peace process with Unita and will be opened to opposition parties;

   (2) believes that this conference is yet another milestone in the realisation of peace and development in the country;

   (3) welcomes the initiative of the MPLA;

   (4) calls on the parties to work towards a peaceful resolution of the conflict in the country; and

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Arts, Culture, Science and Technology:

   (a) Annual Report and Financial Statements of the William Humphreys Art Gallery for 2000-2001.

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   Annual Report and Financial Statements of the Independent Communications Authority of South Africa (ICASA) for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001 [RP 134-2001].

COMMITTEE REPORTS:

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2. Report of the Portfolio Committee on Agriculture and Land Affairs on the ***Land and Agricultural Development Bank Bill*** [B 12—2002] (National Assembly—sec 75), dated 14 May 2002:

   The Portfolio Committee on Agriculture and Land Affairs, having considered the subject of the ***Land and Agricultural Development Bank Bill*** [B 12—2002] (National Assembly—sec 75), referred to it and classified by the Joint Tagging Mechanism as a section 75 Bill, reports the Bill with amendments [B 12A—2002].

No 25—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

FRIDAY, 17 MAY 2002

1. The House met at 09:04.

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

3. [09:05] Notices of motion.

4. [09:21] The Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes that Mr Walter Sisulu, a veteran and a stalwart of the struggle of the liberation of the people of South Africa, will turn 90 on Saturday, 18 May 2002;

   (2) recognises the role he played in building national unity and national reconciliation and working towards a free, non-racial, non-sexist and democratic South Africa; and

   (3) wishes tata Sisulu a joyous 90th birthday.

   Agreed to.

5. The Deputy Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes that—

      (a) the ruling People's Movement for the Liberation of Angola (MPLA) plans to hold a broad-based conference in June on the nation's post war future; and

      (b) the conference will discuss mechanisms to strengthen the peace process with Unita and will be opened to opposition parties;

   (2) believes that this conference is yet another milestone in the realisation of peace and development in the country;

   (3) welcomes the initiative of the MPLA;

   (4) calls on the parties to work towards a peaceful resolution of the conflict in the country; and

(5) wishes the delegates to this conference good luck in their deliberations.

Agreed to.

6. The Chief Whip of the Majority Party moved without notice: That the House—

(1) notes that—

(a) Friday, 17 May 2002, is World Telecommunications Day; and

(b) the International Telecommunications Union's 2002 theme "ICT for All: Empowering People to Cross the Digital Divide" is relevant to South Africa;

(2) acknowledges that our country has made great strides in delivering telephones and other information communication and technology (ICT) services especially in rural areas, clinics and schools;

(3) celebrates this day as a day of major progress in empowering all our people to cross the digital divide; and

(4) urges all ICT stakeholders to use modern technology in accelerating universal service throughout the length and breadth of our country.

Agreed to.

7. The Deputy Chief Whip of the Majority Party (for the Chief Whip of the Majority Party) moved: That the House recommits the ***National Conventional Arms Control Bill*** [B 50B—2000] to the Portfolio Committee on Defence for further consideration and report.

Agreed to.

8. FIRST ORDER [09:25]

Second Reading debate—***Immigration Bill*** [B 79B—2001] (National Assembly—sec 75).

Debate concluded.

Bill read a second time (African Christian Democratic Party dissenting).

9. SECOND ORDER [11:20]

Debate on Vote No 28—Labour, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

Debate concluded.

10. The House adjourned at 13:44.

S MFENYANA,

Secretary to Parliament.

No 58—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

MONDAY, 20 MAY 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   (1) The Minister for Agriculture and Land Affairs submitted the ***Wetsontwerp op die Land- en Landbou-ontwikkelingsbank*** [W 12—2002] (National Assembly—sec 75) to the Speaker and the Chairperson on 17 May 2002. This is the official translation of the ***Land and Agricultural Development Bank Bill*** [B 12—2002] (National Assembly—sec 75), which was introduced in the National Assembly by the Minister on 15 March 2002.

National Council of Provinces:

1. The Chairperson:

   (1) Message from National Assembly to National Council of Provinces:

   Bill passed by National Assembly on 17 May 2002 and transmitted for concurrence:

   (i) ***Immigration Bill*** [B 79B—2001] (National Assembly—sec 75).

   The Bill has been referred to the Select Committee on Social Services of the National Council of Provinces.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Water Affairs and Forestry:

   Annual Report and Financial Statements of the Lepelle Northern Water Board for 2000-2001.

National Assembly:

1. The Speaker:

(1) **Fourth Report of the Working Group on the African Union**

Part 1: Activities of the Working Group

A. Introduction

The Working Group was established on 16 November 2001 by a resolution of the National Assembly. The primary focus of the Working Group was to consider the implementation of the Constitutive Act of the African Union.

B. Objectives of the Working Group

The brief of the Working Group is to:

* Consider Parliament's participation in the implementation of the Constitutive Act of the African Union and suggest appropriate procedural mechanisms for this.

* Determine the involvement of Parliament in assisting the South African government in the process of implementation of the African Union.

C. Meetings of the Working Group

The Working Group met on 15 January 2002, 14 February 2002, 27 February 2002, 28 February 2002, 7 March 2002, 18 March 2002, 30 April 2002 and 10 May 2002. The Working Group established a Planning Team to address detailed planning and technical matters. The Planning Team held its first meeting on 19 February 2002. The Working Group met with members of the Inter-Ministerial Committee on the African Union on 28 February 2002 to discuss the African Union.

D. Seminar on the African Union

A seminar on the African Union was held on 1 and 2 March 2002, in cooperation with the Africa Institute of South Africa and the Institute for Global Dialogue. Members of Parliament and representatives from the Departments of Foreign Affairs and Trade and Industry attended the seminar. The objectives of the seminar were to:

* Acquaint Members with the African Union (AU).

* Allow Members to engage with the challenges posed by the implementation of the Constitutive Act.

* Encourage Members to consider the participation of Parliament in the process of shaping the evolution of the AU.

* Discuss the role of South Africa in the implementation of the Constitutive Act.

* Share knowledge and insight with the research institutes and Government Departments present.

Part 2. Record of Working Group Discussions

E. Summary of Seminar Discussions

Following its reports to the National Assembly on 27 February 2002, 12 March 2002 and 18 March 2002, interaction with the members of the Inter-Ministerial Committee, deliberations during the aforemen-

tioned meetings, including the seminar on the African Union and the debate on the African Union on 12 March 2002 in the National Assembly, the Working Group wishes to highlight the following considerations regarding the establishment of the African Union and the implementation of the Constitutive Act of the African Union.

1. Political Considerations

Consideration should be given to, amongst others, issues such as what constitutes a conducive political environment, political integration, ceding sovereignty, and human rights.

(a) Political Environment

* In the transition from the OAU to the AU, membership to the AU is open to all Member States of the OAU (Article 27). In the future, consideration should be given to whether to maintain this principle of inclusivity for Member States whose political environments are not conducive to the attainment of the objectives of the AU.

* Mechanisms need to be developed to encourage Member States to create and maintain political environments that promote democracy and good governance.

(b) Political Integration

* Political integration may be seen as a means through which African States are empowered to face their respective challenges. The AU can be perceived as an evolving structure responding to the challenges facing Africa.

* There is a need to bridge historical and linguistic divisions in Africa in order to promote unity, solidarity, cohesion and cooperation among the peoples of Africa and African States.

(c) Ceding Sovereignty

* The Constitutive Act provides for political and socio-economic integration and a common defence policy, which could impact on the sovereignty of States. Thus, the constitutionality of ceding sovereignty with regard to these issues raises some concern.

* South Africa may need to consider the principles and terms of ceding its sovereignty in a way that does not impact negatively on the human rights of its citizens. A phased and strategic approach may be necessary.

(d) Human Rights

* In respect of human rights, it may be necessary to consider an appropriate role for the Commission on Human and Peoples' Rights in relation to the AU.

* With regard to the Charter on Human and Peoples' Rights, it is noted that there have been many developments in international human rights law, since the adoption of the Charter in 1987. A review of the Charter to establish congruence with current human rights law thereby ensuring the effective promotion and protection of human rights as envisaged under Article 3 of the Act may therefore be required.

2. Legislative Considerations

Some of the key legal considerations include the following:

* Legal implications
* Drafting and interpretation
* The Court of Justice
* The Central Organ
* International Intervention
* Organs of the AU

(a) Legal implications

* Legal opinion received from the South African State Law Advisers indicates that the Constitutive Act of the AU does not conflict with domestic law. Further consideration may need to be given to whether the Act is consistent with International law and South Africa's international obligations.
* Whilst the Constitutive Act does not have any self-executing provisions, Member States may be obliged to harmonise existing, or enact new domestic laws in order to give legal effect to the provisions of the Constitutive Act.
* South Africa may need to consider amending its Constitution to accomodate its obligations under the Constitutive Act.

(b) Drafting and interpretation

* Attention may need to be paid to inconsistencies in the drafting of the Constitutive Act. The 'soft' legal drafting in Article 3(c), (l) and (n) compared to the definitive legal drafting in Article 9(a), for example may create some ambiguity and vagueness in the Act.
* There appear to be no contradictions or ambiguity among Articles 4 (a), (g), and (h). Article 4(h) dealing with grounds for intervention by the Union in the affairs of Member States should take into account Article 3 (h) in respect of reference to the promotion and protection of human rights. Consideration may be given to the expansion of the grounds for intervention to include violations of human and peoples' rights.
* To facilitate democratic decision making, checks and balances may need to be built into the Constitutive Act. In this light, the quorum for Assembly decisions may need to be re-examined, particularly with regard to policy decisions and issues relating to ceding sovereignty.
* The Act needs to be revised to reflect gender-sensitive language.

(c) Court of Justice

* It is suggested that the Protocol makes the Court of Justice the supreme institution for the protection of peoples and human rights. In terms of the South African Constitution however, the Constitutional Court is the supreme court

protecting basic human rights. The consequences of deferring or referring matters to the Court of Justice may need to be considered.

* With reference to Article 3(h), it is likely that the Court of Justice will make decisions based on the African Charter which may have become outdated in terms of human rights. The South African Constitution, being more recent, is more in line with international best practice in this regard. Also, the equality clauses in the African Charter and the South African Constitution are different. The Court of Justice will therefore function from a different legal basis. This may cause some tension. Mechanisms may be required to regulate issues that can be brought before the Court of Justice. Further discussion is required regarding the jurisdiction of the Court of Justice.

* While South Africa has extended the right to class actions to organs of civil society in the interest of the public, many countries do not make a similar provision. Thus, if the Constitutive Act provides for class actions, some Member States would need to pass domestic laws to comply with their obligations in terms of this Act. Concerns were raised about the possibility of foreign NGOs funding class actions in different Member States to advance non-African agendas.

(d) Central Organ

* It is envisaged that the Central Organ will be established through Article 9(1)(d). Since this represents an important organ, consideration may need to be given to its establishment by the principal Act under Article 5 and not by the Assembly under Article 9. The relationship between the Central Organ and the Assembly of the AU may therefore need to be redefined.

* The intended focus of the Central Organ is safety and security. The extension of the role of the Central Organ to all matters of human security may need to be considered.

* The relationship amongst the Central Organ, the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA), the Conflict Management Centre of the OAU and the UN needs clarification.

(e) International Intervention

* Whilst the need for intervention as envisaged by the Act is acknowledged, it may be necessary to ensure that any form of intervention occurs within the parameters of public international law.

* South African representatives to the AU need to be vigilant in ensuring that the AU does not adopt any provisions that will impact negatively on South Africa's international obligations. An audit of South Africa's international obligations is envisaged.

(f) Organs of the AU

* Whilst the Act provides for the establishment of various organs, specific time frames for their establishment are not

set. The lack of defined time frames may impact negatively on the implementation of the Act.

* The Act is also unclear regarding the separate powers and functions of the different organs. There is overlap in authority of some organs thus making it unclear which organs would have jurisdiction over what matters.

3. Economic Considerations

(a) General

* The AU envisages accelerating efforts to promote economic integration in Africa. This raises the central issue of the appropriate strategy for promoting economic integration. The conventional trade integration approach focuses on removal of tariff and regulatory barriers and moving from Free Trade Area to Customs Union, common market and economic union. This approach has been criticised as inappropriate to developing countries and regions where major trade barriers often derive from underdeveloped production structures and inadequate infrastructure. Premature moves to "high" levels of trade integration, e.g. a continent-wide customs union will therefore not necessarily contribute to addressing key challenges facing the continent.

* Economic regeneration of Africa requires that priority be given to development integration, which is not solely focused on conventional trade integration. This implies combining efforts to promote trade integration with sectoral cooperation in key infrastructural and productive sectors. Addressing developmental backlogs therefore serves as the basis for promoting effective trade integration. This will also emphasise political cooperation at an earlier stage than in conventional trade integration programmes.

* Tensions exist between these two paradigms, both in existing sub-regional programmes and in the Constitutive Act.

* The terms of reference regarding the Economic, Social and Cultural Council (ECOSOC) in the African Union, its relationship with sub-regional economic bodies and the specialised technical committees needs to be clarified.

(b) Economic integration, infrastructural development and sectoral Cooperation

* The case for a developmental approach to promoting economic integration in Africa arises from the reality that many of the major barriers to promoting intra-regional trade arise not from tariff and regulatory barriers but from underdeveloped production structures and inadequate infrastructure.

* The integration strategy needs to build on what exists in sub-regions and should strive to improve sectoral cooperation as well as capacity building in sub-regional organisations. Developments such as the forthcoming Cotonou Economic Partnership negotiations will underscore the need to develop strategies for trade relations between sub-regions: options include a continental FTA or preferential agreements between sub-regions.

* Infrastructural development like transport, telecommunications and information technology may need to be prioritised. NEPAD may be considered an appropriate programme in this regard.

* African countries have similar trade patterns based on exports of primary products to the North. Intra-African trade is therefore very limited. The European Union envisages reciprocal trade agreements between African regions and Northern trading blocs. These could lead to a situation where South Africa finds itself trading with African countries outside the SADC region on worse terms than e.g. the European Union. Hence, integration in Africa is not happening in a vacuum: There are developments at global level that are re-shaping the terrain.

* It may also be important to define the economic partnerships that are likely to benefit Africa. Engaging institutions like the G7 in order to maximise the benefits of globalisation also needs to be addressed. It is therefore necessary to think strategically in order to face the challenge of globalisation.

* It may be necessary to address the causes and consequences of cross-border migration, particularly of labour and goods.

(c) Monetary Union

Regarding the establishment of an African Central Bank, if this is read as meaning monetary union, this may not be feasible in the short term given that Africa has more than 50 different currencies with very unequal values.

* The establishment of an African Central Bank should not be viewed as an attempt to prematurely promote monetary union.

* Continent-wide monetary union may be considered a legitimate long-term objective.

* Consideration may need to be given to co-operation with existing monetary union arrangements, such as that in West Africa and the common monetary area between South Africa, Lesotho, Swaziland and Namibia.

* A focus on promoting cooperation between central banks similar to the Finance and Investment Sector Coordinating Unit of SADC could be a model for early activity.

4. Resource Considerations

The financial and human resource implications of the establishment and sustainability of the AU need to be determined.

* Detailed cost analyses for each organ of the AU, including infrastructure, personnel and operational costs would need to be developed.

* Sources and sustainability of funding would need to be determined.

* One of the reasons for the financial constraints of the OAU may be the inability of some member countries to pay their membership fees. This may be largely due to the fact that member countries also hold membership of a number of

other organisations, which require membership fees. Article 23 of the AU Constitutive Act aims to regulate this.

5. *Pan-African Parliament*

To give effect to the provisions under Article 3*(g)* and 4*(c)* of the Constitutive Act, the establishment of the Pan-African Parliament may need to be prioritised. To this end, the Presiding Officers could engage the Executive to establish a role for African Parliaments in the African Summit in July 2002. Parliaments would need to determine the appropriate approaches and mechanisms to foster public awareness and engagement with issues concerning the establishment of the African Union and the implementation of the Constitutive Act.

In terms of the Protocol, the following may need to be considered:

* Article 2 of the Protocol states that the Pan-African Parliament is established by Member States. This may conflict with the provisions under Article 5 of the Constitutive Act and Article 7 of the Abuja Treaty, which establish the Pan-African Parliament as one of the organs of the AU and of the OAU respectively. Article 5 of the Constitutive Act can be considered as the legal basis for the establishment of the Pan-African Parliament.

* In terms of Article 4, 5 Members, at least 1 of whom must be a woman, shall represent each Member State in the Pan-African Parliament. Compliance with this provision may need to be monitored since many African Parliaments are male dominated.

* Under Article 5(2), the Assembly shall determine the beginning of the first term of office of the Pan-African Parliament. This may impact on the independence of the Pan-African Parliament since the Assembly may delay the first sitting if it is not in the best interest of the Assembly.

* Notwithstanding the provisions under Article 33(2), consideration may need to be given as to whether the Pan-African Parliament Protocol should be ratified in terms of Article 7 of the Abuja Treaty or Article 17 of the Constitutive Act.

* The Protocol may need to include a provision defining the relationship between the Pan-African Parliament and national and regional Parliaments of Member States.

The following consideration is raised in terms of the Draft Rules of Procedure of the Assembly of the Union with regards to the Pan-African Parliament:

* Rule 19 refers to amongst others, attendance of the President of the Pan-African Parliament at the sittings of the Assembly. The nature of participation of the President at such sittings would need to be clarified.

Part 3. Progress on recommendations of 3rd report

* The Speaker has requested parties to nominate additional Members to serve on the Working Group.

* The Minister of Foreign Affairs has signed the "Pan-African Protocol" -Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parlia-

ment. According to the Department of Foreign Affairs, the Protocol will be tabled in Parliament for ratification once Cabinet has considered it.

* The Speaker has communicated with the Secretary-General of the SADC Parliamentary Forum with a view to promoting early ratification of the Protocol by the members of SADC and of other Parliamentary formations on the continent.

* The Speaker regularly engages with the Executive regarding the nature of Parliamentary participation during the Inaugural Summit of the African Union in July 2002. The Working Group will meet with the Inter-ministerial Committee on the African Union before the AU Summit in July 2002.

* The Speaker has written to the Minister of Foreign Affairs with a view to establishing the response of the Executive to the second reports, dated 27 February 2001, of the Portfolio Committee on Foreign Affairs and the Select Committee on Economic Affairs, respectively, on the Constitutive Act of the African Union.

Part 4. Recommendations

F. Recommendations

It is recommended that:

* Parliament mandates the Presiding Officers to convene a meeting of African Parliamentarians on 27-28 June 2002.

* Parliament identifies the appropriate mechanisms to facilitate its interaction with the Executive regarding the AU.

* The Working Group establishes strategies and mechanisms for effective engagement with Members of Parliament, media and civil society on matters relating to the AU.

* Parliament embarks on an audit of South Africa's international obligations in terms of public international law.

* The Working Group, on behalf of Parliament, commissions research on matters relevant to the AU and NEPAD. This may include:

  — The role of the African Charter and Commission on Human and Peoples' Rights in relation to the African Union.

  — A comparative analysis of rules of procedures of multinational legislatures and parliamentary forums.

  — Oversight of multinational institutions/structures by national parliaments.

  — Economic integration in Africa — mapping the way forward for the AU: Identification and analysis of models of economic integration and proposals on an appropriate strategy for Africa.

  — Sovereignty and the full implementation of the African Union: Constitutional, legal and policy questions.

— Developing a comprehensive strategy for public awareness and civil society involvement in Parliament's engagement with matters related to the implementation of the Constitutive Act of the African Union and the processes for the full establishment of the African Union.

— The African Court vis-à-vis national judiciaries and constitutions.

Report to be considered.

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Social Development on the ***Probation Services Amendment Bill*** [B 18—2002] (National Assembly—sec 75), dated 15 May 2002:

   The Portfolio Committee on Social Development, having considered the subject of the ***Probation Services Amendment Bill*** [B 18—2002] (National Assembly—sec 75), referred to it and classified by the Joint Tagging Mechanism as a section 75 Bill, reports the Bill with an amendment [B 18A—2002].

2. Report of the Portfolio Committee on Agriculture and Land Affairs on the ***KwaZulu Cane Growers' Association Act Repeal Bill*** [B 48—2001] (National Assembly—sec 75), dated 14 May 2002:

   The Portfolio Committee on Agriculture and Land Affairs, having considered the subject of the ***KwaZulu Cane Growers' Association Act Repeal Bill*** [B 48—2001] (National Assembly—sec 75), referred to it and classified by the Joint Tagging Mechanism as a section 75 Bill, reports the Bill with amendments [B 48A—2001].

   The Committee further reports that in the course of its deliberations on the Bill, it took a resolution to invite the KwaZulu-Natal Cane Growers' Association and the South African Cane Growers (whose membership includes members of the aforementioned Association) to appear before the Committee. It transpired that there was disagreement over the balance of the money collected as levies, as well as on the purposes for which the levies were used. Despite several attempts to obtain full information on the accumulated assets of the Association, the Department of Agriculture did not succeed.

   The Committee therefore recommends that the National Assembly request the Auditor-General to conduct a full audit of the financial books and assets of the KwaZulu-Natal Cane Growers' Association pertaining to the levies collected by the Association in terms of the KwaZulu-Cane Growers' Association Act, 1981 (Act No. 12 of 1981), and that a report be presented to the House.

   Report to be considered.

3. Report of the Portfolio Committee on Sport and Recreation on study tour to Eastern Cape, dated 30 October 2001:

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A. Introduction

The delegation visited the Eastern Cape from 3 to 6 March 2001. The purpose of the visit was to assess progress by the provincial department with regard to development and transformation of sport in South Africa. The Committee wanted to understand the problems and challenges that are experienced by the province. The Committee also wanted to assess the link and congruence between the programme of the provincial department of sport to the national vision on sport and recreation.

The delegation representing the Committee focused on the following:

1. Availability of sports facilities to all communities, which include the following:
   - (a) Provision of sports facilities to communities that were previously disadvantaged.
   - (b) Accessibility of sports facilities to all and in all areas.
   - (c) Sensitivity to disabled people when building sports facilities.
   - (d) The standard of facilities within different communities.
   - (e) The ownership of sport facilities by communities.
   - (f) The maintenance of facilities by both the community and the municipalities.
2. Accessibility of all sports to all communities, including the following:
   - (a) The integration of all to sports, irrespective of race and gender.
   - (b) The representativity of the previously disadvantaged people in the provincial and regional teams of different sports codes.
   - (c) The back up support that is given to the financial disadvantaged sports people who are selected for participation in the national and international tournaments.
   - (d) The promotion of the disabled people's participation on sport and recreation activities.

(e) The recognition of deserving sports people as role models and use of such people as human resources by the communities.

(f) The utilisation of sports people by the community and various structures in the programme of Nation Building.

3. Sport Development Programmmes that are run in the province.

4. The availability, accessibility and impact of the sports Academies.

5. The relationship between the provincial department, the Standing Committee on Sport and the local government structures.

6. Accessibility of all sports to all communities, including the following:

(a) The relationship between the government departments, the sports bodies and other role players in sport such as the business sector.

(b) The role of the community on sports issues.

(c) Challenges that are encountered by the Sports and Recreation Departments.

B. Delegation

The delegation consisted of Ms R Bhengu (chairperson), Mr Z I Ncinane, Mr C T Frolick, Mr J T Louw and Mr L Myoli, Committee Secretary.

C. Areas and facilities visited

The delegation visited the following areas:

Debenek Sport Facility
Port Elizabeth Sport Academy
Kariga Game Reserve
Mqanduli
Ngqeleni
KuTsolo
Idutywa
Park Side Sports Field
Schoeman Sport Ground
Duncan Village
Orlando Stadium in Mdantsane
Sisa Dukashe Stadium
High Way

D. Welcoming by MEC

The delegation was met and welcomed, at the Provincial Legislative Building, by the MEC for Sport, Arts and Culture, Mrs Nosimo Balindlela, and officials of the department.

The meeting was opened with a prayer, after which Mr Nkwinti, Director for Sport in the Department, also welcomed the delegation.

The leader of the delegation, Ms Bhengu, introduced her delegation and proceeded to explain the purpose of the visit. The delegation was there to:

1. Ascertain whether provincial programmes are in line with the national vision.
2. Find out if there were hindrances to the programme.
3. Find out the progress that has been made by the department regarding the provision of sports facilities, particularly in the previously disadvantaged and rural areas.
4. Assess the level of participation of the previously disadvantaged people in sports codes that were known to be for whites only and what integration programmes were there.
5. Assess how accessible sports facilities were to the communities.
6. Assess the involvement of communities with sports matters and community ownership of facilities.
7. Establish the kind of relationship that exists between the three spheres of government regarding sports and recreation in the province.
8. Find out what plans were in place for skills development and capacity building of sport managers, administrators and players.

She also added that the delegation intended to interact with communities and structures, so as to get a feel of the level of utilisation of the facilities and protection of facilities by the community from being vandalised.

The delegation was then briefed by the MEC on activities of her department. These included:

(a) The second consultative meeting, which was scheduled for 9 March 2000. The aim of that consultative meeting was to culminate a process designed to develop a plan for the province.

(b) The Eastern Cape sports indaba/forum that was scheduled for 8 March 2000.

(c) A conference on sport for disabled people, which was scheduled for 4 March 2000.

The MEC went on to indicate that the province was represented in six national events and in world events, including softball. She also pointed out that although the Eastern Cape had produced boxing champions, the lack of adequate boxing facilities was still a problem. She also mentioned that there were disparities between sports associations and provincialisation of sports regions.

The MEC spoke about the province's international relations and the relations between the department and other stakeholders, i.e. USSASA, Eastern Cape Sports Council, PROREC, Eastern Cape Amateur Boxing Union, and the Sports Academy in Port Elizabeth. She indicated that the issue of the South African Sports Commission and its relationship with the NSC structures in the provinces was still being debated in the Eastern Cape province. She expressed the hope that the South African Sports Commission was going to get off the ground in the near future.

At the conclusion of the session, the leader of the delegation expressed her appreciation for the existence of the study tour programme and the ability of the department to coordinate the visit and creation of conditions conducive for carrying the programme forward.

E. Visits to sports facilities

1. Debenek Sports Facility

The delegation met with community representatives under the leadership of Rev D D Ngcuka, at the Debenek Sports Facility. Also present in the meeting was the provincial chairperson of the standing committee on Sport, Arts and Culture, Mr Mazosiwe, and departmental officials.

The facility was built at Debe Valley. Because of its centrality, an extensive consultative process involving the 26 surrounding communities was done prior to the building of the facility. The facility is being utilised by 26 villages. Although the facility is incomplete, the communities who attended the meeting stated that the MEC had committed herself to ensuring that the facility was completed.

The discussions in the meeting included:

(a) The expression by the community of the high rate of unemployment in the area.

(b) The lack of understanding by the community on who is responsible for the maintenance of the facility between the three spheres of government, as well as the situation of rural areas outside the boundaries of the municipality. It was however impressing to observe that the community in spite of very limited resources was actually looking after the facility. This facility was the best in the province in terms of cleanliness, with no vandalism whatsoever.

(c) The commitment made by the Border Cricket Region and other codes in helping the community by cutting the grass.

(d) The lack of co-operation by the Alice Region in as far as the usage of the facility for community events other than sport. An example of the AIDS day was made where the Alice Region had problems in allowing the community to use the facility for the AIDS education campaign.

(e) The community praised the department of sport in Bisho for its efforts in building the capacity of the community for the maintenance of the facilities.

(f) The community expressed that the facility has contributed positively in making the youth from the surrounding villages to spend their time constructively. Mothers pointed out that children who are involved in sport have very little opportunities of getting involved in criminal activities. Women who attended the meeting also praised adult members of the community who avail themselves to train and coach the youth in sports.

The meeting ended with the leader of the delegation thanking the community for its warm reception and for the fact that the facility was not vandalised as in some other townships. She pleaded with the community to continue co-operating and liaising with the department and requesting the department to assist where possible.

2. ***Port Elizabeth Sport Academy***

The delegation held an informal meeting at Holiday Inn Summerstrand in Port Elizabeth with Dr R Stretcher, Director of the Sport Academy in Port Elizabeth. This academy is said to be the initiative of the University of Port Elizabeth.

The delegation was informed that a delegation from the University of Port Elizabeth had visited Australia and brought back a model of a sport academy, which was approved by the NSC. The delegation was also informed that Makhaya Ntini and Mark Boucher, both cricketers from the Eastern Cape, who were now playing for the national team, represented the success of the sport academy.

The problems mentioned in the meeting by Dr R Stretcher were centred on funding, which had put the development programme in jeopardy. One of the problems around funding was the fact that it was not consistent, resulting in the academy being unable to plan for programmes.

Dr Stretcher informed the delegation that the sports federations supplied the academy with talented previously disadvantaged sports persons. It was also mentioned that sports development progammes of the academy were intensive and residential. Fees for trainees with a disadvantaged background were absorbed by the sports academy.

On the following day, the delegation held a meeting with the representatives of the provincial 2006 Bid Committee, the Sports Council, the NSC and USSASA. Issues of discussion in this meeting was sports in general including:

(a) The 2006 Bid, particularly the support of the bid in the province.

(b) The Sport Academy, particularly the supply of trainees to the academy and the impact of the academy on the issue of skills development as well as the relationship between the sports federations and the Sport Academy.

(c) The relationship between the sports bodies and the provincial department of sport.

In this meeting the Sports Council addressed the thorny issue of the Sport Academy and the commercialisation of sport. The council called for a review of how the academy was run. The council also pointed out that insufficient funding of the Sports Academy was creating a problem for the Sports Academy not to reach out to the intended target group of development programmes. The Sports Council representatives went on to say

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PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

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that most of the trainees in the Sports Academy were those who could afford to pay.

The situation presented was that the objectives of building the capacity and the development of skills of the previously disadvantaged people could not be realised under the current situation within the Sport Academy.

The Committee was urged to intervene, particularly on the issue of selection panels for channeling the talented sport people to the Sport Academy. It was also argued by the representatives of sports federations that the municipality should not charge exorbitant funds to local clubs, who are financially weak, for the use of facilities. This issue was mentioned within the context of making sports facilities accessible to communities.

The delegation identified that some of the issues raised in the meeting were actually related to a lack of coordinated efforts by different stakeholders around sports issues. Most of the issues raised did not need intervention by structures outside the region. The meeting was then advised by the delegation to open channels of communication between different sports bodies and with the government departments dealing with sports, including the local government.

The delegation however promised to raise the issue of the sport academy with the MEC for Sport, Arts and Culture and also with the South African Sports Commission, once the Commission is up and running. This was going to be done in order to ensure that the objectives of the Sports Academy are actually realised.

The delegation felt that the whole Portfolio Committee would need a special session with the Chief Executive Officer of the South African Sports Commission where the issue of Sports Academies would be discussed. Included in the discussion would be:

* The target group for the existing academies.
* The funding for the academies.
* The involvement of local sports structure and the community within which the academy is located.
* The impact made by the sport academies in as far as skills development and breeding of competent sports people are concerned.

The issue of lack of support by the Department of Education in relation to school sport was raised. One of the concerns on this issue was the problem of not knowing which department is the custodian of school sport between the Department of Sport, Art and Culture and the Department of Education. USSASA mentioned that the current situation leaves USSASA not knowing which of the two departments should be approached for problems affecting school sports.

The leader of the delegation reported to the meeting that the Portfolio Committee was planning to invite the national body of USSASA to brief the Portfolio Committee on the programmes of USSASA and problems that are experienced by USSASA. She then informed the meeting that the Portfolio Committee would then analise the information presented by the national body of USSASA against the information gathered during study tours to various provinces. The Committee would then make recommendations to the national Department of Sport and Recreation and also to the relevant sports bodies.

The meeting ended with the leader of the delegation responding to issues raised and addressing the meeting on the legislation which were in the pipeline, including what those legislation aimed to address.

The meeting was asked by the leader of the delegation to look on the issue of establishing exchange programmes between provinces for the purpose of learning from one another. She mentioned that it is not only the foreign countries that could provide us with answers to our problems, some answers could be found from other provinces in South Africa as weaknesses of one province could be the strengths of another province.

3. ***Kariga (in Port Alfred near Grahamstown)***

On Saturday the delegation visited the Kariga Game Reserve where a workshop on sport for the disabled people was held. The MEC for Sport, Arts and Culture together with officials from her department were part of the workshop. It became clear to the delegation as to why this workshop was held in Kariga Game Reserve, as the facility was accessible to the disabled, more especially those who were physically challenged.

The delegation did not stay long in the workshop to understand issues that were being discussed at the workshop. The delegation was however satisfied by the fact that Eastern Cape was taking sports for disabled people seriously and was engaging the disabled people as full participants in workshops. This was seen as a very important aspect of making sport accessible to all. What was also remarkable about the workshop was that the disabled people were representing themselves, unlike the usual trend where those affected by the problem would be represented by people who would speak from a perceived need instead of a felt need.

This was seen by the delegation as a strength that other provinces could learn from.

The leader of the delegation addressed the workshop and expressed the joy of the delegation related to the workshop. She also encouraged the participants to claim their rightful positions as equal partners in the society. She also mentioned that the President of the country, Mr Thabo Mbeki, was taking the needs of the disabled people seriously. The sports for disabled people

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were a special project to the President, and therefore all of us have no other choice but to make sure that it becomes a success. The delegation then left for Umtata.

4. Botha Sigcawu Building

The delegation was received and welcomed by Mr Tambodala, the acting regional head of the Department of Sport, Arts and Culture. Mr Tambodala introduced the officials of the department, and then gave a brief overview of the sports-related activities of the department. In his briefing he mentioned that the region was made of eight districts, which included nine magisterial districts, meaning that the region was very big.

After a briefing by the leader of the delegation on the purpose of the visit and areas of focus, officials of the department told the delegation that there were basic sport facilities at eMqanduli, eNgqeleni and KuTsolo, which were semi-complete. It was also mentioned that these facilities did not have ablution blocks, ticket rooms, security offices and proper grass. It was reported that there was co-operation with relevant transitional rural councils. It was also mentioned that there was a facility earmarked for eNgcobo, but that the facility had not been built yet, due to a lack of funds for the provision of sport facilities in that financial year.

Satellite sport academies that are based at Unitra, Fort Hare and Border Technikon were alluded to, though community linkages with these was academies was seen to be not as sound as supposed to be.

It was however acknowledged that despite structural problems, the relations between the academies and some of the sport codes—boxing, netball and athletics—were said to be cordial. Money was said to be the main inhibitor for use of academy facilities by the intended target group.

The Committee concluded the session with an indication that the visit was not the last one to the province. The leader of the delegation highlighted the legislation that were on the pipeline and how those legislation relate to the situation that is found on the ground regarding sport issues.

The delegation then split into two, the one group going to eNgqeleni and the other to kuTsolo.

5. Ngqeleni

The group of the delegation visited a sport facility, which is at eNgqeleni and was met by Mr L Debwa, a local government councillor. The facility was in clean condition with short grass. The grass was however not the lawn type of grass and therefore not suitable for a sports field. The ground retains water, thereby making it impossible to use the facility for a few days after the rain. The RDP and the Premier jointly funded the building of the facility.

This facility is a multi-purpose facility that could be used for

soccer and rugby. It is however not suitable for athletics, hockey and other similar sports, because of this type of grass.

It would be recommended that a suitable type be planted in this facility so as to make it accessible to quite a number of sports codes.

6. ***KuTsolo***

The local government councillors and members of the community met the group that visited a sports facility at KuTsolo. The facility was seen to be clean and well looked after and there were no incidents of vandalism. The facility was incomplete. It was reported to the delegation by the local community that the local youth and local clubs utilise the facility. The community valued the facility very highly, linking it to the constructive engagement of youth.

7. ***Idutywa***

The delegation made a brief stopover at a facility in Idutywa to see a rugby match between Abahlobo and Comrades, two local teams who were playing to celebrate a sponsorship from DMJ Transport Services. The sponsorship was in the form of jerseys, track suits, kit bags, and golf T-shirts to Abahlobo.

The delegation also went to a nearby sport facility where there was a soccer match played by other two local teams. The facility on which the soccer match was being played, was huge. It was however disappointing to witness that this facility was not well looked after. The grass was very tall. Change rooms and toilets were very dirty. It was even difficult to go nearer to the pitch because of tall grass.

It was however remarkable impressive to see the high level of sports activities that were taking place in the province. There were sports activities in each and every village the delegation passed through. There were sports activities in almost all the facilities the delegation passed through.

8. ***Park Side Sports Field in Buffalo Flats***

The delegation visited a sport facility in Park Side, which hosted the head quarters of the East London Rugby Union. The facility was previously maintained by the old structures, which were racially based—the CMCs. The delegation was then informed that the facility was now under the Parks and Amenities division of the East London municipality. It was also reported that there was a plan to upgrade the facility at a cost of R800 000. The upgrading would include the extension of the field and the provision of floodlights to make the facility usable at night.

The problems that were mentioned was that the facility's change rooms were not usable due to lack of maintenance. It was also mentioned that the facility was over-utilised to the point that school children from a nearby school were only able to make use the facility during school hours, other times being reserved for local clubs.

9. Schoeman Sports Ground in Buffalo Flats

This facility was in an impeccable condition. It was reported to the delegation that the East London municipality maintained it. The facility had clean change rooms and floodlights. It was said that Border Cricket used the facility for their development programme.

10. Duncan Village

The delegation visited Lujiza Primary School in Duncan Village to see a Presidential Project that is a multi-purpose facility. It was reported that two schools use the facility, as the facility is located between them. This facility was in good condition with no vandalism.

11. Orlando Stadium in Mdatsane

This facility is located behind Sisa Dukashe Stadium. It is a massive facility with three netball courts, six tennis courts, a clubhouse, the caretaker's house, a practice wall for tennis, and a pump house for an Olympic-size swimming pool, change rooms and toilets. The sad thing about this facility is that it stands derelict and is being vandalised.

12. Sisa Dukashe Stadium

This is a complete facility, which is used mostly for soccer. This facility is suitable for other codes as well. It is also used for open-air boxing tournaments.

The problem highlighted there was over-usage of the facility. The delegation was also informed that there were plans to enlarge the stand but problems were being encountered in raising the funds.

The Committee recommends that, whatever plans exist that are related to enlarging this facility, such plans should viewed against the conditions of both the Orlando Stadium and Sisa Dukashe stadium so as to arrive at a decision that would avoid duplication, waste of limited resources and maintenance-related challenges to local municipalities.

13. High Way Indoor Facility

The delegation visited a multi purpose indoor facility, which was built from funds donated by Sun International and the Sports Trust. It was reported that the facility was used for volleyball, karate, aerobics and other social activities of the community. The facility was also in an impeccable condition.

The delegation then drove to Bisho for a debriefing session with the department of Sport, Arts and Culture. The MEC, Mrs Nosimo Balindlela, at her office, again received the delegation. The leader of the delegation shared with the MEC and officials from the department the experiences of the delegation during the study tour. Issues raised by the communities particularly around the sport academy, the custodian department for school sport were reported to the MEC.

The leader of the delegation expressed the appreciation of the delegation for the manner in which the delegation was treated by the MEC and officials of the department. The fact that there were sports activities in almost all villages was also appreciated. The leader of the delegation pointed out that there seemed to be problems around the staff complement of the department, which could be attributed to the fact that the provincial department absorbed two structures with their entire staff, namely the former Ciskei and former Transkei. The leader of the delegation asked the MEC to look at the staff structure to see whether there was a need for maintaining it.

F. Overall observation

The Department Sport, Arts and Culture absorbed all the staff from the former Ciskei and Transkei departments; therefore the delegation recommends that a staff audit should be done in order to assess what staff positions should be kept in future.

G. Conclusion

The MEC was seen to be on top of sports issues and had a clear plan of action. Eastern Cape had demonstrated to the whole of South Africa that given the opportunity, people from the disadvantaged communities are capable of excelling in any sport code. This was more visible on the level of participation of the black people, particularly in rugby and cricket. The Eastern Cape was also acknowledged for its performance in producing professional champions in boxing.

It is recommended that the MEC meet with the sports federations and the NSC to begin with the process of ensuring that the sport academy in Port Elizabeth works towards the attainment of the initial objectives.

National Council of Provinces:

1. Report of the Select Committee on Land and Environmental Affairs, dated 13 May 2002:

   The Select Committee on Land and Environmental Affairs, having considered the application by the National Agricultural Marketing Council for the implementation of statutory measures on potatoes, reports, in terms of section 15 of the Marketing of Agricultural Products Act, 1996, that it has approved the recommendations of the Council.

   The Committee, however, notes the grave mismanagement that has occurred in this sector, and hence will pursue such matters and make the necessary recommendations to the Minister in this regard.

No 26—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

TUESDAY, 21 MAY 2002

1. The House met at 14:01.

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

3. [14:02] Notices of motion.

4. [14:19] The Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes that the struggle for independence for East Timor has finally ended 450 years of foreign rule with the proclamation of independence on Monday;

   (2) believes that this is a significant victory for the forces of democracy;

   (3) notes that our Deputy President, the Honourable Jacob Zuma, is attending the independence celebrations on behalf of the South African people, who have supported the struggle of the people of East Timor; and

   (4) wishes President Xanana Gusmao and his government a warm welcome to the community of nations and wishes the people of Indonesia a peaceful and prosperous future as an independent nation.

   Agreed to.

5. Mr M J Ellis moved without notice: That the House—

   (1) congratulates Bafana Bafana on their exciting 2-0 win over Scotland in their World Cup warm-up clash;

   (2) believes that the hard work done by the team is paying off and that this victory bodes well for South Africa's World Cup campaign; and

   (3) wishes them well in their next match.

   Agreed to.

6. Mr D H M Gibson moved without notice: That the House—

   (1) condemns the US Farm Bill as a major step backwards from free trade;

   (2) recognises that the huge subsidies being given to US farmers—

(a) make a laughing stock of trade negotiations at the World Trade Organisation; and

(b) ensure that developing countries will be unable to compete equally for markets; and

(3) calls on the US government to reconsider this ill-advised policy which seriously threatens commercial farming in southern Africa where increasing numbers of people are already facing starvation due to recent droughts.

Agreed to.

7. Mr M J Ellis moved without notice: That the House—

(1) notes with approval the plans of the Cape Town partnership for attracting investment to the city, including—

(a) the marketing of sections of the city for specific activities;

(b) the development of an "e-city" for e-commerce and internet enterprises;

(c) the development of markets for informal traders; and

(d) the improvement of parking and security throughout the city; and

(2) agrees that this will enhance Cape Town's ability to provide a good standard of living for its residents and help to attract tourists.

Agreed to.

8. Mr D H M Gibson moved without notice: That the House—

(1) congratulates the South African Police Service investigators whose hard work and diligence in the Bruma Lake serial killings case led to an effective prosecution and resulted in long sentences for the two killers;

(2) welcomes the R800 000 Mandrax bust at Johannesburg International Airport as another small victory in the war on drugs; and

(3) hopes that there will be many more such successes in the fight against crime.

Agreed to.

9. FIRST ORDER [14:19]

Debate on Vote No 31—Trade and Industry, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77) (See Announcements, Tablings and Committee Reports, 13 May 2002, p 381).

Debate concluded.

10. [16:40] The Deputy Chairperson of Committees gave a ruling on a point of order raised concerning a notice of motion given by Mr A J Botha on 8 May 2002, and directed him to withdraw certain words contained therein.

Whereupon the member withdrew the words.

11. SECOND ORDER [16:42]

Second Reading debate—***Land and Agricultural Development Bank Bill*** [B 12B—2002] (National Assembly—sec 75).

Debate concluded.

Bill read a second time.

12. The House adjourned at 18:20.

S MFENYANA,

Secretary to Parliament.

No 11—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 21 MAY 2002

1. The Council met at 14:04.

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

3. [14:05] Notices of motion.

4. [14:08] Ms J N Vilakazi moved without notice: That the Council—

   (1) notes with appreciation the fund set up by the IFP and the Zululand District Municipality to assist the families of the 23 victims who died in a bus accident last week;

   (2) further notes that 19 people died instantly, 4 died on their way to the hospital and the survivors are all reported to be in a critical condition at the Ngwelezane Hospital; and

   (3) therefore expresses its condolences to the affected families and friends.

   Motion agreed to in accordance with section 65 of the Constitution.

5. FIRST ORDER [14:09]

   Policy debate on Budget Vote No 32: Transport, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

   Debate concluded.

6. SECOND 0RDER [15:54]

   Consideration of ***Mental Health Care Bill*** [B 69D—2001] (National Assembly—sec 76) and of Report of Select Committee on Social Services thereon (Announcements, Tablings and Committee Reports, p 346).

   Debate concluded.

   Question put: That the Bill be agreed to.

   IN FAVOUR OF: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Mpumalanga, Northern Cape, Northern Province, North West, Western Cape.

   Bill accordingly agreed to in accordance with section 65 of the Constitution.

7. THIRD ORDER [17:36]

Policy debate on Budget Vote No 13: Statistics South Africa, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

Debate concluded.

8. The Council adjourned at 18:30.

S MFENYANA,

Secretary to Parliament.

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

TUESDAY, 21 MAY 2002

ANNOUNCEMENTS:

National Assembly:

1. The Speaker:

(1) Message from National Council of Provinces to National Assembly:

Bill, as amended, passed by National Council of Provinces on 21 May 2002 and transmitted for consideration of Council's amendments:

(i) ***Mental Health Care Bill*** [B 69D—2002] (National Assembly—sec 76).

The amended Bill has been referred to the Portfolio Committee on Health for a report and recommendations on the Council's amendments.

National Council of Provinces:

1. The Chairperson:

(1) Mrs C Nkuna has been elected as chairperson of the Select Committee on Labour and Public Enterprises with effect from 21 May 2002.

(2) Message from National Assembly to National Council of Provinces:

Bill passed by National Assembly on 21 May 2002 and transmitted for concurrence:

(i) ***Land and Agricultural Development Bank Bill*** [B 12B—2002] (National Assembly—sec 75).

The Bill has been referred to the Select Committee on Land and Environmental Affairs of the National Council of Provinces.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Finance:

   (a) Annual Report of the South African Reserve Bank—Bank Supervision Department for 2001 [RP 10-2002].

   (b) Government Notice No 483 published in Government Gazette No 23330 dated 15 April 2002, Transfers to Local Government, in terms of the Division of Revenue Act, 2002 (Act No 5 of 2002).

2. The Minister of Transport:

   Annual Report and Financial Statements of the South African Commuter Corporation Limited for 1999-2000, including the Report of the Auditor-General on the Financial Statements for 1999-2000.

3. The Minister of Sport and Recreation:

   Annual Report and Financial Statements of the South African Sport Commission for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001.

No 27—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

WEDNESDAY, 22 MAY 2002

1. The House met at 15:00.

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

3. [15:01] Questions—Deputy President; Urgent Question to the Minister for Justice and Constitutional Development; and Cluster 2: Social Services and Governance.

4. [17:00] Notices of motion.

5. FIRST ORDER [17:16]

   Second Reading debate—***Disestablishment of South African Housing Trust Limited Bill*** [B 3B—2002] (National Assembly—sec 75).

   Debate concluded.

   Bill read a second time.

6. The House adjourned at 17:25.

S MFENYANA,

Secretary to Parliament.

No 60—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

WEDNESDAY, 22 MAY 2002

ANNOUNCEMENTS:

National Council of Provinces:

1. The Chairperson:

   (1) Message from National Assembly to National Council of Provinces:

   Bill passed by National Assembly on 22 May 2002 and transmitted for concurrence:

   (i) ***Disestablishment of South African Housing Trust Limited Bill*** [B 3B—2002] (National Assembly—sec 75).

   The Bill has been referred to the Select Committee on Public Services of the National Council of Provinces.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Communications:

   Group Annual Financial Statements of the South African Post Office Limited for 1997-1998.

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Safety and Security on the ***Private Security Industry Levies Bill*** [B 11—2002] (National Assembly—77), dated 22 May 2002:

   The Portfolio Committee on Safety and Security, having considered the subject of the ***Private Security Industry Levies Bill*** [B 11—2002]

No 60—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

WEDNESDAY, 22 MAY 2002

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1. The Chairperson:

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No 60—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

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(National Assembly—77), referred to it and classified by the Joint Tagging Mechanism as a money Bill, reports that it has agreed to the Bill.

2. Report of the Portfolio Committee on Transport on the ***National Railway Safety Regulator Bill*** [B 7D—2002] (National Assembly—sec 76), dated 22 May 2002:

> The Portfolio Committee on Transport, having considered the ***National Railway Safety Regulator Bill*** [B 7D—2002] (National Assembly—sec 76), amended by the National Council of Provinces and referred to the Committee, reports that it has agreed to the Bill.

Report to be considered.

3. Report of the Portfolio Committee on Sport and Recreation on study tour to Northern Cape, dated 30 October 2001:

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Item	Paragraph
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Areas visited	C
Welcoming by MEC	D
Observations	E
Meetings with sports bodies and communities	F
Observations	G
Overall comments	H
Recommendations	I

A. Introduction

A delegation representing the Portfolio Committee on Sport and Recreation visited the Northern Cape province from 9 to 12 June 2000. The purpose of the visit was to assess the progress made by the provincial department with regard to development and transformation of sport in South Africa. The delegation wanted to understand the problems and challenges experienced by the province. The Committee also wanted to assess the link and congruence between the programme of the provincial department of sport to the national vision on sport and recreation.

The delegation representing the Committee focused on the following:

1. Availability of sports facilities to all communities, which include the following:
   (a) Provision of sports facilities to communities that were previously disadvantaged.
   (b) Accessibility of sports facilities to all and in all areas.
   (c) Sensitivity to disabled people when building sports facilities.

(d) The level of standard of facilities within different communities.

(e) The ownership of sport facilities by communities.

(f) The maintenance of facilities by both the community and the municipalities.

2. Accessibility of all sports to all communities, including the following:

(a) The integration of all to sports, irrespective of race and gender.

(b) The representativity of previously disadvantaged people in the provincial and regional teams of different sports codes.

(c) The back-up support that is given to financial disadvantaged sports people who are selected for participation in national and international tournaments.

(d) The promotion of the disabled people's participation on sport and recreation activities.

(e) The recognition of deserving sports people as role models and the use of such people as human resources by communities.

(f) The utilisation of sports people by the community and various structures in the programme of nation building.

3. Sport Development Programmes, which are run in the province.

4. The availability, accessibility and impact of the sports academies.

5. The relationship between the provincial department, the Standing Committee on Sport and the local government structures.

6. The relationship between the government departments, the sports bodies and other role players in sport such as the business sector.

7. The role of the community on sports issues.

8. Challenges that are encountered by the Sports and Recreation Department.

B. Delegation

The delegation was:

Ms R Bhengu (leader)
Mr J Louw
Mr C Frolick
Mr E T Ferreira
Mr L Myoli (Committee Secretary)

C. Areas visited

The delegation visited the following areas:

* Greenpoint School
* Old De Beers Ground
* Greenpoint Primary School
* Old Griqualand Rugby Union Field

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* Old Griqualand Rugby Union Field

* Pescodia
* Venus High School (Pescodia)
* Galashewe
* Ministry Offices
* Olifantshoek
* Paballelo Stadium in Upington
* Department of Sport in Upington
* Matjieskloof in Springbok
* District Council in Springbok
* Calvinia

D. Welcoming by MEC

On arrival in the Northern Cape, the delegation was welcomed at and collected from the Airport by the late MEC for Sport and Culture, Mr Brian Hermanus, accompanied by Mr A Babuseng and Mr Le Grange, officials of the department.

The delegation was taken to the Northern Cape Legislative Building in Kimberley and was officially welcomed by the chairperson of the standing committee on sports and culture, Mr P Tulase. The MEC briefed the delegation on the activities of his department. The delegation had an opportunity to view a video cassette of an awards ceremony honouring previously unrecognised sports people.

In his remarks the MEC said that they were a province at work. Indeed this was something that was seen in the course of the study tour, as key areas of the transformation programme were covered in this province. The MEC touched on a programme adopted by the provincial cabinet under the slogan "Cabinet meets the people", where the Cabinet goes out to and meets with people in different districts, churches, businesses and councils. He mentioned that one of the issues raised by groupings, in sports was sports facilities. He appealed to the delegation to take up the issue of a contribution from the lottery towards sport. He also spoke of a programme in the Northern Cape intended to highlight and raise the awareness of the community about the consequences of crime to young people under the slogan "a child in sport is a child out of jail".

Reference was made to negotiations with municipalities to ensure that they live up to their constitutional obligations regarding the provision and maintenance of facilities.

In his concluding remarks the MEC made a poignant call for special measures to address imbalances and distortions in sport.

The chairperson and leader of the delegation thanked the MEC for a detailed report and made the observation that the MEC and his department were well organised and prepared for the visit. She went on to state what the purpose of the visit was, and said that the Committee was trying to familiarise itself with what was happening in the province, what influences the provision of facilities, how the facilities are utilised by communities, how accessible the facilities are

for communities of the different racial groups and problems experienced by communities with regard to sport and recreation.

The MEC, the standing committee and officials of the department were all well prepared for the visit. They gave all the information needed by the delegation. They had a detailed programme, which covered all regions in the province. All relevant structures in sport were part of the programme presented to the delegation. The MEC and members of the standing committee were part of the study tour to some of the areas visited by the delegation. Officials in the Department of Sport and Culture were part of the entire visit and were always pleasant and willing to work.

E. Observations

1. Greenpoint School

This was a newly built school, which was going to be officially opened in July 2000. It was built from funds donated by Iscor and the Sport and Education Trust. The school has 27 classes. The delegation was joined here by Mr G Miller and Mr S Jonas, who both represented the Community Development Forum, which had participated in the building and setting up of the school.

2. Old De Beers Ground

This facility was built in 1995 at a cost of R350 000. It is used for basketball and volleyball. Schools and federations were said to have free use of the facility. The facility had neatly cut natural grass. It is well looked after by both the community and the municipality.

3. Greenpoint Primary School

The delegation met and had informal interaction with Mr F Swaerbroek, Mr M Arthur, Mr M Gidley and Mr B Kidson, all from the Griqualand West Cricket Board.

The delegation had the opportunity to witness a cricket coaching clinic for the under 13s and 15s. Mr Z Abrahim, their coach, was putting the young boys through their paces. The majority of the boys were blacks from previously disadvantaged communities, which indicated to the delegation that there was an effort to afford the previously disadvantaged communities the opportunity to participate in sporting codes previously dominated by white people during the apartheid era.

4. Old Griqualand Rugby Union Field

The delegation made a brief stop-over to see a facility situated close to West End Township. The community also uses this facility for community activities. This facility is in the care of the Deputy Chairperson of the Sport Council.

5. Pescodia

The delegation visited a basic facility, situated just a few metres from Venus High School. The facility was built by the provincial

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5. Pescodia

The delegation visited a basic facility, situated just a few metres from Venus High School. The facility was built by the provincial

department of sport, arts and culture from funds provided by the national Department of Sport and Recreation. This facility was in a good state. It had a dilapidated cricket pitch, for which the municipality was responsible.

6. Venus High School

There are three sports facilities in Venus High School, built with money from the Premier's Fund at a cost of R600 000. These facilities are used for soccer, cricket and hockey. The netball court was said to be on the other side of the school building.

7. Galashewe

The delegation visited the Yorkshire Cricket Club. The facility was built as a result of co-operation between the United Cricket Board, the Municipality, the Premier and MTN. This facility has pitches and nets.

De Beers was said to be responsible for providing sponsorships for club competition.

At the time of the visit the facility was in use. Young boys of between 12 and 17 were practicing cricket. From what was seen and with continued sustenance of the development programme, there is no doubt that South Africa will produce cricket stars of high calibre from previously disadvantaged communities.

The facility was in excellent condition and no cases of vandalism were reported, this being attributed to community involvement. Three townships have access to the facility.

The facility is also going to be upgraded, with help from Daimler Chrysler and Vodacom.

8. Olifantshoek

The delegation visited a sports facility in Olifantshoek, where an annual soccer tournament organised by the department to raise awareness about HIV and AIDS, was held. The MEC for Sport was also there to welcome the delegation and officiate the tournament. An accompanying theme or message for the tournament was that of "a child in sport is a child out of jail". The leader of the delegation briefly addressed spectators and athletes.

An unfortunate part of these tournaments was the fact that the ground on which the clubs were playing did not have grass, and the reason cited was that water was not just scarce but very expensive to bring into the area. The leader of the delegation undertook to raise the issue with both the Department of Sport and Recreation as well as the Department of Water Affairs and Forestry.

9. Paballelo Stadium

The delegation visited the Paballelo Township to view the facility there and to establish which recreational activities were

taking place there. The facility catered for soccer, netball and basketball. The facility was in an impeccable condition, being looked after by the municipality, which had provided floodlights. The facility was complete with a stand, well secured with new fencing and had neatly cut natural green grass for the pitch.

10. Matjieskloof

The delegation visited Matjieskloof Township a few kilometres away from Springbok to see three soccer and netball fields that had been built in 1996. The delegation was told that a lot of excavation work had to be done before these sports fields could be built, as the area is uneven. The building of each sport field had cost about R350 000. Not one of the three had any grass and there were no plans for this in the near future, as water was said to be very expensive in the area.

F. Meetings with sports bodies and communities

The delegation held a number of meetings in various towns, townships and villages. These meetings were aimed at:

Identifying sports development programmes taking place in the province.

Interacting with the communities in order to understand the experiences of different communities with regard to sport.

Assessing the level of community involvement in sport matters.

Giving the community an opportunity to give feedback about how the programmes of the Department of Sport and Recreation impact on them, as well as recommendations relating to sport and recreation.

1. Meeting in Ministry's Office

The delegation met with the officials responsible for extra-curricular services and the Griqualand West Sports Council. This meeting was held in the offices of the Ministry of Education, in 1 Albertyn Road, Newpark. Griqualand USSASA and community development forums also attended this meeting.

The leaders of the delegation provided a framework for discussion by explaining to the meeting the purpose of the visit and the focus areas of the meeting. In the discussions that followed, there were two outstanding issues:

The Sports Commission—the absence of communication between the provincial structure of the NSC and the Sports Commission.

School Sports—who is responsible for school sport the Department of Education or the Department of Sport and Recreation?

The leader of the delegation gave information to the meeting regarding sports related legislation that was in the pipeline. This legislation were explained within the context of problems that

were raised by the meeting, and included the issue of a lack of sponsorship for clubs which are not at the level of the Orlando Pirates, Kaizer Chiefs and Ajax Cape Town. Among the issues raised, was the issue of funding based on the population of the province. People from the Northern Cape felt that funding should not be based on population, but on conditions prevailing in each province. In the case of the Northern Cape, the issue of poverty, scarcity of water and high rate of unemployment were viewed by the meeting as the most appropriate yardstick and base for funding instead of the population figures. A clarion call was made by the leader of the delegation for all the structures to go back and look into the whole question of their interaction and contribution to the development of sport in their province.

2. Meeting at Department of Sport in Upington

The delegation had a session with representatives from the following structures: North West region of USSASA, NSC, rugby, adult netball and the Recreation officer from the municipality. A broad framework for discussion was tabled by the leader of the delegation, who said they were in the province to see, amongst other things the facilities in the province, the conditions of those facilities, the level of usage of these facilities, the accessibility of the facilities to all members of the community regardless of race, the accessibility of sport to all, what development programmes there were, and whether teams in the province reflected the demographics of the country or province.

The USSASA representatives talked about the mass participation programme and the healthy relations they had with the Department of Education, alluding to the assistance given to by the principals. USSASA also pointed out that pupils were still not able to compete in some competitions due to financial constrains.

The municipality was accused of not consulting with the community, particularly on the issue of reallocating the funding to another community without consultation with the community which was initially awarded the same funding for building a sports facility.

It was also pointed out that there are very few teachers involved in sport, and as a result the talent identification programme misses some of the children with sporting talents.

The most acute problem highlighted and experienced by the adult netball was the absence of sponsorships. The development of rugby at club level was continuing although there were distortions, as facilities were not readily accessible to pupils from previously disadvantaged communities because of transport problems.

Local council representatives alluded to the co-operation they continue to receive from the Sports Council. However, in the

same vein mention was made about the absence of a Facilities Committee in the council itself, making it difficult for the relevant officer to operationalise his vision relating to the provision of facilities.

After identifying a lack of communication and sound interaction between the structures in the area, the delegation called on the representatives to put their house in order.

Ms A Botha, a member of the provincial legislature, undertook to raise all issues highlighted in the meeting with the provincial standing committee on sport and also with the MEC.

3. *Meeting in District Council Building*

The meeting took place at the district council building, where the delegation met with the following structures and sporting codes: SAFA District, netball, rugby, USSASA, tennis and cricket. Each of these structures was given an opportunity to share with delegates what each of them was doing in their respective fields. The problems highlighted by these structures centered on the issue of:

(a) Lack of funding from national federations.

(b) Absence of sponsorships and, as a result sport being funded from pockets of individuals involved in sport.

(c) Long distances between towns, which had the potential of killing sport in that region.

(d) Inadequate facilities, for example, with cricket there was only one field and no transport.

It was made clear by the leader of the delegation that the main focus is competent athletes, therefore the development programme becomes the central nerve of all sports activities. She pointed out that sports facilities should not be viewed as the end product of the delivery process, as they are only means through which athletes will be developed. A plea was made for co-operation between federations and the three spheres of government particularly the local sphere of government.

The leader of the delegation pointed out that facilities provided by government structures should be informed by the programmes and needs of the sports bodies in the area. She emphasised that the business of sports bodies together with the government of this country was to produce competent players who would make South Africa excel in sports within the global village.

4. *Meeting in Calvinia indoor sports hall*

The meeting took place in an indoor sport facility at Calvinia stadium, the only facility that is publicly owned, as most of the facilities are privately owned. The meeting was graced by the presence of the speaker of the Northern Cape provincial legislature Mr C A T Smith and the Mayor of Calvinia, Mr C V

Peterson. The following discipliness were also present, namely rugby, soccer, volleyball as well as the USSASA body.

The meeting was held at night and the delegation experienced the freezing temperature the area is well known for.

The leader of the delegation apologised to representatives of the different structures for arriving late at night. She also thanked the representatives for the patience shown by waiting in the freezing temperature for the delegation to arrive. She then explained the purpose of the visit, and said there was a national vision for sports where the government of the country wanted to transform sports and make it possible for people of South Africa to participate in sport activities of their own choice. She also mentioned that the ultimate goal is for South Africa to compete at international level as an equal partner. Four focus areas to make that possible, include:

(a) Providing communities with adequate sports facilities and maintaining those facilities.

(b) Breeding competent sports managers, administrators, coaches and athletes through development programmes and establishment of sports academies and sports development centres.

(c) Making sport facilities accessible to all, including disabled and rural communities.

(d) Ensuring that sports teams particularly the national team, represent the demographics of the country.

It was pointed out that what the delegation wanted to hear, was being done in the Northern Cape in relation to the four areas of focus mentioned above.

All sports codes represented in the meeting highlighted the following problems:

* The high poverty levels, which impacts negatively on sport in general.

* The fact that farming was the main source of income in the area.

* Lack of financial resources needed to send children who are doing well in sport and are selected to compete at national level.

* Long distances between towns were also highlighted as one of the hindering factors to participation of children from Calvinia in competitions.

* The issue of affiliation of the local teams to provincial structures. It was mentioned that some sports federations in Calvinia were not sure whether they should affiliate to the Western Cape structures, as they play most of their games with the Western Cape teams (Boland). This was due to the

fact that they were closer to the Western Cape than to other towns in the Northern Cape.

* The fact that it was very expensive for local teams to affiliate to the sports federation.

* The fact that the facility in which the meeting was held, was not accessible to disabled people.

* The over-utilisation of the only public sports facility in the area.

* A call was made by the local people to the provincial Department of Education and Sport to make financial resources available for the development of sports facilities in the area thereby enabling school children to participate in sport at school level.

G. Observations

The delegation identified that Calvinia was trailing behind in so far as sports facilities were concerned. It was identified that because of the distance between Calvinia and Kimberley, where the department is located, Calvinia was not getting equal support to that of other towns from the Department of Education and Sport.

It would therefore be recommended that the Department of Education and Sport pay attention to the issues raised by this community and also find ways of keeping contact with sports bodies in Calvinia.

H. Overall comments

The late MEC for sport, Mr Brian Hermanus, was seen to be on top of the sports issues, with a clear programme of keeping the youth out of jails. The Premier of the province was also seen to be very supportive of sports development. The officials of the department were highly committed and prepared to work extra hours to ensure that programmes of sport were efficiently and effectively managed. The MEC was seen to be at the level of the people in terms of interaction and communication with structures on the ground. It was unfortunate that he passed away before the presentation of this report. This was the first province in which members of the standing committee on sport were part of the meetings that were held with the delegation of the Portfolio Committee on Sport and Recreation. It was also clear in the meetings that the Standing Committee members had a full understanding of sports-related matters in the province.

The successor of the late MEC would find it easy to follow such a clear programme in sport.

I. Recommendations

The Committee—

1. noting that some sports facilities have no grass and that water in the Northern Cape is not just scarce but expensive to reticulate (recommended that special funding for the installation of synthetic grass at those facilities which have no grass be made available by the national Department of Sport and Recreation to the Northern Cape, thereby bringing the level of standard of

Peterson. The following discipliness were also present, namely rugby, soccer, volleyball as well as the USSASA body.

The meeting was held at night and the delegation experienced the freezing temperature the area is well known for.

The leader of the delegation apologised to representatives of the different structures for arriving late at night. She also thanked the representatives for the patience shown by waiting in the freezing temperature for the delegation to arrive. She then explained the purpose of the visit, and said there was a national vision for sports where the government of the country wanted to transform sports and make it possible for people of South Africa to participate in sport activities of their own choice. She also mentioned that the ultimate goal is for South Africa to compete at international level as an equal partner. Four focus areas to make that possible, include:

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(c) Making sport facilities accessible to all, including disabled and rural communities.

(d) Ensuring that sports teams particularly the national team, represent the demographics of the country.

It was pointed out that what the delegation wanted to hear, was being done in the Northern Cape in relation to the four areas of focus mentioned above.

All sports codes represented in the meeting highlighted the following problems:

* The high poverty levels, which impacts negatively on sport in general.

* The fact that farming was the main source of income in the area.

* Lack of financial resources needed to send children who are doing well in sport and are selected to compete at national level.

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fact that they were closer to the Western Cape than to other towns in the Northern Cape.

* The fact that it was very expensive for local teams to affiliate to the sports federation.

* The fact that the facility in which the meeting was held, was not accessible to disabled people.

* The over-utilisation of the only public sports facility in the area.

* A call was made by the local people to the provincial Department of Education and Sport to make financial resources available for the development of sports facilities in the area thereby enabling school children to participate in sport at school level.

G. Observations

The delegation identified that Calvinia was trailing behind in so far as sports facilities were concerned. It was identified that because of the distance between Calvinia and Kimberley, where the department is located, Calvinia was not getting equal support to that of other towns from the Department of Education and Sport.

It would therefore be recommended that the Department of Education and Sport pay attention to the issues raised by this community and also find ways of keeping contact with sports bodies in Calvinia.

H. Overall comments

The late MEC for sport, Mr Brian Hermanus, was seen to be on top of the sports issues, with a clear programme of keeping the youth out of jails. The Premier of the province was also seen to be very supportive of sports development. The officials of the department were highly committed and prepared to work extra hours to ensure that programmes of sport were efficiently and effectively managed. The MEC was seen to be at the level of the people in terms of interaction and communication with structures on the ground. It was unfortunate that he passed away before the presentation of this report. This was the first province in which members of the standing committee on sport were part of the meetings that were held with the delegation of the Portfolio Committee on Sport and Recreation. It was also clear in the meetings that the Standing Committee members had a full understanding of sports-related matters in the province.

The successor of the late MEC would find it easy to follow such a clear programme in sport.

I. Recommendations

The Committee—

1. noting that some sports facilities have no grass and that water in the Northern Cape is not just scarce but expensive to reticulate (recommended that special funding for the installation of synthetic grass at those facilities which have no grass be made available by the national Department of Sport and Recreation to the Northern Cape, thereby bringing the level of standard of

facilities in the Northern Cape to the level of facilities that are found in other provinces);

2. noting that some of the facilities are neglected by the municipalities responsible for maintaining such facilities;

3. noting that some municipalities lack the capacity of providing and maintaining the sports facilities;

4. noting that members of the community, which such facilities are provided to improve their living standards, vandalise these facilities, and

recommends that—

(a) the provincial department of sport engages municipalities for purposes of identifying problems affecting municipalities in this regard;

(b) the provincial department of sport builds the capacity of municipalities around sports issues;

(c) sports forums be established at local level so as to facilitate community ownership to facilities, thereby preventing vandalism from taking place.

It is recommended that exchange programmes between the provinces be initiated so as learn from one another, the Northern Province being one province from whom a lot could be learnt.

National Council of Provinces:

1. Report of the Select Committee on Finance on the ***RSA/Seychelles Double Taxation Agreement***, dated 20 May 2002:

The Select Committee on Finance, having considered the request for approval by Parliament of the ***Agreement between the Government of the Republic of Seychelles and the Government of the Republic of South Africa for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income***, referred to it, recommends that the Council, in terms of section 231(2) of the Constitution, approve the said Agreement.

Report to be considered.

2. Report of the Select Committee on Social Services on the ***Immigration Bill*** [B 79B—2001] (National Assembly—sec 75), dated 22 May 2002:

The Select Committee on Social Services, having considered the subject of the ***Immigration Bill*** [B 79B—2001] (National Assembly—sec 75), referred to it, reports that it has agreed to the Bill.

The Committee reports further that it has rejected formally proposed amendments to Clause 19 of the Bill.

No 28—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

THURSDAY, 23 MAY 2002

1. The House met at 14:00.

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

3. [14:01] Notices of motion.

4. [14:18] The Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes that Mr Curnick Ndlovu, a former member of the National Assembly, passed away on 22 May 2002 after a long battle with cancer;

   (2) conveys its heartfelt condolences to the Ndlovu family, his wife Beauty, his daughter Zethu and grand daughter Siphokazi; and

   (3) joins them in mourning for the deceased.

   May his soul rest in peace.

   Lala kahle Gatsheni, Boya beNyathi.

   Agreed to.

5. Mr M J Ellis moved without notice: That the House notes with great appreciation the fact that South Africa has for the 25th time won a gold medal at the Chelsea Flower Show in London and congratulates all those responsible for bringing distinction to our country.

   Agreed to.

6. The Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes that Bafana Bafana will play the last match for unification of Korea as part of the preparations for the World Cup today;

   (2) wishes Bafana Bafana good luck for their match against Turkey;

(3) calls on the people of South Africa to support our team in the World Cup.

Agreed to.

7. FIRST ORDER [14:21]

Debate on Vote No 10: Public Service and Administration, Vote No 11: Public Service Commission and Vote No 12: South African Management Development Institute (SAMDI), ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

Debate concluded.

8. SECOND ORDER [16:48]

Consideration of Report of Portfolio Committee on Agriculture and Land Affairs on ***KwaZulu Cane Growers' Association Act Repeal Bill*** [B 48 and B 48A—2001] (National Assembly—sec 75) (Announcements, Tablings and Committee Reports, 20 May 2002, p 417).

Report adopted without debate.

9. THIRD ORDER [16:49]

Second Reading debate—***KwaZulu Cane Growers' Association Act Repeal Bill*** [B 48B—2001] (National Assembly—sec 75)

There was no debate.

Bill read a second time.

10. The House adjourned at 16:49.

S MFENYANA,

Secretary to Parliament.

No 12—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL COUNCIL OF PROVINCES

THURSDAY, 23 MAY 2002

1. The Council met at 14:02.

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

3. [14:03] Notices of motion.

4. [14:07] Mr M V Moosa moved without notice: That the Council—

   (1) notes with deep regret and sadness the passing away of our compatriot, colleague and comrade, the honourable Curnick Ndlovu, former member of the National Assembly;

   (2) notes that—

      (a) Comrade Ndlovu was a true revolutionary in every respect, and spent his entire life in pursuit of the emancipation of our people;

      (b) his contribution was second to none; and

      (c) he was freedom-loving, a unionist, a soldier of uMkhonto weSizwe, a founder member of the United Democratic Front, a community leader and an inspiration to the youth of our country;

   (3) expresses its gratitude for the unselfish contribution that Comrade Ndlovu made in the struggle for liberation, both as an activist and as a member of Parliament; and

   (4) conveys its sincere condolences to his family in their sad bereavement.

   Motion agreed to in accordance with section 65 of the Constitution.

5. [14:08] Ms J N Vilakazi moved without notice: That the Council—

   (1) notes that the Mkhanyakude district in KwaHlabisa on the North Coast of KwaZulu-Natal is known as a place that is heavily affected by HIV/Aids;

   (2) further notes that this is set to change with the establishment of the Africa Centre, which is tasked with doing research on a vaccine for the disease;

(3) calls on the people of South Africa to support our team in the World Cup.

Agreed to.

7. FIRST ORDER [14:21]

Debate on Vote No 10: Public Service and Administration, Vote No 11: Public Service Commission and Vote No 12: South African Management Development Institute (SAMDI), ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

Debate concluded.

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Report adopted without debate.

9. THIRD ORDER [16:49]

Second Reading debate—***KwaZulu Cane Growers' Association Act Repeal Bill*** [B 48B—2001] (National Assembly—sec 75)

There was no debate.

Bill read a second time.

10. The House adjourned at 16:49.

S MFENYANA,

Secretary to Parliament.

No 12—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL COUNCIL OF PROVINCES

THURSDAY, 23 MAY 2002

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   (1) notes with deep regret and sadness the passing away of our compatriot, colleague and comrade, the honourable Curnick Ndlovu, former member of the National Assembly;

   (2) notes that—

      (a) Comrade Ndlovu was a true revolutionary in every respect, and spent his entire life in pursuit of the emancipation of our people;

      (b) his contribution was second to none; and

      (c) he was freedom-loving, a unionist, a soldier of uMkhonto weSizwe, a founder member of the United Democratic Front, a community leader and an inspiration to the youth of our country;

   (3) expresses its gratitude for the unselfish contribution that Comrade Ndlovu made in the struggle for liberation, both as an activist and as a member of Parliament; and

   (4) conveys its sincere condolences to his family in their sad bereavement.

   Motion agreed to in accordance with section 65 of the Constitution.

5. [14:08] Ms J N Vilakazi moved without notice: That the Council—

   (1) notes that the Mkhanyakude district in KwaHlabisa on the North Coast of KwaZulu-Natal is known as a place that is heavily affected by HIV/Aids;

   (2) further notes that this is set to change with the establishment of the Africa Centre, which is tasked with doing research on a vaccine for the disease;

(3) believes that this centre will provide much-needed research which will assist in policies we make with regards to health and population development in the country; and

(4) applauds the stakeholders concerned for their commitment to addressing the problems of HIV/Aids.

Motion agreed to in accordance with section 65 of the Constitution.

6. [14:09] Ms E N Lubidla moved without notice: That the Council—

(1) notes that Pamodzi Investment Holdings and Government have jointly put up R120 million to launch a new paprika production and export venture, Nocal, that will empower 55 individual emerging black farmers;

(2) further notes that the venture that is expected to bring in foreign exchange earnings of R70 million a year is to be established on the banks of the Orange River;

(3) also notes central Government and the Northern Cape Government have jointly contributed R20 million towards the creation of our irrigation scheme and infrastructure; and

(4) believes this initiative confirms the commitment of both national and provincial government to cooperate for economic development and prosperity.

Motion agreed to in accordance with section 65 of the Constitution.

7. [14:11] Prince B Z Zulu moved without notice: That the Council—

(1) wishes Bafana Bafana well in their second warm-up match for the World Cup against the Republic of Turkey which is underway as we are gathered here;

(2) hopes that their second match ever on Asian soil in the city of Hong Kong today will be as successful as their first against Scotland;

(3) expresses the hope that the results in this three-nation tournament will spur them on to higher honours in World Cup 2002 which starts in Korea/Japan on 31 May 2002; and

(4) resolves to assure the team of our unwavering support in their quest for World Cup glory.

Motion agreed to in accordance with section 65 of the Constitution.

8. [14:12] Ms C-S Botha moved without notice: That the Council—

(1) congratulates Ms Thembi Buthelezi from the Department of Home Affairs for her amazing dedication to duty in managing to obtain a temporary passport for Ms C-S Botha within three hours, from start to finish; and

(2) commends this as an example of Batho Pele to all departmental officials.

Motion agreed to in accordance with section 65 of the Constitution.

9. [14:13] Ms J N Vilakazi moved without notice: That the Council—

(1) notes the ongoing gang-related violence on the Cape Flats which has led to numerous deaths;

(2) commends the Lotus River community, especially those involved at the schools, who are working hard to build a safe environment;

(3) expresses its sympathy to this community that has had to go to great lengths to protect themselves;

(4) calls on the Government to take their lead from the members of the Lotus River community; and

(5) urges the Minister of Safety and Security to actively ensure that this matter gets addressed immediately.

Motion agreed to in accordance with section 65 of the Constitution.

10. [14:14] Ms E N Lubidla moved without notice: That the Council notes that—

(1) President Thabo Mbeki launched the new trading system that will link our securities exchange (JSE) and the London Stock Exchange (LSE) on Friday morning; and

(2) the project initiates the new strategic alliance between the LSE and the JSE and is a significant move towards aligning and linking the JSE equity market with global financial markets.

Motion agreed to in accordance with section 65 of the Constitution.

11. FIRST ORDER [14:15]

Consideration of ***Immigration Bill*** [B 79B—2001] (National Assembly—sec 75) and of Report of Select Committee on Social Services thereon (Announcements, Tablings and Committee Reports, 22 May 2002, p 448).

Debate concluded.

Bill agreed to in accordance with section 75 of the Constitution.

12. The Council adjourned at 15:47.

S MFENYANA,

Secretary to Parliament.

o

No 61—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

THURSDAY, 23 MAY 2002

ANNOUNCEMENTS:

National Council of Provinces:

1. The Chairperson:

   (1) Bill passed by National Council of Provinces on 23 May 2002: To be submitted to President of the Republic for assent:

   (i) ***Immigration Bill*** [B 79B—2001] (National Assembly—sec 75).

   (2) Message from National Assembly to National Council of Provinces:

   Bill passed by National Assembly on 23 May 2002 and transmitted for concurrence:

   (i) ***KwaZulu Cane Growers' Association Act Repeal Bill*** [B 48B—2001] (National Assembly—sec 75).

   The Bill has been referred to the Select Committee on Land and Environmental Affairs of the National Council of Provinces.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Defence:

   The Strategic Plan for the Department of Defence for 2002-2005 [RP 34-2002].

COMMITTEE REPORTS:

National Assembly:

2. Report of the Portfolio Committee on Finance on the ***RSA/Seychelles Double Taxation Agreement***, dated 1 November 2001:

The Portfolio Committee on Finance, having considered the request for approval by Parliament of the ***Agreement between the Government of the Republic of Seychelles and the Government of the Republic of South Africa for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income***, referred to it, recommends that the House, in terms of section 231(2) of the Constitution, approve the said Agreement.

Report to be considered.

No 29—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

FRIDAY, 24 MAY 2002

1. The House met at 09:01.

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

3. [09:02] Notices of motion.

4. [09:17] Mr F Bhengu (for the Chief Whip of the Majority Party) moved without notice: That the House—

   (1) notes that—

      (a) the people of Lesotho will go to the polls on Saturday, 25 May 2002; and

      (b) the South African Government will send an elections observer team to Lesotho to observe the elections;

   (2) calls on the people of Lesotho to—

      (a) go to the polls; and

      (b) work towards ensuring that the results of these elections are a credible expression of the will of the people of Lesotho.

   Agreed to.

5. Mr M J Ellis moved without notice: That the House—

   (1) celebrates with Bafana Bafana on their 2-0 win over Turkey to clinch the Reunification Cup;

   (2) congratulates the South African team on their inspirational performance; and

   (3) assures them that the whole of South Africa is behind them as they begin their World Cup campaign.

   Agreed to.

6. Mr F Bhengu (for the Chief Whip of the Majority Party) moved without notice: That the House—

(1) notes that tomorrow, 25th May, is Africa Unity Day;

(2) believes that the unity of Africa is a critical foundation stone for the development of our country and region and for Africa to take its rightful place in the international community; and

(3) pledges to work for the unity, peace, prosperity and development of the African continent.

Agreed to.

7. [09:19] Mr F Bhengu (for the Chief Whip of the Majority Party) moved:

That, notwithstanding the resolution adopted on 20 March 2002, the date by which the Ad Hoc Committee on Filling of Vacancy in Commission for Gender Equality must complete its task be extended from 24 May 2002 to 24 June 2002.

Agreed to.

8. FIRST ORDER [09:20]

Debate on Vote No 14: Arts, Culture, Science and Technology, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

Debate concluded.

9. SECOND ORDER [11:44]

Second Reading debate—***Probation Services Amendment Bill*** [B 18B—2002] (National Assembly—sec 75).

Debate concluded.

Bill read a second time.

10. The House adjourned at 12:18.

S MFENYANA,

Secretary to Parliament.

Friday, 24 May 2002]

No 62—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

FRIDAY, 24 MAY 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   (1) Ms N N Mapisa-Nqakula has, in terms of section 93(1)*(a)* of the Constitution, been appointed as Deputy Minister of Home Affairs by the President of the Republic with effect from 7 May 2002.

   (2) Mr C Nqakula has, in terms of section 91(2) of the Constitution, been appointed as Minister for Safety and Security by the President of the Republic with effect from 7 May 2002.

   (3) The following Bill was introduced by the Minister for the Public Service and Administration in the National Assembly on 24 May 2002 and referred to the Joint Tagging Mechanism (JTM) for classification in terms of Joint Rule 160:

      (i) ***State Information Technology Agency Amendment Bill*** [B 24—2002] (National Assembly—sec 75) [explanatory summary of Bill and prior notice of its introduction published in *Government Gazette* No 23337 of 26 April 2002.]

      The Bill has been referred to the Portfolio Committee on Public Service and Administration of the National Assembly.

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

National Assembly:

The Speaker:

1. The following members have been appointed to serve on the Committee mentioned, viz:

   Ad Hoc Committee on Filling of Vacancies in Commission for Gender Equality

African National Congress:

Chikane, M M
Coetzee-Kasper, M P
Dlamini, B O
Lobe, M C
Mahlawe, N
Mnandi, P N
Mutsila, I
Nair, B
Nel, A C
Ngwenya-Kompe, M L
Nhleko, N P
Njobe, M A A
Ntuli, S B
Zita, L

Democratic Party:

Semple, J A
Sono, B N

Inkatha Freedom Party:

Ngubane, H
Roopnarain, U (Alt)

New National Party:

Camerer, S M

United Democratic Movement:

Mndende, O N

African Christian Democratic Party:

Southgate, R M

Freedom Front:

Groenewald, P J

United Christian Democratic Party:

Seeco, M A

Federal Alliance:

Blanché, J P I

Minority Front:

Rajbally, S

Afrikaner Eenheidsbeweging:

Aucamp, C

AZAPO:

Nefolovhodwe, P J

National Council of Provinces:

1. The Chairperson:

   (1) Message from National Assembly to National Council of Provinces:

Bill passed by National Assembly on 24 May 2002 and transmitted for concurrence:

(i) ***Probation Services Amendment Bill*** [B 18B—2002] (National Assembly—sec 75).

The Bill has been referred to the Select Committee on Social Services of the National Council of Provinces.

No 63—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

MONDAY, 27 MAY 2002

ANNOUNCEMENTS:

National Assembly:

1. The Speaker:

The following changes have been made to the membership of Committees, viz:

Minerals and Energy:

Appointed: Goniwe, M T; Mofokeng, T R (Alt).

Private Members' Legislative Proposals and Special Petitions:

Appointed: Bekker, H J (Alt); Douglas, B M.

National Council of Provinces:

1. The Chairperson:

The following changes have been made to the membership of Committees, viz:

Economic and Foreign Affairs:

Appointed: Adams, F.

Education and Recreation:

Appointed: Adams, F.

Improvement of Quality of Life and Status of Children, Youth and Disabled Persons:

Appointed: Adams, F; Maloyi, P D N (Alt).

Improvement of Quality of Life and Status of Women:

Appointed: Adams, F.

Labour and Public Enterprises:

Appointed: Adams, F; Nel, P J C (Alt).

Members' and Provincial Legislative Proposals:

Appointed: Surty, M E.

Social Services:

Appointed: Adams, F.

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Justice and Constitutional Development on the ***Reinstatement of Enrolment of Certain Legal Practitioners Bill*** [B 6—2002] (National Assembly—sec 75), dated 22 May 2002:

   The Portfolio Committee on Justice and Constitutional Development, having considered the subject of the ***Reinstatement of Enrolment of Certain Legal Practitioners Bill*** [B 6—2002] (National Assembly—sec 75), referred to it and classified by the Joint Tagging Mechanism as a section 75 Bill, reports the Bill with amendments [B 6A—2002].

   The Committee further resolved that the Minister for Justice and Constitutional Development be requested to cause his Department, in conjunction with relevant role-players, including representatives from the legal profession, to revert to this Committee within three months from the date of adoption of this Report by the National Assembly, on possible options available.

   Report to be considered.

2. Report of the Portfolio Committee on Justice and Constitutional Development on ***Additional Protocol to European Convention on Extradition***, dated 22 May 2002:

   The Portfolio Committee on Justice and Constitutional Development, having considered the request for approval by Parliament of the ***Additional Protocol to the European Convention on Extradition***, referred to it, recommends that the House, in terms of section 231(2) of the Constitution, approve the said Protocol.

   Report to be considered.

3. Report of the Portfolio Committee on Justice and Constitutional Development on ***Second Additional Protocol to European Convention on Extradition***, dated 22 May 2002:

   The Portfolio Committee on Justice and Constitutional Development, having considered the request for approval by Parliament of the ***Second Additional Protocol to the European Convention on Extradition***, referred to it, recommends that the House, in terms of section 231(2) of the Constitution, approve the said Protocol.

   Report to be considered.

4. Report of the Portfolio Committee on Sport and Recreation on study tour to Free State, dated 30 October 2001:

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A. Introduction

A delegation representing the Portfolio Committee on Sport and Recreation visited the Free State province from 18 to 21 February 2000. The purpose of the visit was to assess the progress made by the provincial department with regard to development and transformation of sport in South Africa. The Committee wanted to understand the problems and challenges that are experienced by the province. The Committee also wanted to assess the link and congruence between the programme of the provincial department of sport and the national vision on sport and recreation.

The delegation representing the Committee focused on the following:

1. Availability of sports facilities to all communities, which include the following:
   (a) Provision of sports facilities to communities who were previously disadvantaged.
   (b) Accessibility of sports facilities to all and in all areas.
   (c) Sensitivity to disabled people when building sports facilities.
   (d) The standard of facilities within different communities.
   (e) The ownership of sport facilities by communities.
   (f) The maintenance of facilities by both the communities and the municipalities.

2. Accessibility of all sports to all communities, including the following:
   (a) The integration of all sports, irrespective of race and gender.
   (b) The representation of previously disadvantaged people in the provincial and regional teams of different sports codes.
   (c) The back-up support that is given to financially disadvantaged sports people who are selected for participation in national and international tournaments.
   (d) The promotion of disabled people's participation in sport and recreational activities.
   (e) The recognition of deserving sports people as role models and the use of such people as human resources by their communities.
   (f) The utilisation of sports people by community and various structures in the programme of "Nation Building".
3. Sport Development Programmes that are run in the province.
4. The availability, accessibility and impact of the sports academies.
5. The relationship between the provincial department, the standing committee on sport and the local government structures.
6. Accessibility of all sports to all communities.
7. The relationship between government departments, sports bodies and other role-players in sport, for example, the business sector.
8. The role of the community in sports issues.
9. Challenges that are encountered by the sports and recreation departments.

B. Delegation

The delegation was:

Ms R Bhengu (chairperson)
Mr A Mlangeni
Mr H P Chauke
Mr R D Pieterse
Ms R M Southgate
Mr F T Ferreira
Mr L Myoli (Committee Secretary)

C. Areas and facilities visited

The delegation visited the following areas:

Botshabelo
Bohlokong Stadium
Qwaqwa
Basotho Cultural Village
Welkom
Pakisa Motor Cycle Grand Prix Circuit
Sport Academy at the University of the Free State.

D. Welcoming

Mr T J Khambule, director in the Department of Sport, Art and Culture, met the delegation at the airport. The delegation was then taken to the offices of the department for a briefing session.

In the meeting the delegation was taken through the programme for the entire weekend, after which the delegation met with representatives of WASSA-FS, PROREC, MUCPP, FS Sport Academy and NSC. At this meeting the representatives of the above-mentioned structures briefed the delegation on their programmes.

The purpose of this presentation was to share with the delegation information relating to existing sports structures, the programmes of those structures, and problems and challenges these structures are faced with (including their relationship with the Department of Sports, Arts and Cultures).

It became clear from the presentation that there is a working relationship between the department and sports bodies. There was, however a feeling of uncertainty within the sports bodies about the Sports Commission on the following areas;

1. Would the Sports Commission have provincial structures like the NSC?
2. What would be the relationship between the Sports Commission and NSC structures if the NSC structures were to be retained?
3. When was the Sports Commission going to start functioning?

The delegation told the meeting that the CEO of the Sports Commission was going to be appointed probably by not later that May 2000, and thereafter the SASC would develop a plan of action. The decision of what was going to happen to the provincial structures of the NSC was a matter for the NSC, which could be determined by neither the Sports Commission nor the Portfolio Committee on Sport and Recreation. Representatives of sports bodies were advised to raise these issues with the NSC structures in the province and the MEC for Sports, Art and Culture, as the MEC is part of the MINMEC, where developments relating to the Sports Commission are discussed.

The leader of the delegation Ms R Bhengu, concluded the session by indicating to the representatives what was being done at national level, particularly on the bills that were in the pipeline, including the rationale behind those bills.

E. Botshabelo

The delegation, accompanied by the officials from the provincial department, embarked on an hour-long drive to a facility that had been built Botshabelo. On arrival at Botshabelo, Mr Sekaledi, the manager of the facility, welcomed the delegation.

The facility has a synthetic pitch that had cost R2,5 million. The seating capacity of the facility is 48 000. It has an indoor facility that

is currently used for boxing and karate. The facility also boasts an Olympic size swimming pool, but the water has been developing algae because the purification system is not functional. In addition to soccer, the facility could also be used for rugby and hockey. Within that facility is an indoor multipurpose facility, which is in good condition and is also used as a pension pay-point.

According to the manager, supernumeraries are used for the maintenance of the facility. He also said that the facility was reputed to be among the best-maintained sports facilities in the country. There were plans to upgrade the facility to make it accessible to the disabled people.

F. Premier Golf Tournament

The delegation was invited to and attended a prize-giving ceremony in the evening at the end of the Premier Golf Tournament. The tournament was organised by, among others, Mr Clarence Keyter, a former employee of the SABC. Amongst those who received awards, were young golfers from previously disadvantaged communities. What was remarkable about the event was the inclusion of young female golfers, who also received awards for their outstanding performances. This was seen as a step in the direction of making an elite type of sport accessible to previously disadvantaged people.

G. Provincial Recreation Indaba

The delegation briefly attended a workshop session on recreation, organised by the provincial department. What was remarkable about the workshop was the focus on recreation, which is usually overlooked.

The delegation was informed by the youth present in this workshop about a BLOOD TRANSFUSION CYCLING TOUR involving 59 towns. This tour was intended to raise the profile of the province and to entrench the Free State as a winning province. The youth was aiming at encouraging the youth from other provinces to emulate them.

H. Bohlokong Stadium

The delegation was met at Bohlokong Stadium by the representatives of soccer, boxing, netball, volleyball and rugby. The leader of the delegation explained the purpose of the visit to the community and expressed appreciation for their attendance.

The representatives were then asked to share with the delegation their programmes and raise issues of concern and problems relating to sport and recreation that are being experienced by the different structures.

The following issues were raised by representatives of the different sport codes:

1. Non-existence of netball facilities, except those owned by schools, which are not accessible to the community-based sports clubs.
2. Sports facilities in town are only accessible to the community from the Botlokong Township after 16:00. This makes it difficult for people from the township to travel in and out of town late in the afternoons using public transport.

3. Boxing equipment was removed from a place used by boxers as a gymnasium, for weight lifters without consultation.

4. Rates charged by the council to clubs for using sports facilities were very high, and there was no consultation with the affected sports bodies.

5. Rugby facilities are far from the community.

6. The absence of the Sports Council in Botshabelo.

7. There are more facilities in town than in the African townships.

Representatives from the community were strongly arguing for the present government to provide them with as many facilities as those that are in previously advantaged communities. The representatives strongly argued that the government should build facilities for schools and also separate facilities for the community.

In response to this, the delegation explained the principles of sports integration and key aspects of sports transformation particularly that of moving away from the culture of separate sports facilities for different race groups. It was pointed out that it is not possible for the government to build facilities for exclusive use by schools or communities. The government's approach is to integrate sports facilities so that both the school and the community can utilise them. Communities are therefore encouraged to work together and share available resources.

The biggest problem identified by the delegation was lack of communication amongst the sports structures and also between the sports structures and the local government. The problem regarding the use of facilities and payment for needs are to be discussed by the structures and the municipality.

It is therefore recommended that the Department of Sport, Arts and Culture facilitate the establishment of lines of communication between the municipalities and sports bodies in Botshabelo.

I. Puthaditjaba

The meeting was held at night at Phuthaditjaba Stadium. This facility has a synthetic pitch that cost R2,5 million. It has an incomplete swimming pool, incomplete bathrooms and toilets. The change rooms have broken doors and windows. The grass on the spectators sitting area is very long, with a lot of mosquitoes. The facility depicted a high level of vandalism and lack of ownership by the community.

Represented at the meeting were the following codes: Basketball, Netball, USSASA, SASSU and Soccer. The representatives of these sports codes raised the following issues:

1. There is no clarity as to whether there is an elected sports structure in Puthaditjaba. Meetings called to elect a sports structure are always disrupted by people who claim to be the sports council.

2. The various sports codes were not consulted when the stadium was built.

3. The sports codes would like to see the stadium completed and want to know who the responsible body is for completion of the stadium.
4. Elements from within the community are vandalising the stadium, and no effort made to stop that.

It became clear to the delegation that there was a problem of communication and co-operation between the local community, sports codes, local government and the provincial Department of Sport, Arts and Culture.

It was also clear that the local sports bodies had adopted a wait-and-see attitude on matters affecting sport, particularly on the issue of the stadium that was being vandalised.

This would need further investigation to ascertain the capacity levels of the local government structures in so far as maintenance of sports facilities was concerned. The community also needs to be brought on board so as to raise their level of awareness regarding payment for services and community ownership of public facilities.

J. Basotho Cultural Village

The delegation visited the Basotho Cultural Village to see the indigenous sport aspect of the programme. The Village resembles the link between Sport, Arts, Tourism and Economic Growth, and is visited mostly by tourists, who are taken through the living patterns of the Basotho people, dating back to pre-colonial times, and how these patterns changed due to the influence of western civilisation.

The village was earmarked for launching indigenous sport in 2001.

K. Kopano Sports Centre

The delegation proceeded to Welkom to see the Kopano Sports Centre, and also held a meeting with local sports bodies and members of the community. The facility is located at a place called Thabong, in Welkom. It is utilised for aerobics, community meetings, bodybuilding, weight lifting, boxing and karate. It also boasts an outdoor facility for soccer and rugby (though incomplete). It was reported that the local government was going to add a swimming pool.

The delegation apologised for its late arrival and was appreciative of the patience of the representatives. The Local Government Authority, Soccer, the Sports Council and Athletics attended the meeting and raised the following issues:

1. The community and other government departments who are not directly involved with sport, do not consider sport as important.
2. The Kopano Sports Centre is over-utilised, as all clubs want to use this facility.
3. There is disorganisation and a multiplicity of clubs.
4. Rates for the use of facilities are too high and therefore unaffordable.

5. Former office bearers of the NSC are not co-operating with the current NSC office bearers.

6. There are more facilities in town, some of which are not being used.

7. There is a lack of support for athletes from the township, therefore making them weaker than their counterparts in town.

8. Facilities do not meet local needs.

9. There is no stadium that has a track.

10. There is no community facility for netball.

The delegation responded by advising the representatives on open lines of communication between themselves and the local government, particularly on the issues of utilisation of facilities and payment of rates charged by the local council. A meeting was recommended between the former members of the NSC and the current members. It was also recommended that the Department of Sport, Arts and Culture should facilitate such a meeting.

The session was ended with information sharing on what was happening at national level including sports related legislation in the pipeline and what that legislation was aimed at addressing. Included in the legislation mentioned was the South African Boxing Bill, aimed at overhauling the Boxing and Wrestling Act of 1954. It was explained how the 1954 Act was not in line with the Constitution.

L. Pakisa Motor Cycle Grand Prix Circuit

The delegation made a brief stop-over at the Pakisa Motor Cycle Grand Prix Circuit to view the facility, and then proceeded to Bloemfontein.

M. Meeting with MEC for Sports, Arts and Culture

The delegation was received at the municipal office by the MEC for Sport, Arts and Culture. Present at this meeting was the 2006 Bid Committee, which consisted of Mangaung Sports Council, MUCPP, PROREC, SAFA, Bloemfontein Publicity Association and an airport manager.

The purpose of the meeting with the Bid Committee was to assess the preparedness of the Free State for the visit of the FIFA Technical Committee. The leader of the delegation explained the purpose of the meeting with the Bid Committee. The MEC addressed the meeting, taking it through the work done by the Bid Committee. By the end of the session it was clear that the Free State was well prepared for the visit.

N. Sports Academy

The delegation proceeded to the University of the Free State to see the Sports Academy and interact with the personnel there. On arrival at the university, the delegation was received and shown around by Prof Coen Nel, Head of the Faculty of Sport Development, Mr Evert

Venter, Director of the Biokinetics and Leisure Science School for Sport and Dr Marcel Brussow, Head of the Scientific Department.

The delegation was shown equipment used to assess fitness levels of sportspersons. Through these machines it was possible not only to identify dietary needs for sportsmen and women, but also to predict possible injuries.

The delegation was also taken through the structure of the B.A. degree in Sport Development. The degree is done over a period of three years (at the end of each successful year a certificate is issued giving the learner three exit points). It was also mentioned that after completion of the first year, candidates chose from three elective subjects to complete the degree.

Prof Coen Nel told the delegation that the MEC for Sport, Art and Culture, together with the provincial structure of the NSC, were very supportive of the Sport Academy. This support was said to be around the establishment of networking relationships with other countries who had signed agreements with South Africa.

O. Overall observations

1. There is a need for improving relationships between the Department of Sport, Arts and Culture and local government structures so as to deal with the maintenance of sports facilities.
2. Facilities that have not been completed should be completed so as to avoid further vandalism.
3. There is a need for strengthening the existing sport codes, particularly at local level.
4. WASSA is not visible in this province, and therefore a specific effort is needed to make women sport more visible.
5. There was no mention of sport for disabled people, except to say that there were plans of upgrading one facility to make it accessible to disabled people. More attention needs to be paid to sport for disabled people.
6. Like all other areas, a lot of emphasis is on facilities, as if facilities are the end product. There is therefore a need for paying more attention to skills development at all levels, not only at tertiary level, as is the case with the Free State Sports Academy.
7. There is a need for the province to develop clear programmes aimed at:
   (a) Development of professionalism in sport.
   (b) Amateur sports and sports development, linking these to sports academics.
   (c) Addressing the social imbalances through sport and recreation.
8. It is therefore recommended that the department of Sport, Arts and Culture facilitate the establishment of lines of communication between the municipalities and sports bodies in Botshabelo.

9. There is a need for the provincial Department of Sport, Arts and Culture and the Free State Local Government Association to assist municipalities to build capacity on maintenance programming skills and to assist in developing a maintenance plan, which must result in ending vandalising of facilities.

P. Conclusion

The provincial Department of Sport, Arts and Culture has a plan that is in line with the national agenda of transformation. What is remarkable about the approach of the Free State, is the link between the programmes of sport and the unemployment conditions of the province. The long-term objective of the Pakisa Project is to boost the economy of the province, therefore the performance of the project must be monitored to assess the impact of economic growth. The Portfolio Committee needs to keep in touch with the Free State so as to assess the impact of this approach on unemployment and poverty eradication.

National Council of Provinces:

1. Report of the Select Committee on Land and Environmental Affairs on the ***Land and Agricultural Development Bank Bill*** [B 12B—2002] (National Assembly—sec 75), dated 24 May 2002:

   The Select Committee on Land and Environmental Affairs, having considered the ***Land and Agricultural Development Bank Bill*** [B 12B—2002] (National Assembly—sec 75), referred to it, reports that it has agreed to the Bill.

2. Report of the Select Committee on Labour and Public Enterprises on the ***Media Development and Diversity Agency Bill*** [B 2B—2002] (National Assembly—sec 75), dated 24 May 2002:

   The Select Committee on Labour and Public Enterprises, having considered the subject of the ***Media Development and Diversity Agency Bill*** [B 2B—2002] (National Assembly—sec 75), referred to it, reports that it has agreed to the Bill.

PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

No 30—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

TUESDAY, 28 MAY 2002

1. The House met at 14:04.

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

3. [14:05] Notices of motion.

4. [14:20] The Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes with shock and sadness the horrific train accident in Mozambique which claimed 192 lives and left hundreds severely injured;

   (2) mourns with the people of Mozambique and send its condolences to all who lost loved ones; and

   (3) wishes all those injured a speedy recovery.

   Agreed to.

5. Mr T D Lee moved without notice: That the House—

   (1) congratulates the editor of Zimbabwe's Daily News, Geoff Nyarota, on winning the Golden Pen of Freedom award which is given by the World Association of Newspapers; and

   (2) notes that, with this award, Mr Nyarota brings lustre to African journalists and to the African continent.

   Agreed to.

6. The Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes that this week is Child Protection Week;

   (2) recalls the saying that "Umntwana Womnye Umntu Ngumntwana Wam. Umntwana Wam Ngumntwana Womnye Umntu" which means that my child is your child and your child is my child;

   (3) commits itself to work for the following goals:

(a) to ensure that children are protected from all forms of abuse;

(b) to promote the rights of children to care and compassion in every household and locality;

(c) to eradicate all forms of discrimination against children;

(d) to promote the rights of children to education, health, food shelter and a better environment; and

(e) to ensure that every parent and guardian supports his or her children properly.

Agreed to.

7. Mr D H M Gibson moved without notice: That the House—

(1) notes that—

(a) a UK survey has shown that Cape Town is the third favourite overseas city amongst tourists; and

(b) Cape Town has improved its position from seventh place last year;

(2) congratulates Cape Town Tourism for its efforts to market the city abroad, and all those involved in making the city the exciting and rewarding holiday destination that it is; and

(3) looks forward to seeing Cape Town at the top of the list next year.

Agreed to.

8. FIRST ORDER [14:24]

Debate on Vote No 3—Foreign Affairs, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

Debate concluded.

9. SECOND ORDER [17:31]

First Reading debate—***Private Security Industry Levies Bill*** [B 11—2002] (National Assembly—77).

Debate concluded.

Bill read a first time (Democratic Party, Inkatha Freedom Party, United Democratic Movement, African Christian Democratic Party and Afrikaner Eenheidsbeweging dissenting).

10. THIRD ORDER [18:29]

Second Reading debate—***Private Security Industry Levies Bill*** [B 11—2002] (National Assembly—77).

There was no debate.

Bill read a second time (Democratic Party, Inkatha Freedom Party, United Democratic Movement, African Christian Democratic Party and Afrikaner Eenheidsbeweging dissenting).

11. The House adjourned at 18:30.

S MFENYANA,

Secretary to Parliament.

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

TUESDAY, 28 MAY 2002

ANNOUNCEMENTS:

National Assembly:

1. The Speaker:

   (1) Mr L Zita has been appointed as chairperson of the Ad Hoc Committee on Filling of Vacancies on Commission for Gender Equality with effect from 28 May 2002.

   (2) The following paper has been tabled and is now referred to the relevant committee as mentioned below:

   The following paper is referred to the Portfolio Committee on Defence:

   The Strategic Plan for the Department of Defence for 2002-2005 [RP 34-2002].

National Council of Provinces:

1. The Chairperson:

   (1) Message from National Assembly to National Council of Provinces:

   Bill passed by National Assembly on 28 May 2002 and transmitted for concurrence:

   (i) ***Private Security Industry Levies Bill*** [B 11—2002] (National Assembly—sec 77).

   The Bill has been referred to the Select Committee on Security and Constitutional Affairs of the National Council of Provinces.

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Health on the ***Mental Health Care Bill*** [B 69D—2001] (National Assembly—sec 76), dated 28 May 2002:

   The Portfolio Committee on Health, having considered the ***Mental Health Care Bill*** [B 69D—2001] (National Assembly—sec 76), amended by the National Council of Provinces and referred to the Committee, reports that it has agreed to the Bill.

   Report to be considered.

2. Report of the Portfolio Committee on Health on the ***Health Donations Fund Act Repeal Bill*** [B 20—2002] (National Assembly—sec 75), dated 28 May 2002:

   The Portfolio Committee on Health, having considered the subject of the ***Health Donations Fund Act Repeal Bill*** [B 20—2002] (National Assembly—sec 75), referred to it and classified by the Joint Tagging Mechanism as a section 75 Bill, reports the Bill without amendment.

No 31—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

WEDNESDAY, 29 MAY 2002

1. The House met at 14:02.
2. The Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [14:03] Questions—President of the Republic.
4. [16:00] Notices of motion.
5. [16:15] Mr M J Ellis moved without notice: That the House—

   (1) congratulates Mama Africa, Miriam Makeba, on being awarded the Polar Music Prize;

   (2) notes that the prize is given to honour exceptional and lifetime achievements which transcend music genres and break down musical boundaries; and

   (3) thanks Mama Africa for her efforts to bring world-wide recognition to African music.

   Agreed to.
6. The Chief Whip of the Majority Party moved: That Rule 253(1) be suspended for the purposes of conducting the Second Reading debate on the ***Health Donations Fund Act Repeal Bill*** [B 20—2002] (National Assembly—sec 75).

   Agreed to.
7. [16:15] The Deputy Speaker gave a ruling on a remark made by Mr P J Groenewald during the debate on 14 May 2002.
8. The Deputy Speaker gave a ruling on a remark made by Mr G C Oosthuizen during the debate on 14 May 2002, and directed him to withdraw the remark.

   Whereupon the member withdrew the remark.

9. The House adjourned at 16:19.

S MFENYANA,

Secretary to Parliament.

No 65—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

WEDNESDAY, 29 MAY 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   (1) The Joint Tagging Mechanism (JTM) on 22 May 2002 in terms of Joint Rule 160(6), classified the following Bills as section 75 Bills:

   (i) ***Local Government: Municipal Structures Amendment Bill*** [B 22—2002] (National Assembly—sec 75).

   (ii) ***South African Maritime and Aeronautical Search and Rescue Bill*** [B 23—2002] (National Assembly—sec 75).

National Council of Provinces:

1. The Chairperson:

   The following paper has been tabled and is now referred to the relevant committee as mentioned below:

   The following paper is referred to the Select Committee on Security and Constitutional Affairs:

   The Strategic Plan of the Department of Defence for 2002-2005 [RP 34-2002].

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Transport:

   The Business Plan of the National Department of Transport for 2002-2003.

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Justice and Constitutional Development on ***European Convention on Extradition***, dated 22 May 2002:

> The Portfolio Committee on Justice and Constitutional Development, having considered the request for approval by Parliament of the ***European Convention on Extradition***, referred to it, recommends that the House, in terms of section 231(2) of the Constitution, approve the said Protocol, with the declaration that:
>
> (1) the Republic of South Africa, for the purposes of Article 2 of the Convention, shall not extradite any person unless the punishment awarded for a conviction in respect of which he or she is being sought, is a sentence of imprisonment of at least six months; and
> (2)
>
> for the purposes of Article 6 of the Convention, the term "nationals" is defined, in terms of South Africa's legal system, as persons who have acquired South African citizenship by means of birth, descent or naturalisation. This includes persons with citizenship of South Africa and of another country. These persons will all be liable to be extradited. South Africa's acceptance of dual citizenship will therefore not bar the extradition of a person where he or she is also in possession of a citizenship of a country which prohibits the extradition of its nationals.

Report to be considered.

2. Report of the Portfolio Committee on Justice and Constitutional Development on ***SADC Protocol Against Corruption***, dated 22 May 2002:

> The Portfolio Committee on Justice and Constitutional Development, having considered the request for approval by Parliament of the ***SADC Protocol Against Corruption***, referred to it, recommends that the House, in terms of section 231(2) of the Constitution, approve the said Protocol.
>
> The Committee is of the opinion that, in accordance with Article 12 of the Protocol, the Director-General of Justice and Constitutional Development should be designated as the authority for purposes of co-operation and assistance under this Protocol.

Report to be considered.

No 32—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

THURSDAY, 30 MAY 2002

1. The House met at 14:00.

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

3. [14:01] Notices of motion.

4. [14:15] The Deputy Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes that Lesotho held a successful and peaceful poll this weekend, resulting in victory for the Lesotho Congress for Democracy;

   (2) congratulates the people of Lesotho on holding peaceful democratic elections; and

   (3) congratulates the Lesotho Congress for Democracy on its election victory.

   Agreed to.

5. Mr D H M Gibson moved without notice: That the House—

   (1) congratulates the team constructing the largest telescope in the southern hemisphere near Sutherland;

   (2) notes that the Southern Africa Large Telescope is a local project which has established South Africa in the eyes of astronomers world-wide; and

   (3) wishes them success in their project.

   Agreed to.

6. Mr C H F Greyling moved without notice: That the House notes—

   (1) the rand appreciated to its best level in six months against the dollar;

   (2) the gold price increased to a five year high; and

(3) the gross domestic product (GDP) grew by 2,2 per cent during the first quarter.

Agreed to.

7. [14:18] The House, at the request of the Chief Whip of the Majority Party discussed the following subject: ***Africa, the time has come! Afrika, ke nako!***

Debate concluded.

8. FIRST ORDER [16:43]

Consideration of ***Fourth Report of the Working Group on the African Union*** (Announcements, Tablings and Committee Reports, 20 May 2002, p 409).

Report adopted without debate.

9. SECOND ORDER [16:44]

Second Reading debate—***Health Donations Fund Act Repeal Bill*** [B 20—2002] (National Assembly—sec 75).

There was no debate.

Bill read a second time.

10. THIRD ORDER [16:44]

Consideration of ***Mental Health Care Bill*** [B 69D—2001] (National Assembly—sec 76), as amended by National Council of Provinces, and of Report of Portfolio Committee on Health thereon (Announcements, Tablings and Committee Reports, 28 May 2002, p 475).

There was no debate.

Report adopted and Bill agreed to.

11. FOURTH ORDER [16:45]

Consideration of ***National Railway Safety Regulator Bill*** [B 7D—2002] (National Assembly—sec 76), as amended by National Council of Provinces, and of Report of Portfolio Committee on Transport thereon (Announcements, Tablings and Committee Reports, 22 May 2002, p 438).

There was no debate.

Report adopted and Bill agreed to.

12. The House adjourned at 16:45.

S MFENYANA,

Secretary to Parliament.

No 66—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

THURSDAY, 30 MAY 2002

ANNOUNCEMENTS:

National Assembly:

1. The Speaker:

   (1) Ms P Govender has resigned with effect from 1 June 2002.

   (2) Bills passed by National Assembly on 30 May 2002: To be submitted to President of the Republic for assent:

      (i) ***Mental Health Care Bill*** [B 69D—2001] (National Assembly—sec 76).

      (ii) ***National Railway Safety Regulator Bill*** [B 7D—2002] (National Assembly—sec 76).

National Council of Provinces:

1. The Chairperson:

   (1) Message from National Assembly to National Council of Provinces:

   Bill passed by National Assembly on 30 May 2002 and transmitted for concurrence:

      (i) ***Health Donations Fund Act Repeal Bill*** [B 20—2002] (National Assembly—sec 75).

   The Bill has been referred to the Select Committee on Social Services of the National Council of Provinces.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Public Works:

   Together pushing back the Frontiers of Poverty—Laying Tomorrow's Development.

2. The Minister of Social Development:

   (a) The Convention on Protection of Children and Co-operation in respect of Inter-Country Adoption, tabled in terms of section 231(2) of the Constitution, 1996.

   (b) Explanatory Memorandum to the Agreement.

   (c) Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, tabled in terms of section 231(2) of the Constitution, 1996.

   (d) Explanatory Memorandum to the Agreements.

No 33—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

FRIDAY, 31 MAY 2002

1. The House met at 09:05.
2. The Speaker took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [09:06] Notices of motion.
4. [09:20] The Chief Whip of the Majority Party moved: That, with reference to the resolution adopted by the House on 20 March 2002, the Ad Hoc Committee on Powers and Privileges of Parliament is to complete its task by no later than 20 June 2002.

   Agreed to.
5. The Chief Whip of the Majority Party moved: Ukuthi ngaphandle kokuyalela kweNdlu NgokomThetho isigaba 29(8), imibuzo ngoLwesithathu ngomhlaka 5 Juni 2002 nangomhlaka 19 Juni 2002 angeke kube yiyo eqalayo.

   [That, notwithstanding the provisions of Rule 29(8), Questions shall not have precedence on Wednesday, 5 June 2002, and on Wednesday, 19 June 2002.]

   Agreed to.
6. The Chief Whip of the Majority Party moved: Ukuthi ngaphandle kokuyalela komThetho isigaba 23, ukuhlangana kwaleNdlu ukuze iqale umsebenzi wayo ngoLwesibili ngomhlaka 11 Juni 2002 kuyoba ngehora:

   lesi—9:00 size siqede ukusebenza.

   [That, notwithstanding Rule 23, the hours of sitting of the House shall be as follows on Tuesday, 11 June 2002:

   9:00 to adjournment.]

   Agreed to.
7. FIRST ORDER [09:22]

   Debate on Vote No 25—Agriculture, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

   Debate concluded.

8. SECOND ORDER [11:33]

Debate on Vote No 29—Land Affairs, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

Debate concluded.

9. The House adjourned at 13:35.

S MFENYANA,

Secretary to Parliament.

No 67—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

FRIDAY, 31 MAY 2002

ANNOUNCEMENTS:

National Assembly and National Council of Provinces:

1. The Speaker and the Chairperson:

   (1) Assent by the President of the Republic in respect of the following Bills:

   (i) ***Animal Identification Bill*** [B 49B—2001]—Act No 6 of 2002 (assented to and signed by President on 29 May 2002);

   (ii) ***Veterinary and Para-Veterinary Professions Amendment Bill*** [B 66D—2001]—Act No 10 of 2002 (assented to and signed by President on 29 May 2002); and

   (iii) ***Immigration Bill*** [B 79B—2001]—Act No 13 of 2002 (assented to and signed by President on 30 May 2002).

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Safety and Security:

   Government Notice No R.334 published in Government Gazette No 23245 dated 22 March 2002, Regulations for the South African Police Service, made in terms of sections 24 and 48 of the South African Police Service Act, 1995 (Act No 68 of 2995).

2. The Minister for Agriculture and Land Affairs:

   Annual Report of the Commission on Restitution of Land Rights for 2001-2002.

COMMITTEE REPORTS:

National Assembly:

1. ***NOTE:*** ***The Report of the Portfolio Committee on Justice and Constitutional Development on the Reinstatement of Enrolment of Certain Legal Practitioners Bill [B 6—2002] (National Assembly—sec 75), which appeared in the Announcements, Tablings and Committee Reports of 27 May 2002 (p 462) contained an error, in that the last sentence of the last paragraph was incomplete. The following is the correct Report:***

Report of the Portfolio Committee on Justice and Constitutional Development on the ***Reinstatement of Enrolment of Certain Legal Practitioners Bill*** [B 6—2002] (National Assembly—sec 75), dated 22 May 2002:

The Portfolio Committee on Justice and Constitutional Development, having considered the subject of the ***Reinstatement of Enrolment of Certain Legal Practitioners Bill*** [B 6—2002] (National Assembly—sec 75), referred to it and classified by the Joint Tagging Mechanism as a section 75 Bill, reports the Bill with amendments [B 6A—2002].

The Committee further resolved that the Minister for Justice and Constitutional Development be requested to cause his Department, in conjunction with relevant role-players, including representatives from the legal profession, to revert to this Committee within three months from the date of adoption of this Report by the National Assembly, on possible options available to honour the memory of such reinstated persons.

Report to be considered.

2. Second Report of the Standing Committee on Public Accounts, dated 30 April 2002:

The Standing Committee on Public Accounts, having considered and examined the:

* Report of the Auditor-General on the Financial Statements of Vote 22—Land Affairs and the Registration of Deeds Trading Account for the year ended 31 March 2001 [RP 180-01]

* Report of the Auditor-General on the Financial Statements of Vote 22—Land Affairs and the Registration of Deeds Trading Account for the year ended 31 March 2000 [RP 131-2000]

* Report of the Auditor-General on the Financial Statements of Vote 23—Land Affairs and the Registration of Deeds Trading Account for the year ended 31 March 1999 [RP 147-99]

* Report of the Auditor-General on the Financial Statements of Vote 22—Land Affairs and the Registration of Deeds Trading Account for the year ended 31 March 1998 [RP 193-98],

and having heard and considered evidence, reports as follows:

Introduction

This recommendation is a consolidation of the Audited Reports for the four financial years from 1998 to 2001. Although they have consistently been qualified reports, the Committee wishes to recognise that the Department of Land Affairs (the Department) has done much to improve internal systems of control and to minimise risk areas. As an example, the Department has established an Internal Audit Department, a framework for effective internal controls systems, Internal Audit and Audit Committee Charters and an annual audit plan. All vacant positions in the Internal Audit component have been filled, and the Department is well placed to implement the Public Finance Management Act, Act 29 of 1999.

1. Loans for Industrial Development (par 2.2.1(a), p 171 [RP 180-01])

Accumulated loans totalling R281 million in respect of Industrial Development were made between 1972 and 1994 to certain local authorities in order to attract industrialists to specific areas identified for economic development. These loans were in line with the policies at the time and were referred to at the time as Industrial Growth Point Loans.

For a number of years, the records within the Department could not be reconciled with those of the relevant local authorities. The outstanding amount of R281 million in the financial statements could not be verified because of a lack of information, a shortage of resources and the accumulation of debt interest. No payments in respect of the above-mentioned loans were made during the 1999-2000 financial year. However, certain local authorities had repaid the loans in full, and the Committee recognises this goodwill.

The Accounting Officer indicated that the Department had engaged with the Development Bank of Southern Africa (DBSA) through the National Treasury in an attempt to transfer these loans to the DBSA. The DBSA refused because there are no written agreements to enforce the loans and the affected local authorities are in a poor financial state. The Department set up an interdepartmental investigating committee, and the Accounting Officer indicated to the Committee, during a meeting dated 12 June 2001, that they were going to approach the Cabinet to write off the loans. The Accounting Officer furthermore indicated that the loans should never have been transferred to the Department in the first place.

At the above meeting it was agreed that the provincial auditors in the Office of the Auditor-General would write to the concerned local authorities and then report to the Committee on the status and movement of the loans. During August 2001, the nine provincial auditors presented a full schedule of the outstanding loan balances. The Committee has noted that two municipalities, Akasia and Newcastle, had paid their loans in June 2001. They were not aware of the Cabinet decision to write off the loans. However, the vast majority of the loans were not being serviced, and some attempts have been made for loan alleviation on the basis that repayments would cause considerable financial burden. In many cases the local authorities face liquidity problems, as no provision was made to service debt. If councils were to make provision to repay these loans, they would have to increase the service tariffs as well as rates and taxes which would impact negatively on the affected communities.

The Accounting Officer informed the Committee that a recommendation was made on 2 August 2001, and approval given by the Cabinet on 8 August 2001, to write off the outstanding total of R277 821 916,51 in respect of these loans. This was done even though the Committee recommended, on 12 June 2001, that an investigation take place to pursue an avenue where some of the amounts could be recovered.

The Committee wishes to express its concern with the manner in which the Department dealt with the Loans for Industrial Development, and requests that all the municipalities be notified of the status of their loans. The Committee observes that Cabinet approval for what occurred would not rectify the matter. After a meeting with the Accounting Officer on 12 June 2001, the Committee felt that the matter be further investigated by both the Committee and the Department before proceeding with the request to the Cabinet to write off the loans. In particular, the Department should have investigated methods of recovering outstanding amounts.

The Committee notes that it is unfortunate that no remedial action was taken to try and recover some of these outstanding amounts as this may set a negative precedent in future. However, the Committee agrees with the Department and concurs with the Cabinet, and recommends that the loans be written off as an authorised and irrecoverable amount.

2. ***Subsidised Transport (par 2.2.1(b), p 171 [RP 180-01])***

The Committee notes with concern that for three consecutive years (1999-2001) an outstanding balance of R1 841 322 could not be confirmed. The Committee understands that a task team was appointed to take corrective action, and that they would meet once a month for this purpose and ultimately resolve the matter by the end of April 2002.

The Committee recommends that the Accounting Officer report to the Committee within 30 days of receipt of this resolution on progress made in resolving this outstanding balance of R1 841 322.

3. ***Surrender of Surplus Funds: Registration of Deeds Trading Account (par 3.2, p 172 [RP 180-01])***

The Committee notes that the surplus in the Registration of Deeds Trading Account of the previous year, amounting to R17 136 845, had not been surrendered to the National Revenue Fund. However, the Committee notes that this matter was resolved on 25 October 2001, and commends the Accounting Officer for this.

4. ***Unauthorised Expenditure (par 2.2.2(a), p 3 [RP 131-00])***

During the 1998-1999 and 1999-2000 financial years, remuneration totalling R254 455 was paid to members of the Ingonyama Trust Board. The payments were made prior to the approval of the proposed rates by the Minister of Finance, on 22 July 1999. The matter was referred to the executive head of the Department of Finance, who indicated that the Minister of Finance could not give retrospective approval.

The Committee notes the explanation given by the Accounting Officer regarding this unauthorised expenditure, that the money was not misappropriated and that the Department received value for money. The Committee is concerned that the Department disregards procedures, rules and regulations even where value for money may have been attained. However, in view of the steps taken by the Accounting Officer to prevent further contravention or the recurrence of unauthorised expenditure, the Committee recommends that these payments be authorised.

5. ***Unauthorised Expenditure (par 2.2.2(a), p 3 [RP 147-99])***

An amount totalling R1 852 035 was identified during the financial year as unauthorised in terms of section 33(1)(d) of the Exchequer Act, 1975 (Act No. 66 of 1975). It comprises the following:

(a) An amount of R618 779 was paid to the Independent Mediation Services of South Africa (IMSSA) for five months, from 1 April 1998 to 31 August 1998, without a written contract between the Department and the organisation. Their services were employed to conduct a mediation facility on behalf of the Department. The Department requested *ex post facto approval* from the State Tender Board.

(b) An amount of R1 203 369 was paid to four consultants who had been appointed on an ongoing basis, whereas the tender bid specified that the projects were not supposed to exceed six working months. The consultants were GIS Regis Consultants. On 18 August 1998, the State Tender Board wrote that the payment made to these consultants would be unauthorised.

(c) An amount of R29 887 was paid to SGM Development Planning Consultants to deliver a report on "recent experience in the land use management system" for the Development and Planning Commission. The appointment of the consultant was made before it had been approved. Documentation reveals that the service was completed as early as 17 February 1999, but the requisition was only made on 16 March 1999. The anomaly is the time lapse between the issuing of the requisition and the date of the invoice, which precedes the requisition.

With regard to paragraphs (a), (b) and (c) above, the Committee has noted that:

* The State suffered no loss
* The above activities were necessary for the activity and service that was required at the time
* Services were rendered and goods received
* Value for money was received.

In view of this, the Committee recommends that the amounts in question be authorised by Parliament. However, the Committee recommends that the Department indicate within 30 days of the adoption of this Report by the National Assembly whether *ex post facto* approval had been obtained with respect to the above, and if not, what the State Tender Board's reasons were for not granting such approval.

Report to be considered.

National Council of Provinces:

1. Report of the Select Committee on Economic and Foreign Affairs on Budget Vote 31: Trade and Industry, dated 8 May 2002:

The Select Committee on Economic and Foreign Affairs, having considered Budget Vote 31, reports as follows:

Introduction

The Committee examined the budget of the Department of Trade and Industry (Vote 31) for the 2002/3 financial year as well as the forward estimates for 2003/4 and 2004/5 included in the Estimates of National Expenditure.

Main features

The main features of the 2002/3 budget are:

* The Department is allocated R2 468,6 million for the financial year 2002/3, while forward estimates anticipate it receiving R2 627,0 million and R2 787,5 million in the years 2003/4 and 2004/5 respectively. This compares to the R2 214,6 million voted in last year's budget which rose to R2 280,1 million in the Adjusted Appropriation for 2000/1. The Department's budget for 2001/2 is broadly in line with last year's forward estimate for 2001/2 (which was R2 465,1 million), as is the amount anticipated for 2003/4. The Department's budget can thus be described as a constant budget with minor fluctuations.

* The 2002/3 budget is divided into six programmes, compared to the previous five. These are: Programme 1, Administration, (6,9% of the total), Programme 2, International Trade Development, (2,7%), Programme 3, Enterprise and Industry Development, (33%), Programme 4, Consumer and Corporate Regulation (5,4%), Programme 5, The Enterprise Organization (34%) and Programme 6, Trade and Investment South Africa (18%). The programmes broadly correspond to the Department's operational divisions.

* After growing for several years, the budget for Programme 1 stabilizes and in fact decreases slightly from R179,5 million in the adjusted appropriation for 2001/2 to R169,6 million in 2002/3.

* The budget for activities falling under Programme 2 is stable with R65,9 million budgeted for 2002/3 compared to the R65,5 in the Adjusted appropriation for 2001/2. The main activities budgeted for under Programme 2 are multi-lateral and bilateral trade negotiations, the promotion of African economic integration and the activities of the Commission for International Trade Administration (previously known as the Board of Tariffs and Trade).

* The budget for Programme 3 is reduced slightly from R854,3 million in the Adjusted appropriation for 2001/2 to R815,1 million in 2002/3. Programme 3 is the Department's largest programme and includes mostly transfer payments to associated Council of Trade & Industry (COTII) institutions. The decrease

in expenditure in the present and previous budget year reflects the normalization of expenditure following significant one off transfer payments to re-capitalize Khula, initial start up contributions to the National Empowerment Fund and increased contributions to Namac, Proudly South Africa and THRIP.

* Programme 4's budget is increased from R96, 8 million to R134,1 million. Some of the increase is accounted for by transfers to the Companies and Intellectual Property Office (CIPRO).

* Programme 5's budget increases from R628, 1 million to R840,2 million. 97% of the expenditure under this programme consists of transfers under various business support programmes. The increase is largely accounted for by anticipated better take up of improved support programmes, and expenditure is expected to rise further to R963,8 and R1 021 million in 2003/4 and 2004/5.

* The budget for programme 6 is stable being R455,8 million in the Adjusted appropriation for 2001/2 and R443,6 million in 2002/3.

* Transfer payments account for approximately 82% of the total budget. A significant part of these transfer payments are made to associated DTI "family institutions". There are 17 public entities and 3 other bodies that report to the Minister of Trade and Industry. These now participate in regular meetings of the Council of Trade and Industry Institutions.

* The budget for 2002/3 can also be divided into the following functional categories:

@	Transfer to associated COTII Institutions	R 690mn	28%
@	Incentives and Offerings to Business	R1 320mn	53%
@	Human Resources	R 290mn	12%
@	Operations	R 170mn	7%

The amount for incentives and offerings to firms is up from the approximately R1 billion in 2001/2.

* The Director General indicated that new systems were being put in place to promote greater efficiency in the use of resources. Although these appeared to focus on minor "house keeping" matters, they were part of a process of getting the Department to operate faster, smarter and quicker in delivering services. For example, an investigation by the Department found that in the recent past 48% of incoming telephone calls were dropped. This has now been reduced to 29%.

* The Department also reported further significant improvements in organizational efficiency during 2001/2. For example, the average time to register companies or close corporations at the Companies and Intellectual Property Office (CIPRO) has been reduced from 21 to 3 days.

* Once again, this year's budget includes in the Estimates of National Expenditure a table of "output indicators" and "targets" for Programmes 2-6. A feature of the Committee's interaction with the Department this year was that we were provided at our request, with a detailed Report on the extent to which output and service delivery targets identified in the 2001/2 budget were delivered upon.

* The latter report, which the Committee regards as a major step forward in its budgetary oversight, indicates that by and large the Department attained most of the output targets identified in 2001/2. The report also indicates that there were improvements in organizational efficiency, corporate governance and work environment.

* In terms of employment equity, the Department reported that it had enhanced the Public Service Commission's targets of achieving 50% equity by race and 30% by gender and set itself a target of 80% equity by race and 50% by gender. We were told that it had surpassed the latter targets, although there is still a need to address the issue of gender equity in the more senior grades.

* The improvement in the Department's record on spending observed in 2000/1 was continued in 2001/2. There is now a reasonable alignment of budgeted and actual expenditure with underspending anticipated to be a little over 10% in 2001/2 (excluding some reductions and anticipated commitments to be rolled over) compared to the more than 30% recorded before 1999.

* The Estimates of National Expenditure 2002 do not sufficiently address the financial and resource transfers to provinces, neither do they adequately reflect the impact of the Department's spending in the various provinces. The Department through a range of economic development agencies currently funds and coordinates various economic programmes in the provinces and local municipalities.

The Committee also had an opportunity, as in previous years, to engage on budgetary issues with four of the DTI's associated institutions- the Industrial Development Corporation, the Council for Scientific and Industrial Research, Ntsika and Khula. Highlights of these discussions included:

The Industrial Development Corporation (IDC)

* The IDC made 515 investment approvals worth R9,3 billion during 2001, more than double the amount in the previous year. These assisted in the creation or sustaining of 20 000 job opportunities and generated R10,5 billion in additional export earnings.

* The IDC is also extensively involved in projects elsewhere in Africa. Over the past year it increased its African portfolio from 30 projects in 9 countries to 47 projects in 16 countries. Approvals in other African countries total almost R7,6 billion since 1998.

* The Corporation reported further progress in its efforts to promote Small and Medium Enterprise development as well as Black Economic Empowerment. The proportion of approvals going to empowerment companies was 33% in 2001 compared to 27% the previous year. By value, this represents around 16% of total approvals. Although the Corporation does not directly service the micro or very small business sector, it has taken some steps to make its facilities available to smaller enterprises. 68% by value of its portfolio is with clients with an asset base below R120 million.

* The IDC remains financially strong with capital and reserves of R24,4 billion (larger than any bank in the country). Its involvement in two poorly performing steel projects-Columbus and Saldanha- did, however, involve it in a capital loss. R5,5 billion was injected into the restructuring of Saldanha and its incorporation into Iscor. This restructuring is now complete and Saldanha is now debt free, selling its products on the domestic as well as export markets.

The Council for Scientific and Industrial Research

* The CSIR's annual turnover is R810 million, of which 60% emanates from clients and contracts. The Council will receive just over R300 million from government this year, approximately the same as in the previous budget year.

* The CSIR participates in the COTII. The Council indicated that together with the DTI a number of medium term objectives had been agreed, including enhancing science and technology contributions to industrial technology policy development, raising awareness in industry of technological development, contributing to development of SMMEs, BEE and access by women to technology through its Technology for Women in Business project. It also has 60 rural development projects, many in poverty nodes identified by government.

* The CSIR is also involved in initiatives, projects and contracts in 17 other African countries and is contributing both to NEPAD and preparations for the World Summit on Sustainable Development. It has also been awarded contracts by major International Firms including Rolls Royce, Boeing, Daimler Chrysler and the European Commission for two food related projects.

* The CSIR confirmed that the trend identified last year of declining private sector involvement in Research and Development (R & D) continues to be a cause for concern. We were told that South Africa spends around 0,7% of its GDP on R & D, much less than successful industrializing countries. Less than half this comes from the private sector: Reasons which the Council said were cited for this included:

1. Less attractive tax incentives for R & D in South Africa than other jurisdictions.
2. The fact that incentive schemes such as SPII were based on the matching grant principle meant that there was no real incentive to begin completely new projects.

3. An environment that did not sufficiently encourage university-based researchers to develop commercial applications of their research.

Ntsika Enterprise Promotion Agency

* Ntsika is continuing to re-focus its activities away from its previous main activity of accrediting service providers to a demand driven provision of particular services to small business. Its focuses will be on information provision, training and advisory services.

* Ntsika is also carrying out a review of service provider intermediaries it has worked with, and will be dis-accrediting those that have not met defined performance criteria.

* Ntsika reported that from the time of its inception in 1996 until the end of 2001, it had supported 349 service providers, trained 2 435 employees of service providers and developed 2 310 business links. Service providers trained or assisted over 100 000 entrepreneurs in over 79 000 enterprises. Jobs created or sustained over this period are estimated at over 98 000.

* In 2002/3 Ntsika plans to support 280 service providers, train 1 050 staff of service providers and develop 1 120 business links. It expects service providers to train or assist 60 900 entrepreneurs in 81 500 SMMEs, thereby assisting in creating or sustaining 40 000 jobs.

* Ntsika is allocated R40 million in the current budget, an increase from the R35 million it received in 2001/2. It is anticipated that it will receive R50 million in the 2003/4 and R60 million in the 2004/5 budgets. The agency expects, however, to receive a substantial increase of donor funding -rising to R35,1 million in 2002/3 compared to R12 million in 2001/2. We were told that this money was confirmed. Including other smaller allocations, Ntsika would spend R85,1 million in 2002/3 compared to R64,4 million in 2001/2.

Khula Enterprise Finance

* An impact assessment study on Khula's products between 1996 and March 2001 carried out by UNISA's Market Research Bereau found that these had contributed to the creation and sustaining of 788 650 jobs over this period. 70% of these were in survivalist enterprises, with a high attrition rate.

* Khula plans to approve loans of R106 million and guarantees of R406 million during the current financial year, leading to the creation or sustaining of 124 498 jobs. It aims to ensure that administrative expenses do not exceed 8% of the value of its activities and that a return is secured on its capital not less than the rate of inflation.

* Khula welcomed the fact that DTI plans to hive off funding of survivalist enterprises to a new fund, saying this will help Khula to refocus its activities.

* Recapitalisation remains an issue for Khula, and we were told that Khula will not be able to achive its targets unless further capital is obtained. We were told that of the R200 million requested from DTI two years ago, Khula received R81 million in 2000/1 and R30 million in 2001/2. Of the funding requested within the framework of its current five-year projection, we were told that Khula had received R70 million from the DTI and that the re-valuation of some properties in its portfolio would add a further R120 million. No further commitments have been made by the DTI.

Comments

The committee is pleased to report continued progress in the management, presentation, and reporting on the DTI's budget. In our last year' s report, we noted that programmes were more closely aligned to the major activities of the Department, that there was more effective financial reporting that better control systems were in place and that the trend evident in previous years of significant understanding was being corrected. All these achievements have been carried over into this year's budget. In addition, we now have the Department reporting to the Committee on the extent to which it has delivered on output targets.

In our view the latter represents an important step forward for our Committee in terms of its monitoring and oversight of the Department's work, as well as an important step towards effective outcomes based budgeting. The next challenges to take this process further are, in our view:

* To find a mechanism to present and discuss with the Committee proposed output targets ahead of their presentation in documents tabled at the time of the budget speech.

* To develop a coherent and convincing methodology to indicate the extent to which the output targets have impacted on the identified outcome targets viz "to lead and facilitate access to sustainable economic activity and empowerment for all South Africans through higher level of investment and increased access to international markets for South African products, and to create a fair, competitive and efficient market place for domestic and foreign enterprises as well for consumers". We were told that during the course of this year, the Department hoped to put in place reporting systems that would at least enable it to identify more clearly what proportion of its total funding was being deployed to support SMMEs.

As indicated above, the Committee found that in general there was improved delivery in 2001/2 on the output targets identified. A few matters of concern were, however, identified by the committee. These included

* Whether sufficient resources are being allocated to support our team involved in the WTO negotiations. This is not a simple matter. The cost of maintaining one person in Geneva is equal to employing 6 persons at director level, and the Department has already deployed the previous Deputy Director General of International Trade to head the team in Geneva, while establishing a dedicated team led by the former Minister-Counselor in Geneva in Pretoria. The Committee is nevertheless of the view

that the WTO negotiations are of critical importance and pose many challenges. We look forward to engaging further with the Department on how these efforts can be re-enforced in, including ways in which Parliament and our Committee can assist in this regard.

* The time it is taking for the National Empowerment Fund to become operative. After many years, the NEF has at last received some funding from the Department and IDC to cover operational expenses and to launch its venture capital fund, but the NEF Corporation's substantial capitalization has yet to take place. The Committee urges the Department to ensure that this takes place expeditiously, and indicates that it will be seeking progress reports from relevant departments in the near future.

* It is our earnest hope that the recently established Cooperatives division will be in the near future in consultation with stakeholders; devise an effective support programme for cooperatives.

The Provinces and Local Authorities

* The Department will be requested to comment on the issue of provincial transfers indicated above, including possibly extrapolating some figures in respect of individual provinces by the time the Budget Vote debate takes place in the NCOP. With the objective of strengthening the relationships between the various economic development role players, nationally, provincially and locally, we would also be interested in receiving reports quantitatively measuring the employment, investment and economic empowerment impact, as well as indicating successes and challenges in the various provinces and municipalities. We are aware that some of this information can only be supplied by MECs with regard to funds generated from provincial revenue. In this respect, we call on the Minister to request these inputs from MECs via the Min-MEC process. MECs could also be instrumental in generating an economic status report from local authorities in their respective provinces. It is envisaged that the NCOP debate will provide a useful forum for MECs to deliver initial reports this year, and more comprehensive reports in coming years within the MTEF framework.

No 68—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

MONDAY, 3 JUNE 2002

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Environmental Affairs and Tourism:

   (a) The Convention for the Protection, Management and Development of Marine and Coastal Environment of the East African Region and Related Protocols (Nairobi Convention), tabled in terms of section 231(2) of the Constitution, 1996.

   (b) Explanatory Memorandum to the Convention.

   (c) The Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region and Related Protocols (Abidjan Convention), tabled in terms of section 231(2) of the Constitution, 1996.

   (d) Explanatory Memorandum to the Convention.

2. The Minister of Labour:

   Annual Report and Financial Statements of the Unemployment Insurance Fund for 2000, including the Report of the Auditor-General on the Financial Statements for the year ended 31 December 2000 [RP 207-2001].

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Agriculture and Land Affairs on the ***Planning Profession Amendment Bill*** [B 76—2001] (National Assembly—sec 75), dated 23 May 2002:

   The Portfolio Committee on Agriculture and Land Affairs, having considered the subject of the ***Planning Profession Amendment Bill*** [B 76—2001] (National Assembly—sec 75), referred to it and

classified by the Joint Tagging Mechanism as a section 75 Bill, reports the Bill with amendments [B 76A—2001].

2. Report of the Portfolio Committee on Public Works on study tour to provinces, dated 21 November 2001:

The Portfolio Committee on Public Works, having undertaken a study tour to the nine provinces between 23 July and 1 August 2001, reports as follows:

A. Introduction

The Committee undertook the study tour to monitor progress that was being made in restoring infrastructure that was damaged by floods, as well as to view community-based projects. The Committee also investigated measures that had been taken to safeguard infrastructure against future floods and to investigate how the provinces maintained state-owned properties.

The Committee was divided into three delegations, consisting of five members each. Each delegation concentrated on three provinces. The delegation to the Northern Province, Gauteng and North West consisted of Mr B A Radebe, Hosi C J Hlaneki, MrsT P Shilubana and Mr A S van der Merwe.

The Eastern Cape, KwaZulu-Natal and Mpumalanga delegation consisted of Inkosi M W Hlengwa, Mr E M Sigwela, Mr N E Magubane and Mr J Schippers.

The Free State, Northern Cape and Western Cape delegation consisted of Ms P S Sekgobela, Ms N M Twala, Mr S E Opperman and Kgoshi Mothiba. Each delegation had support staff provided by the Committee Section.

B. Findings—Northern Province

1. Meeting with MEC and officials of Department of Transport, Roads and Public Works

The MEC provided general background on flood relief funding and a progress report. It was felt that the national government had allocated too little funding to the province. The funds were allocated to all departments to be shared for flood-damage repairs. Most of the money had already been spent in a number of critical areas. Some of the funds that were allocated to the Department of Transport, Roads and Public Works, were distributed between the Community-Based Public Works Programme (CBPWP) and the Northern Province Road Agency (NPRA). However, most of it had been used for reconstruction of roads and bridges. The department had requested R1,396 billion for reconstruction of roads and bridges, but only R13 million was granted. Despite this small amount, the department was trying very hard to address the backlogs.

2. Report from Northern Province Road Agency (NPRA)

(a) Financial and physical report

The total recorded expenditure from the time of the floods up to 29 June 2001 was R325 million. This amount consisted of R313 million spent on projects detailed in this report and R12 million spent from the NPRA budget. A total of 25 projects out of 27 had been completed. Road D3675

had not been completed and the final completion date had been revised to 27 July 2001. The final completion of Road D3537 had been revised to 20 July 2001. Project NPRA/45/1/2000 had been completed, except for the road markings. This had been temporarily halted in order to allow the chemicals from the seal work to evaporate.

(b) Road repairs, bridge approaches and bridge repair contracts

Out of 19 projects, 15 had been completed and the remaining four had practically reached completion. NPRA project To88/9/2000 had been completed, but the final work had been impeded by the liquidation of the contractor. Another contractor had been appointed to complete the work. Affirmable Business Enterprise (ABE) contractors had done 28% of the work in respect of road repair, bridge approaches and bridge repair package of contracts.

The following projects needed special attention:

* NPRA/T088/4/2000 (Roads D523, 589 and 673). Poor progress had been made on the final finishing of the site. The completion date had been revised to 20 July 2001.

* NPRA/T088/10/2000 (Road D3685). Poor progress on the final finishing of the site. Practical completion was achieved on 20 June 2001 and final completion had been set for 31 July 2001.

* NPRA/T088/15/2000. The Project Managers had indicated that the work had not been satisfactorily completed. The contractor was back on the site to complete the remaining work.

(c) The Committee was able to visit some of the completed projects:

* Piling had been completed on nine bridges.

* Beam placement on Bridge 1 (Doornspruit River) had been completed and deck casting preparation was progressing.

* One of the five spans on Bridge 2 (Nzhelele River) had been replaced.

* Five beams of the nine spans on Bridge 3 (Nzhelele River) had been replaced.

* The beams for the five spans on Bridge 4 (Hanthabalala: Klein Leteba River) had been replaced and preparation of the bridge deck for casting was progressing.

* Construction of the first abutment and pier on Bridge 5 (Mbokota-Mashamba: Klein Letaba River) had been completed, and the shuttering of the first two decks of the six spans was progressing.

* Construction on the deck of Bridge 6 (Karringmelk River) and half of the balustrades had been completed. Construction on the remaining balustrades had started.

* Both abutments and piers on Bridge 7 (Malavhuwe-Tshivhivhi) had been completed and two beams for the three spans had been placed.
* Bridges 8 and 12 (Indermark A-B and Mogalakwena River) had been completed.
* Bridge 9 (Moeketsi River) had been completed, except for the balustrades.
* Construction on the abutments and piers of Bridge 10 (Middle Letaba River) had been completed. The construction of the first three of the seven spans of the deck had also been completed.
* Progress on Bridge 13 was halted as a result of a member of Stefunutti & Bressan/GDL JV, Labor (Pty) Ltd, being liquidated. Stefanutti & Bressan had undertaken to complete the project. The bridge was completed and the earthworks were progressing.
* The casting of beams at the CONCOR pre-cast yard in Louis Trichardt had continued. A total number of 120 beams out of 133 had been completed.
* The work done by Affirmable Business Entrepreneurs (ABEs) made up 17% of the total value of work done on the bridge contracts.

(d) Discussions

The N1 National Road that ran to neighbouring countries was an additional problem. Damage caused by trucks from these countries was severe and as a result the costs of repairing and maintaining them were high. Trucks that came from other countries or provinces bypassed the N1 into Routane and Middleburg, causing costly damage. The following proposals were made to address this problem:

* Roads must be classified.
* Some regional roads should be transferred to the District Municipality.
* Other roads should be transferred to the Provincial Road Agency.
* Roads that cut across the province and led to other countries via the N1 should be transferred to the national Department of Transport.

A further problem was a shortage of diesel, that caused delays in completing projects. The provincial department requested assistance from the Committee to register the Northern Provincial Road Agency by amending the National Road Agency Act.

The department indicated that the backlogs the MEC had referred to could only be addressed by increasing the budget. There was a shortfall of R700 million as only R539 million had been allocated to the NPRA. This amount had been spent on provincial roads only and not on local roads. The road to the airport could not be repaired since it belonged to the SANDF, which did not want to repair it as it

was not considered a priority. The NPRA was considering taking responsibility for the road and the Committee needed to assist it in this matter.

The Trans-Limpopo Corridor brought economic spin-offs due to discussions between Matebeleland in Zimbabwe and the province. This kind of initiative needed to be strengthened. Bilateral discussions that encouraged economic development should be supported.

3. Community-Based Public Works Programme (CBPWP)

(a) Background

The CBPWP was initiated in the 1994-95 financial year and was kick-started by the Community Empowerment Programme and carried out by the Independent Development Trust (IDT). The CBPWP was administered by the provincial administration and NGOs. The programme was targeting the poorest communities, women, youth and disabled persons.

The programme received its funding from the national and provincial Departments of Public Works. The national department had consolidated the strategic projects to forge partnerships and co-ordination between stakeholders to improve the lives of the poor.

(b) Strategic Projects and Allocations

Community Production Centres (CPCs)

The CPCs were established to promote production activities for the market. The basis for the success of the CPCs is effective co-ordination, partnership, and the blending of policies and strategies by the government, private organisations and communities.

In the Northern Province, this programme is managed in partnership with the Department of Agriculture, with the IDT as implementing agent. The following two areas were identified with their allocations:

* Elandskraal production center (R2,5 million)

* Upper Oliphants production centre (R5 million)

(c) Clean and Green programme

South African Breweries is sponsoring this project and is targeting unemployed youth in urban areas where there is no waste management system. People are contracted to provide cleaning and greening services in their own communities. Local authorities are encouraged to budget for this service. This programme is implemented by the IDT. The following areas were identified, with their allocations:

* Nylstroom Clean and Green (R700 000)

* Thohoyandou Clean and Green (R700 000)

(d) Youth working towards environmental accessibility

This programme was implemented in 2000-01 as a partnership between the National Youth Commission and the Office on the Status of Disabled Persons. The following were the objectives of this project:

* Making public properties and buildings accessible for the disabled.
* Providing training for the construction of facilities for the disabled, youth and women.
* Maximising the utilisation of the youth, women and disabled persons.
* Achieving socio-economic development and empowerment through training, the appointment of service providers and the provision of sustainable facilities.

(e) HIV/AIDS Infrastructure Support Programme

This is a new programme aimed at building, repairing or upgrading infrastructure which will benefit rural communities to offset the devastation caused by HIV/AIDS. The national department has contributed R10 million for this cause to five provinces. The Northern Province received R4 184 264 and for the coming two years it will receive R2 607 878.

(f) Multi-purpose Community Centres (MPCCs)

The purpose of MPCCs is to provide one-stop service centres within rural areas for government services to the community. The following departments and parastatals provide services to communities:

* Local government, through district councils in rural areas for water supply, municipal services, local administration and maintenance.
* Department of Welfare, for pension and disability grant payouts.
* Department of Health, for clinics and primary health care.
* Department of Education, particularly for adult education.
* Post Office, for postal services.
* Telkom, for telephone services, payments and fault reporting.
* Eskom for electricity services, payments and fault reporting.

(g) Provincial CBPWP Projects

The following projects were funded in 2000-01:

Tshituni/Pfumbada	R842 083,40
Mayeke School	R710 083,30
Makoxa Cultural Village Phase 1	R947 083,30

The funds were transferred to the former Northern District Council, which is an implementation agent. The establishment of the new district councils caused delays in the implementing of the projects in that funds had to be re-transferred from the old district council to the new council. This has been addressed, a business plan for Makoxa is in place and the overall planning process for the projects has been finalised.

The following projects were funded in 2001-02:

Moletji Production Centre	R235 294
Pfuka rixile Poultry Phase 1	R847 059
GaChuene Tourism (Basadi ba Bapedi)	R829 412
Makoxa Cultural Village Phase 2	R588 235

District Municipalities experienced delays in implementing the programme. However, an NGO has been appointed as implementing agent.

(h) National CBPWP Projects

The district municipalities have signed a contract with the national department for the next three financial years.

The allocations are as follows:

Sekhukhune District Municipality (NP8)

* 2001-02 R8,5 million
* 2002-03 R11,3 million
* 2003-04 R12,47 million

Waterberg District Municipality

* 2001-02 R6,8 million
* 2002-03 R2,5 million
* 2003-04 R2,6 million

Vhembe District Municipality

* 2001-02 R10,09 million
* 2002-03 R13,37 million
* 2003-04 R14,35 million

Capricorn District Municipality

* 2001-02 R24,6 million
* 2002-03 R18,8 million
* 2003-04 R20,2 million

Eastern District Municipality

* 2001-02 R5,6 million
* 2002-03 R7,4 million
* 2003-04 R7,9 million

Mopani District Municipality

* 2001-02 R7,59 million
* 2002-03 R10,03 million
* 2003-04 R10,76 million

(i) Problems Encountered

* Lack of municipal capacity to implement the programme.
* The process of transferring assets to municipalities without a maintenance budget.
* The national department did not provide funds for electrification projects.
* Start-up funding on productive assets was needed to sustain the projects.

4. Status Report on Asset Register and Maintenance Backlogs

(a) Background Information

The asset register for the Northern Province Department of Public Works was established in 1999 and since that time progress has been made in updating the information in the asset register.

The Northern Province inherited poor records, and there was no smooth handover of functions and assets registers from the homeland governments.

The aim of the asset register is to capture all fixed properties belonging to the Northern Province government. Initially, no proper records were kept regarding the properties belonging to the provincial government. Currently,in the former homelands the property information is incomplete due to the unavailability of title deeds. In the former homelands, State properties were not registered with the Deeds Office hence there were no title deeds. This impeded the process of compiling the asset register.

The provincial government assets that are known are recorded in the register. The register contains additional information on each property, such as the title deed number and the date of acquisition.

There may be some government properties that the department is not aware of. The department is carrying out a deeds search to identify all properties named "RSA" in the Northern Province. The known properties will be checked against the list and will be registered. A check will be done to ascertain whether the remaining properties belong to the national government or not. Any remaining properties will then be assumed to belong to the province. To facilitate the vesting and disposal processes, the department has installed two invaluable tools, the Aktex system that is linked to the Registrar of Deeds in Pretoria and a system linked to the Department of Land Affairs.

(b) Problems encountered with compiling Asset Register

The system linked to the Department of Land Affairs is not reliable in terms of being fully operational. The information on backlogs captured by the Land Affairs Department is not readily available. The Deeds Office does not recognise section 287(1) certificates issued by the MEC in terms of the Northern Province Land Administration Act.

(c) Remedial measures

In order to ensure uniformity of the type and quality of information captured on the asset register, a standard template has been introduced for use by all regions. This template is more detailed and information will be classified according to the type of property, district and municipality to which it belongs. It is anticipated that 80% of the work will be completed by the end of December 2001. There is proper supervision of regional staff in capturing property information on the asset register.

(d) Maintenance backlogs

* Background information

Insufficient emphasis was placed on the maintenance of State property and as a result too little funding was allocated for this purpose. This has resulted in serious deterioration of State infrastructure.

* Maintenance backlogs

It must be noted that the budget for preventative and maintenance activities is controlled by individual user departments, with the exception of government offices. Residential accommodation and road camps are administered by Public Works.

The Building Management Services Directorate of Public Works therefore serves as the project manager responsible for developing maintenance programs and for providing building advice to departments. It also protects departments in their dealings with external consultants and contractors. Preventative maintenance and rehabilitation have been classified into two components, namely social and economic components.

C. Findings—Gauteng

1. Report of Public Works and Management Services Branch of Department of Public Transport, Roads and Works for 2000-01

(a) Report Focus

* Poverty alleviation programmes
* Job Creation
* Maintenance Management of Provincial Fixed Assets and Properties Asset Management

* Provincial Asset Register
* Identification of properties that fall within the provincial ambit

(b) Vision of Department of Transport and Public Works

To establish an integrated transport system and a client-centred Public Works Service which satisfies the needs of the people, while supporting and facilitating social and economic growth and developing all the people of Gauteng.

(c) Mission of Department of Transport and Public Works

To promote accessibility, safety and affordable movement of people, goods and services and render efficient and cost-effective Public Works services in Gauteng.

(d) Departmental strategic priorities

* To sustain delivery for economic growth and development
* To target areas and groups for poverty alleviation, social and economic upliftment
* To maintain capital infrastructure investment for optimal resource utilisation
* To enhance financial accountability through budget control and elimination of fraud and corruption
* To secure alternative funding and resources for sustainability
* To develop mechanisms for communication, monitoring and feedback
* To implement institutional transformation through targeted programmes of affirmative action and human resource development.

2. Discussion on progress in areas of operation

(a) Department of Transport and Public Works Programmes

Professional Services
Maintenance and CBPWP
Management Services and Administration
Transport Infrastructure
Strategic Planning
Transportation Management

Two of the six programmes are transversal programmes (Management Services and Administration, and Strategic Planning). There are two programmes that fall under the Transport Branch (Transport Infrastructure and Transportation Management). The remaining two programmes fall under the Public Works Branch, and these will be the subject of this report, namely Professional Services and Maintenance, and CBPWP.

(b) Branch focus areas

In line with departmental strategic priorities, each of the two branches had to identify annual focus areas to fulfill the mandate of the department in relation to provincial government priorities for the current term of government. These are briefly outlined below:

* Review of Gauteng Public Works Operating Model

  To fundamentally challenge and transform the approach of the department towards the delivery of public works functions in order to deliver a cost-effective service to clients.

* Asset management

  To create an asset management, asset control, asset maintenance, asset utilisation and monitoring system for the province to ensure optimum utilisation of its fixed assets and sustained values.

* Maximisation of income

  To ensure the development of systems to maximise the income potential of the department through improved revenue collection mechanisms.

* Procurement reform

  To implement an affirmative procurement strategy to ensure SMME development and black economic empowerment within the framework of quality service delivery to the public of Gauteng Province.

* Economic reform

  To pro-actively intervene in training and development of small business units in the private sector. The department should guide them into the mainstream of the economy.

* Fraud awareness and anti-corruption drive

  There is a need to constantly develop and improve systems to ensure the early identification of fraud and corruption and putting in place measures to correct weak points or loopholes in systems or processes.

* Job creation

  To increase the job creation potential of the infrastructure delivery programmes of the department.

* Proposed model for department

This model is in line with financial management reform at national level. The Gauteng Department of Public Transport, Roads and Works has embarked on a process of developing a business model for the public works branch. This process is centred around the repositioning of the public works functions that improve the way it delivers services to various client departments.

The new business model will involve the creation of business units for maintenance services and professional services. It is envisaged that these should operate on commercial principles and a service fee basis. The department has already entered into service delivery agreements with the various client departments. The purpose of the service delivery agreements is to regulate service delivery and the relationship between the department and the various client departments in the province.

* Job creation programmes

The Cabinet Lekgotla of April 2001 mandated the Department of Public Transport, Roads and Works to concentrate on job creation. This entails developing a series of programmes aimed at increasing job creation potential through infrastructure delivery programmes.

* Human resources development

The department has, through the Ministerial and Members of Executive Council Committee (MINMEC) developed a template for skills development in the public works sphere.

* Provincial hostels

In 1999, four hostels were transferred from the Department of Housing to the Department of Public Transport, Roads and Works. These included George Goch, Denver, MBA and Wolhuter/Jeppe Hostels. There are a number of developments and challenges facing these hostels. A short-term intervention strategy was implemented during the 2000-01 financial year and this included the following three interventions:

— Forensic Audit of the management of the above-mentioned four hostels.

— Technical Audit to verify the extent of upgrading and renovation to be carried out in these hostels.

— Social status quo analysis to verify the number of people who are currently occupying these hostels.

The problems identified required the department to implement a combination of both medium and long-term strategies.

The medium-term strategy entails getting a property management company to take over the management responsibilities of the four hostels. This is aimed at minimising the financial risks to the provincial government.

* Community-Based Public Works Programme

The Gauteng CBPWP is a special programme for communities that want to do something for themselves. The programme involves conception, planning and construction of community infrastructure such as schools, multi-purpose centres, frail-care centres and workshops for the physically disabled.

3. Visit to Projects

(a) Chris Hani Baragwanath Hospital (CHBH)

The casualty and admission ward of CHBH was overcrowded. This is because most other provincial hospitals refer their patients to it unnecessarily. This hospital was not intended to be a full-time hospital but for recuperation. Some of the old wards are being renovated. The CHBH is the biggest hospital in the region and takes referrals from neighbouring countries and other provinces as well as community health centres.

At present the hospital has 2 200 beds, they would like to cut that down so that people can be treated at home or stay for shorter periods. Patients are received at one point whether critical or not, but this is about to change due to renovations that are taking place.

The hospital authorities established a partnership with the British government for funding. There are other partners operating in this hospital; for example, Witwatersrand University and Johnson & Johnson. If the condition of the hospital does not improve, it could lose partnerships like Witwatersrand University and will collapse.

There is no allocation for maintenance. It takes a long time before actual maintenance can be done. The hospital has been raising funds so that they could repair the floors, doors and walls of the hospital. When the department budgets for buildings, it does not budget for maintenance.

The renovation of the hospital has boosted the morale of the staff. They see that things are falling into place and want to give their best, even though they are short-staffed.

(b) Ennerdale Multi-Purpose Centre

This project is called the Khotso employment project. The South African Breweries has donated a brick-making machine to the centre. Training for making bricks is being provided on site. Prior to the establishment of the project, the community had approached NGOs and business for funding. The Department of Public Works built the main

structure of the centre. Spoornet provided dry and dividing walls. The project has been supported by government departments, parastatals and NGOs; workshops were conducted by the Departments of Public Works, Housing and Local Government.

The local council and the churches were also approached for assistance and they had done well in assisting the project. The church helped in smoothing race relations between communities living in Ennerdale. The project will render services such as HIV/AIDS counselling, gardening and selling cooked food.

(c) Community Hall in Palm Springs

The project provides training like leadership skills. The project is under Ipelegeng leadership. It has been running since April 2001. Ipelegeng pays R500 for rental. Church services are also conducted in the Hall. The Steering Committee is responsible for maintaining the hall. More rooms are needed for a library and offices. A problem the Steering Committee is faced with, is theft of electric boxes.

(d) Ikhwezilokusa Disability Home

The project started operating in 1994 in a small house. AngloVaal Limited erected some of the structures and renovated the home. The Public Works Department had allocated R1,5 million to the project. The Social Services Department had donated land to the project.

Fifty-two children are accommodated in this home. The administrator of the home is attempting to get 74 children with different disabilities. Children stay in the dormitories with care-givers. When a child reaches the age of 21, he or she is sent to another centre. Some of these children are taught subjects that are taught in the mainstream schools, as there are classrooms. This project is non-racial.

(e) Discussion at Pretoria Regional Offices

A CSIR team briefed the Committee on the Professional Services. This team is working on the Gauteng Facilities Management System (GFMS). They indicated that there is a need to endorse this system so that it can be used at national level to improve communication between departments. This system can be applied to the whole country. The system was developed in 1987 by the CSIR.

The GFMS is a computer system for management of public facilities and maintenance of assets. The system is based on the PRIMS 2000I web-enabled facilities and maintenance management system, developed by the CSIR and BMT for the public sector in South Africa.

(f) Objectives of GFMS

* Integrated and co-ordinated interdepartmental planning and management.

* Computerised fixed asset register, for which Gauteng carries the responsibility.
* Setting and allocating maintenance and operational budgets.
* Optimisation of operational and maintenance expenditure.
* Benchmarking.
* Management and control of property ownership, leasing and rentals.
* Optimum utilisation of facilities and resources.
* Increased transparency of and accessibility to property-related information.
* Improved interdepartmental communication.

(g) Benefits of GFMS PRIMS

* Operational

  A single integrated properties database for all departments with full life cycle management and up to date information on property for strategic and operational management

* Financial

  — Realistic annual departmental budgets, based on current estate requirements

  — Accurate budgeting for preventative, day- to-day, and backlog maintenance and operating budgets

  — Prioritization and scheduling of maintenance activities based on technical and financial considerations

  — Factoring for impact of cost of neglect.

(h) Pretoria Academic Hospital

* Population characteristics

  The catchment population of the Pretoria region is over seven million. The areas included in the Tshwane region are Hammanskraal, Ga-rankuwa, Winterveld, Mabopane, Bronkhorstspruit and Cullinan. Pretoria Academic Hospital also serves for referral from provinces such as Mpumalanga, North-west and the Northern Province. Internationally, it serves Malawi, the Democratic Republic of Congo, Angola, Zambia and Tanzania.

* Services offered by provincial tertiary hospital

  For efficient health care service delivery the Gauteng Strategic Plan has identified that the bulk of health problems be dealt with through the district health

system. Regional hospitals manage the majority of patients who need admission and specialist care.

Central/tertiary hospitals offer tertiary or super-specialist care, reserved for a small proportion of patients referred from other institutions within Gauteng and beyond, people who require technically complicated care. These facilities receive patients from and provide specialist support to a number of Regional Hospitals. This is mostly level III and IV care, requiring the services of expert clinicians working as super-specialists. As Pretoria Academic Hospital is a tertiary hospital, it is anticipated that there will be no chronic patient level beds. There is an indication that currently Primary Health Centres services are delivered at appropriate levels of care and Pretoria Academic Hospital is servicing the tertiary level and level 2.

* Condition assessment and suitability of the Old Pretoria Hospital

According to a CSIR Audit Report presented in 1996 only 65% of the buildings were in maintainable condition; the remainder was in need of upgrading or replacement. As for the suitability, the buildings had originally been built for different functions and the design and the fabric of the buildings did not lend itself to modern clinical protocols. The evidence of rust on iron in the older buildings is not conducive for environmentally sound health care.

The scattered facilities of the estate are extremely resource-intensive in terms of maintenance, energy requirements and staffing. Over a period of time buildings of all kinds have been inserted in the nearest available open space. As a result of the above, departments requiring expansion have not had the space to do so, and have added remote annexes. As a result, many departments which for management, quality control, staffing and economic reasons, ought to be self-contained, cohesive units, have been fragmented over time across the campus. This has resulted in the following duplication of services (at great running costs):

16 kitchens
10 intensive care units
12 out-patient departments
9 pharmacies
12 sterilising departments

Furthermore, without major capital investment the current buildings will contravene the legal requirements of the Occupational Health and Safety Act, thereby opening the Province to increased legal suites.

(i) New Pretoria Academic Hospital

* Planning of new hospital

Regular building maintenance was stopped with the decision to build a new Academic Hospital in 1982. The reason for this was to curtail fruitless expenditure and to maximise the funds available for the new hospital. As the H F Verwoerd Hospital was to have been sold off soon after the anticipated completion of the Academic Hospital in 1989, the lack of maintenance would not have had a significant impact. However, with the maintenance long overdue, the adverse effect of the backlog was beginning to manifest itself in various ways, to such an extent that it was costing increasingly more to rehabilitate, with an ever-increasing exponential effect.

The lack of maintenance was beginning to seriously compromise patient care at the existing hospital. The existing hospital had 1 058 beds. The CSIR commission, appointed by the Patriotic Health Forum in 1994, had recommended that the new structure be completed to accommodate 750 to 800 patients. A planning exercise recently undertaken by the Gauteng Department of Health revealed that, with the reduction of the number of beds and the consolidation of facilities in a new structure under one roof, operational budget rationalisation would be achieved.

* Construction of proposed new hospital

Due to the magnitude of the project and the Gauteng Board requirements, the construction programme had been phased in and the execution unbundled into various contracts. The planning of the academic hospital has been subjected to a review under the Gauteng Health Facility Strategic Plan, with a reduction of the number of beds to 777.

* Job Creation and Training

The total number of jobs created for all contracts from 1994, including D1 level, was 5 167.

(h) Roodeplaat Dam—Kubakhi Project

This project has been awarded to an emerging contractor. The project deals with the paving of the road that goes into the resort. The paving of the road started in May 2001, the entire dam project having been started in 1994. After five years, the project was opened to tender. There are seven companies contracted on this programme. The total cost of the project, including labour and material, was R3 million.

The labour consists of men and women and it is labour intensive. These workers are trained on the site for paving, project management, finance and quality control.

system. Regional hospitals manage the majority of patients who need admission and specialist care.

Central/tertiary hospitals offer tertiary or super-specialist care, reserved for a small proportion of patients referred from other institutions within Gauteng and beyond, people who require technically complicated care. These facilities receive patients from and provide specialist support to a number of Regional Hospitals. This is mostly level III and IV care, requiring the services of expert clinicians working as super-specialists. As Pretoria Academic Hospital is a tertiary hospital, it is anticipated that there will be no chronic patient level beds. There is an indication that currently Primary Health Centres services are delivered at appropriate levels of care and Pretoria Academic Hospital is servicing the tertiary level and level 2.

* Condition assessment and suitability of the Old Pretoria Hospital

According to a CSIR Audit Report presented in 1996 only 65% of the buildings were in maintainable condition; the remainder was in need of upgrading or replacement. As for the suitability, the buildings had originally been built for different functions and the design and the fabric of the buildings did not lend itself to modern clinical protocols. The evidence of rust on iron in the older buildings is not conducive for environmentally sound health care.

The scattered facilities of the estate are extremely resource-intensive in terms of maintenance, energy requirements and staffing. Over a period of time buildings of all kinds have been inserted in the nearest available open space. As a result of the above, departments requiring expansion have not had the space to do so, and have added remote annexes. As a result, many departments which for management, quality control, staffing and economic reasons, ought to be self-contained, cohesive units, have been fragmented over time across the campus. This has resulted in the following duplication of services (at great running costs):

16 kitchens
10 intensive care units
12 out-patient departments
9 pharmacies
12 sterilising departments

Furthermore, without major capital investment the current buildings will contravene the legal requirements of the Occupational Health and Safety Act, thereby opening the Province to increased legal suites.

(i) New Pretoria Academic Hospital

* Planning of new hospital

Regular building maintenance was stopped with the decision to build a new Academic Hospital in 1982. The reason for this was to curtail fruitless expenditure and to maximise the funds available for the new hospital. As the H F Verwoerd Hospital was to have been sold off soon after the anticipated completion of the Academic Hospital in 1989, the lack of maintenance would not have had a significant impact. However, with the maintenance long overdue, the adverse effect of the backlog was beginning to manifest itself in various ways, to such an extent that it was costing increasingly more to rehabilitate, with an ever-increasing exponential effect.

The lack of maintenance was beginning to seriously compromise patient care at the existing hospital. The existing hospital had 1 058 beds. The CSIR commission, appointed by the Patriotic Health Forum in 1994, had recommended that the new structure be completed to accommodate 750 to 800 patients. A planning exercise recently undertaken by the Gauteng Department of Health revealed that, with the reduction of the number of beds and the consolidation of facilities in a new structure under one roof, operational budget rationalisation would be achieved.

* Construction of proposed new hospital

Due to the magnitude of the project and the Gauteng Board requirements, the construction programme had been phased in and the execution unbundled into various contracts. The planning of the academic hospital has been subjected to a review under the Gauteng Health Facility Strategic Plan, with a reduction of the number of beds to 777.

* Job Creation and Training

The total number of jobs created for all contracts from 1994, including D1 level, was 5 167.

(h) Roodeplaat Dam—Kubakhi Project

This project has been awarded to an emerging contractor. The project deals with the paving of the road that goes into the resort. The paving of the road started in May 2001, the entire dam project having been started in 1994. After five years, the project was opened to tender. There are seven companies contracted on this programme. The total cost of the project, including labour and material, was R3 million.

The labour consists of men and women and it is labour intensive. These workers are trained on the site for paving, project management, finance and quality control.

D. Findings—North West

1. Meeting with MEC and PWD officials

The MEC for Public Works indicated that the province did not have an Asset Register. The Department only has a list of properties that are neither provincial nor national. The reason for this is that the list lacks some elements of an asset register. The process of compiling this list, was done in consultation with the national Department. Evaluation has been done on the housing component, since this had been a problematic area. The problem of State houses was inherited from the previous homeland government.

There were no recordings made and information gathered on these properties. A decision had been taken to sell properties not needed. The value would be market-related. Priority would be given to current occupants. There was an increasing need to evaluate all government functional assets and couple them with maintenance allocations.

Regarding roads, the Department launched the "Roads 2000" programme. This programme incorporated CBPWP models. The programme was allocated R150 million for projects. The 31 projects have employed approximately 1 500 people.

The road between Ventersdorp and Lichtenburg was completed, which had employed 120 people from the local community. This was a labour-intensive project. A bridge that joined two communities, had been built. The programme this year focused on roads, bridges and the upgrading of educational facilities. The second major focus will be on health, and R40 million has been allocated for clinics. Tenders will be issued at the end of August 2001. Clinics that are targeted, are in the rural areas.

The Department experienced problems with the client departments and budget administration. Communication needed to be improved between ministries so that projects could be implemented speedily. There were payment delays, but this has been partially resolved. The expedition of payments lies with constructors, and the Department verifies payments. The Treasury misdirected funds, and the feeling of the Department was that funds should be functionally based.

The Department was under pressure to outsource some services. However, this had to be done, considering the provisions of the Labour Relations Act, in consultation with staff. It should be noted that outsourcing did not lead to budget decreases only, but could also increase the budget.

The R8 million budget for the CBPWP did not address the problem of maintenance backlogs. The NPWP has been financing the CBPWP to a tune of R20 million and this at least increased the impact of delivery. This allocation was geared mostly towarts community gardens and parks which did not have much impact on the basic needs of the community. The poverty alleviation programmes must be line-functional, and the Department of Agriculture should get an allocation for poverty alleviation.

The Department of Public Works had a budget of R17 million divided between itself and the Department of Agriculture, with the latter getting R9 million. This problem needed to be addressed since it hindered the Department to deliver optimally.

A project that has been problematic, was the Zamile Clinic in Winterveldt. This project was never finalised. The contractor was removed but was recalled due to support from the community. The structure of the clinic was completed, but is now used as a gymnasium and hair salon. The contractor claimed that he was never paid properly, which the Department denied. The contracting company (New Generation) was owned by local councillors, including Colleen Chauke. This company subcontracted the whole project and never paid the subcontractor. The clinic was being rehabilitated.

2. ***Visit to projects***

(a) Montshiwa Clinic

The building of the clinic was awarded to a woman contractor who had recently laid the foundation of the clinic. The Department of Health will supply the clinic equipment. The line department is responsible for payment of the construction. A possible delay might be experienced due to late payment, since workers do not report to work if not paid, as were the case when the delegation visited the clinic.

(b) Lonely Park School

The school project consists of 10 classrooms. There will be two additional classrooms and a staff room, and the school will be supplied with running water and electricity. The project started three months ago, and was to be finished by the end of August 2001. No women labour was employed on this project, since they were to be employed to wash windows and clean floors once the project was completed. Employees were paid R3,00 per hour. The cleaning contract was scheduled to run for six months.

The foundation of the school structure was cracking, as it had been built too fast. This could endanger pupils' lives, and the delegation suggested that the solution would be to redo the project with clear specifications from the Department. The contractor building the school was Mugabe Construction Company, who employed foreigners. The owner of the company was from Zimbabwe.

(c) Bodibe Clinic

The community and health workers initiated this project. The clinic is new and it covers dental services, comprehensive care and maternity. There are five professional nurses who serve the clinic. The clinic will be handed to the community in September. Health care will now be accessible to the people—previously they had to walk long distances on very bad roads. The community built the clinic

together with an emerging contractor. The Committee was delighted to see this clinic.

(d) Bophelong Hospital

The Bophelong Hospital is being renovated and maintained by the provincial Department of Public Works. The reception area and eight wards have been renovated. The Intensive Care Unit has been upgraded, and new equipment has been installed. There are four new and functional theatres. The hospital has electrical back-up in case of a power failure. It services approximately 5 000 local people, as well as referrals from district hospitals and community health centres.

Airconditioning in the theatre is uncontrollable—ranges from very hot to very cold. The roof of the theatre shows defects, which may lead to infections. There is also evidence of water leaks in this section. Water leaks outside the hospital are very bad and need urgent attention. The doors of the wards and theatres are built from a light type of wood, often breaks. Panel heating and other heaters have never worked, not since installation.

Hospital authorities indicated that they have reported this to the Department but that no acknowledgement has been received. Maintenance is a serious problem, and if not attended to, will have huge financial and health and safety implications. The Chief Director promised to give special attention to these problems.

(e) Doctors' Houses in Old Vryburg Hospital

This project started in February 2001. The houses were built for foreign doctors, and the project was to be completed by end of July 2001. Unfortunately, there were a number of problems, some of which were in connection with the specification of the buildings and the subcontracting of the project. Rain and late supply of material caused further delays. The contractor was an emerging subcontractor.

Little maintenance has been done on the old houses. The new houses are substandard. The beneficiaries were not consulted in the design phase, although their rent was paid R2 000 per month.

The hospital is very old. Some of the equipment needs to be replaced. The ceiling is collapsing, the taps are dripping and water is leaking from the roof. Some renovation is, however taking place.

(f) Ganyesa Tong Comprehensive School

The total number of new classrooms amounted to 12, thereby totalling 24 classrooms. The school has built two additional classrooms as part of the projects. During the last seven years, pupils used to share classrooms and teachers taught on a "first come, first served" basis. Each classroom now has a ratio of 1:45.

The school fee is R100 per year, with an additional R50 for security guards. The community has been intensively involved in building the school, having built three classrooms. The school is equipped with computer, science and typing laboratories. The computers are connected to the Internet.

(g) Temoso Special School (Ganyesa)

The school was completed in three months and handed over on 21 July 2001. The school accommodates physically and mentally disabled children. The school does not accommodate children who are over 20 years old. There are 47 children and seven teachers. The Department of Education pays the teachers.

Most of the parents are also physically and/or mentally handicapped and have no income to pay school fees. The school operates on a grant received from the government. It also provides a feeding scheme.

(h) Mogwase Testing Station

Construction on Mogwase Testing Station started in January 2001, and was completed in June 2001. It included paving and the marking out of parking lots. The total cost for the construction was R3,535 million. The contract was awarded to a joint venture between black and white contractors.

The testing station will test all vehicles, with the exception of motorcycles. Officials are waiting for the IT section to install computer cabling. The testing station is properly accredited. Prior to its construction, people had to travel to Rustenburg for testing.

It was alleged that women were not involved in the construction because the work was "too heavy" for them. The Committee disputed this, stating that women had been involved in all kinds of construction, and that the allegation was just an excuse to discriminate against women.

(i) Rabokala District

The community and the local government authority initiated beehives and market stores. The cost of the project was R1,032 million. Building started in May 2001 and were to be completed in August 2001. The contractor employs 35 people, including women. Women from the previously disadvantaged community do the plumbing for the project. The project is impressive and appears to be a case of money well spent.

(j) Moretele District

The Committee was shown a newly built access road that leads to the main road. Initially there was no road and people had to go through the bush, making them vulnerable to criminals. The road construction cost R1,75 million. The work force included youth and women. Taxis and buses can now ferry people to where they could not go before.

The other new road leads to the graveyard. A fence has also been erected around the graveyard as part of the project.

(k) Mabopane Testing Centre

The old Mabopane Testing Station is being revamped. The construction of the testing station has been awarded to a black contractor. The testing station will be used to test vehicles and buses as well as to issuing drivers' licences. The building contract included paving and parking lots. Twenty-eight people were employed on the project.

The cost of the project was R1,6 million, which included consultancy fees. Female students were trained on site.

The Department of Public Works helped the contractors by arranging loans for them from the African Bank in order to buy equipment.

E. Findings—KwaZulu-Natal

1. Meeting with MEC for Public Works

On 26 July 2001, Rev C J Mthethwa, the MEC for Public Works, addressed the delegation. Rev Mthethwa mentioned that a co-operation agreement had been entered into between the national Department of Public Works and provincial departments of public works. According to the agreement, the role of the provincial department was to facilitate, co-ordinate, monitor and evaluate Community Based Public Works Programmes and to alleviate poverty.

The CBPWPs were meant to be joint ventures between the national and provincial departments of Public Works and district Municipalities. He highlighted that municipalities were receiving funds directly from the national Public Works Department. He pointed out that this was a problem as the national Department took short-cuts by overlooking provincial departments and going straight to district municipalities.

This procedure tended to be expensive, as consultants were involved, while the provincial department had skilled personnel. The funds that were used to hire consultants, could have been utilised for other programmes.

2. Visits to Projects

(a) Zululand District Municipality

Mashona Taxi Rank has been partially completed. The total project budget was R1,165 million. Construction of new welfare offices and housing amounting to R14,196 million were yet completed.

The Nkonjeni Cluster Project was composed of a market centre and Nkonjeni hall. Both projects have been completed, R1,008 million being spent on the market centre and R565 910 on the hall.

Nyokeni Cluster (The Royal Household) is yet to be completed. The project includes mechanical maintenance, retro-active hatching of IsiGodlo, providing new catering facilities, repairing the main house, building an access road, landscaping, a sports field upgrading and water supply. The total project budget is R2,3 million.

(b) Mkhanyakude District Municipality

The provincial public works department maintained the Cape Vidal access road to the value of R9,5 million. The road is in the St Lucia Wetland, which was proclaimed a World Heritage Site.

The 24-hour Zamimpilo Market Stalls, valued at R1 million, were erected.

(c) Uthungulu District Council

Dondotha Community Light Industry	R 589 843
Dondotha Arts and Crafts Market Stalls	R 218 318
Dondotha Primary School	R 439 915
Dondotha Taxi Rank	R1 545 774
Port Durnford Project, comprising:	
Electricity Supply	R 225 495
Multi-Purpose Community Centre	R 527 248
Créche construction	R 306 653
Sport field facilities	R1 534 632
Skills Training Centre	R 353 000
Fencing	R 431 989

(d) Inkosi Albert Luthuli Hospital

The delegation visited the hospital on 28 July. It was previously known as the New Durban Academic Hospital.

The total upgrading value is R719 million. The hospital is located in Cato Manor on a site bounded by Bellair Road, Edwin Swales Drive and the N2 Outer Ring Road.

E. Findings—Mpumalanga

1. Visits to Projects

The delegation conducted an assessment of community-based projects and visited areas that were ravaged by floods that occurred between February and March 2000.

(a) Nkomazi Region

Tonga Taxi Rank was still under construction. The value of the project amounted to R894 341. Actual progress was at 95% and the amount spent on community labour was R73 230. A total of 33 persons was employed, consisting of 26 youths, one disabled person and 18 women.

(b) Mbuzini Access Road

Phase 1 of the project, valued at R15,1 million, had been completed. 302 jobs were created, while 252 persons

received training. Phase 2 was valued at R25 million and would create 364 jobs, consisting of 62 men, 91 women and 211 youths.

(c) Mbangwane multi-purpose centre

The project, valued at R1,7 million was completed. Jobs created amounted to 47, while nine people had been trained. As part of this project, people were manufacturing burglar bars and furniture, while tourism classes, baking and related activities were conducted in conjunction with the Department of Labour.

(d) Siboswa Taxi Rank

The project, valued at R600 000, was completed, while 26 jobs were created and 24 persons were trained.

(e) Chuene Poultry Farm and Community Garden

In total, R569 181 had been spent on this project, while R39 150 had been spent on community labour. A total of 11 persons were employed, consisting of five youth and six women. The project has about 2 000 chickens.

R340 424 was spent on the Chuene Community Garden. R27 650 was spent on community labour, while 20 jobs were created, consisting of seven youths, one disabled person and 11 women.

(f) Shabalala Cluster

The project entailed gardening and market stalls, and was valued at R1,48 million. A total number of 104 jobs were created, consisting of 39 men, 49 women, 15 youths and one disabled person.

In addition to the visited community-based projects, the delegation decided to do an inspection on roads and bridges ravaged by the floods of February and March 2000.

* Ngodini bridge was under construction and would be completed around November 2001.
* Khumbula bridge (valued at R4,9 million) was under construction and would be completed at the end of October 2001.
* Ndludluma bridge (R2,4 milliom) was being constructed and would be completed in early September 2001.
* Numbi access road was being constructed at a cost of R20 million. R18 889 had been spent on community labour, while 21 jobs had been created, consisting of four youths, one disabled person and 21 women.

G. Findings—Eastern Cape

1. Visit to Alfred Nzo District Municipality

The delegation was informed that 38 projects had been completed since 1 June 2001.

(a) Progress with financial administration

The district municipality was in the process of transferring all retention monies to a district municipal account so that the funds could be spent.

(b) Progress with implementation

All projects have been completed. The 30% local labour and 50% women employment was not achieved, since this requirement was officially introduced later during the implementation phase of the programme.

(c) Social impact

The total number of new jobs amounted to 2 355, of which 41% were women and 30% youths.

The delegation also visited the Pakade and Ku-bha Projects. The latter entailed a taxi rank, parking and an access road, market stalls, a community hall and a child care centre, while the Pakade Project entailed water infrastructure, a taxi rank, a market stall and a health centre and community hall.

2. ***Visit to Chris Hani District Municipality***

(a) Ntabethemba—Rockland Irrigation Scheme, Access Roads	R308 683
(b) Tentergate Irrigation Scheme	R138 982
(c) Bolotwa Access Road and Irrigation Scheme	R960 376
(d) Ilinge Multi-purpose Hall	R623 504

The total number of jobs created in respect of these projects was 476.

H. Findings— Free State

Visits to projects

(a) National District Hospital

The orthopaedic section was renovated. Renovation started on 14 June 2001 and were to be completed by February 2002. Fifteen men and three women were employed.

However, maintenance programmes were not in place and a backlog existed on the infrastructure side. Between R30 million and R40 million would be needed to complete full renovation.

(b) Pelonomi Hospital

The hospital raised its own funds to upgrade water pipes in a public/private partnership. The tower block building has been vacant for five years, due to a lack of funds to proceed with reconstruction. R65 million was required for reconstruction.

The hospital faced numerous problems. Insufficient funds caused delays in completing renovations, a lack of security resulted in losses (non-waterproofed toilets and poor quality extractor fans being some of the examples).

(c) Botshabelo Multi-purpose Community Centre

The Department of Public Works handed over the centre to the community five years ago. It also maintained the centre, which serves over 300 000 people. A number of departments, including Labour, Social Welfare and the GCIS use the facility. The ANC constituency office is located in the centre.

The project is a partnership between South African Breweries and the national Department of Public Works. Funds are generated from registration fees and the leasing of the satellite college. The building is also used as a computer training centre, a centre for the disabled, a library, a bakery and a surgery.

The management of the centre intends introducing more computers, but this is impossible at present because of a lack of security. The computer training centre teaches computer skills and offers a course in communication. Examinations are written every six months. The centre is linked to Bloemfontein College.

The bakery is not functional due to equipment that is not in working condition. The delegation was surprised to hear that there is only one person responsible for cleaning the centre.

(d) Clean Green Project

This project is a partnership between the Department of Public Works and South African Breweries. Thirty-six people are employed in this community project which has benefitted 8 000 households. The IDT is successfully playing a facilitating role.

(e) Ratlau Créche Zone 1

The Créche is under construction, 25 men being employed. Unspecified financial problems were experienced during construction, but progress was made.

(f) Thaba Nchu Military Camp

The land used to be owned by the Moroka Family. The buildings were occupied by the military. The camp can accommodate ninety persons.

The buildings are currently vacant as new tenants have not been identified. They are under military guard. The community hall can accommodate 1 000 persons.

Representatives from Thaba Nchu Technical College had appealed to the Department of Public Works to approve their tender to occupy the camp. A college representative said the building could accommodate students from the merged Bloemfontein Technikon and Tlaga College.

The MEC, Mr Malebo, said that the decision on who should occupy the buildings would be revisited and welcomed a short briefing from college representatives.

(g) Namahali Multipurpose Centre

The Departments of Welfare, Health, Minerals and Energy and Home Affairs rendered services at the offices. The renovated building was officially opened on 29 November 2000. The Department of Public Works assisted with funding while the National Parliament assisted with the actual construction.

A machine to generate application forms for births and death certificates had arrived recently but is not yet in use. The centre was also awaiting installation of telephones and other facilities by Telkom. A manager will be employed and Public Works will co-ordinate the operation of the centre.

The centre was very cold especially when it snowed.

Applications for births and deaths certificates were processed manually. As a result production was very slow. Lack of resources has affected the provision of services. The centre is experiencing pressure from Phuthaditshaba residents who visit in large numbers. There is also a need for partitioning to create offices. R30 000 was required for this work. Furthermore, the attitudes of officials who came late for work and took early lunch breaks needed to be addressed.

(h) Namahali Bridge briefing

The bridge had to be split for large pipes to be fitted. Sixty jobs were created during this operation. The main contractor is a developing contractor. The Department of Public Works held workshops to assist with the tendering process. But, the problem of "fronting" needed to be addressed.

(i) Flooded Areas

Public Works was the lead department in dealing with construction in damaged areas, including roads. In November 2001, R34 million was received from the National Parliament to cover areas affected by the floods.

(j) Naledi Thukulata Bridge

The project of R230 000 was community based and labour intensive, but people and cars were still unable to cross the bridge when it rained.

(k) Elizabeth Ross Hospital

The hospital was very old and in need of renovation. Mr J Mofokeng is the contractor for the renovation project. Thirty-three men and 8 women were employed. The maternity ward and parking area were also under construction. The project started in June 2001 and will be completed before June 2002.

Problems facing the hospital included cracks in the main building and poor electric power supply. The solution was to renovate the entire building.

(l) Ntsoanantsatsi Créche

The créche was completed in 1999 and was handed over to the

community by the Minister of Communications, Ms Matsepe-Cassaburri. Eskom donated toys to the créche. The créche catered for children between the ages of 5 and 6. The cost of fencing amounted to R64 000. The centre runs a toy library. Other créches in the area have access to it.

People who participated in completing the project have not been paid, resulting in a loss of confidence in the Department. Toilets for adults were installed instead of toilets for pre-school kids.

(m) Maluti bus service

The Free State government took the initiative and established a public/private partnership. Sixty tenders were received, including Maluti. The Department of Arts and Culture own 60% of the operation, while the Free State Development Corporation, the former Maluti Company, owns 40%. Currently, the Maluti Bus Service runs 35 new buses and they have been operating since 2000.

104 people were employed while services were rendered at an affordable cost. Clients now pay less than before for services. Maluti has a bus specially made for the disabled. It accommodates eight wheelchairs with two safety belts. It has an electric wheelchair lifter and is equipped with TV and Radio. The costs for transforming the special bus were below R40 000.

The company intended to expand services on certain days like Tuesdays, Wednesdays and Saturdays to areas such as Qwaqwa.

(n) Reitz Petsana créche

The project started in March 2000 and twenty-four women and five males were employed. The building had to be redesigned, as the material for the roof was too expensive. The Department of Public Works took over the project and is now at the roof phase. The target date for completion is 1 October 2001 after which it will be handed over to the community.

However, R100 000 had been misused—the case was referred to the authorities. Due to mismanagement, delays were experienced in this project, while it should have been completed in 1998. Funds were apparaently transferred into a person's private account and were only later transferred into the community's account. The Public Works department was now responsible for the monitoring of funds. Documents that could support the investigation were still missing. A member of the standing committee was said to be withholding these documents.

I. Findings—Northern Cape

1. Meeting with Members of Standing Committee on Public Works and Transport

The delegation met with members of the standing committee and the Head of the Department of Public Works, Mrs P Mokhali.

(a) Findings

* The Department of Public Works and the Department of Transport were brought together into one portfolio.
* A few government buildings falling under Public Works were rented from the private sector.
* Market rental for buildings in Kimberly is R28 per square metre, but government is paying up to R40,00 per square metre.
* The Department of Public works decided to purchase buildings, as it was too expensive to rent.
* The department tried to make all government buildings accessible to the disabled. Private sector buildings were not yet accessible.
* Government offices are spread throughout the city, which at times makes it difficult for public access.
* In 1999, R69 million was received from the government for a new complex. The site was chosen to link the township with the city. Sixty persons are employed. Murray & Roberts and the MC Builders Forum are involved in the construction, and it will be completed in 2002.
* R12 million has been received to upgrade roads.

(b) Problems/Challenges

* The problems facing the province include a lack of a vibrant private sector.
* There is a shortage of young skilled professionals. The Premier has offered funds for people to apply for training finance.
* Delays in service delivery.
* Non-existence of facilities for the disabled.

2. ***Visits to Projects***

(a) Galeshewe Street Paving Project—Ext. 5

A total of 120 jobs were created, mainly for women. The Department of Public Works was striving to sustain the project and is in the process of raising funds.

The reason for using paving bricks was because it was easy to remove and replace them in case of damage. The paved road was more feasible than a tarred road as its construction was more labour intensive.

Two of the major problems faced by the project was that bricks were stolen and a general lack of security.

(b) Galeshewe Cleaning Project

This is an ongoing project that created 80 jobs for 50 women youth and 30 male youth. Part of the project was to

encourage residents to keep the area clean. Waste is taken 10 km away from town.

(c) Provincial Legislature Building

The project began in August 2001 and will be finalised at the end of August 2002. The building will be used as the Provincial Legislature and offices for the Premier and Ministers.

A total of 33 jobs were created with 33% women and 60% men. Murray & Roberts and the Northern Cape Builders formed a joint venture for the contract. The whole structure costs R69 million and the first phase costs R16 million.

Skills are developed as members of the community are selected to learn new skills. Sheltered parking facilities will form part of the complex.

(d) Kimberley Hospital (R5 000 000)

The hospital is 30 years old, with its façade built 18 years ago. It was formerly divided into White and Black sections with far more facilities in the White section.

The hospital is 400 km from Bloemfontein and provides secondary and tertiary healthcare services. The hospital has four main functions, viz. a medical clinic, gynaecology, orthopedriatic and surgery. The hospital serves 300 to 400 patients per day.

The main phase of construction is intended to upgrade the theatre for outpatients. Eleven emerging contractors will be contracted for a number of different functions. The construction will include building a security gate at the entrance that used to be the black section, upgrading the gyno and surgery areas and new waiting rooms.

Construction on the front part of the hospital started in April 2001 and will be finished in September 2001. Already, ramps have been flattened to accommodate the disabled and the casualty ward was painted, the floors and ceiling were renovated and doors were fitted.

(e) Mocwaledi Primary School (R6,5 million)

The school is situated 1 km from the North West border and serves children from across the border. The school has ramps at every door entrance to accommodate the disabled. Overall, the entire school is accessible for the disabled, as it has no stairs and all the classes are on the ground level. The windows have rolling blinds with burglar bars. A fence surrounds the very well cared for facility.

(f) Warrenton Access Road (R500 000)

The Municipality of Warrenton requested funds from the

Department of Public Works for this paving project. The completed paved road is less than 1 km long, but created more than 50 employment opportunities.

(g) Mosaipoa Créche

The créche uses an old building with row classes. The kitchen and staff room are in the middle of the row of classes to avoid noise from one class being transmitted to others. Parents pay a monthly fee of R80,00 per child, but the creche receives no support from government.

(h) Breipaal Créche—Douglas

When the créche was handed over to the community there was no one to manage it, but teachers from the community volunteered to assist with management.

Still, there is a lack of expertise and training among the volunteers. The Department of Public Works assisted with some funding, but otherwise the créche depended entirely on donations. Businesses were not willing to make donations and when the project co-ordinators request funding they were referred to the new government.

(i) Prieska Access Road—Siyathemba Municipality (R380 000)

This road project suffered from delays due to poor planning. However, contractors such as Stuart & Co were co-opted by Max plan to execute the project. The District Council and the Provincial Government supplied machines. Max plan and members of the community have been drivers of the project since 2001. It is expected that the project could be completed at the end of September 2001 if water tanks and pipes were provided timeously. The project is very labour intensive.

(j) Prieska Youth Centre

The building used to be an old age residence and is now being renovated. The Department of Public Works provided R50 000 and the municipality also provided R50 000. The centre has spent R70 000 and R30 000 is still available from Public Works. One of the rooms will be used for computer training. Members of the community felt the need need to create a multi-purpose centre as the building was deserted.

Still, some problems existed. The plastic floor tiles needed to be replaced and there was a lack of funds to formally hand over the project to the community. The centre is well looked after by members of the community, especially those who stay near the centre.

(k) Oasis School in Upington

In 1994 women from Upington established a woman's forum comprised of retired teachers and physiotherapists. The project is aimed at mentally and physically disabled

encourage residents to keep the area clean. Waste is taken 10 km away from town.

(c) Provincial Legislature Building

The project began in August 2001 and will be finalised at the end of August 2002. The building will be used as the Provincial Legislature and offices for the Premier and Ministers.

A total of 33 jobs were created with 33% women and 60% men. Murray & Roberts and the Northern Cape Builders formed a joint venture for the contract. The whole structure costs R69 million and the first phase costs R16 million.

Skills are developed as members of the community are selected to learn new skills. Sheltered parking facilities will form part of the complex.

(d) Kimberley Hospital (R5 000 000)

The hospital is 30 years old, with its façade built 18 years ago. It was formerly divided into White and Black sections with far more facilities in the White section.

The hospital is 400 km from Bloemfontein and provides secondary and tertiary healthcare services. The hospital has four main functions, viz. a medical clinic, gynaecology, orthopedriatic and surgery. The hospital serves 300 to 400 patients per day.

The main phase of construction is intended to upgrade the theatre for outpatients. Eleven emerging contractors will be contracted for a number of different functions. The construction will include building a security gate at the entrance that used to be the black section, upgrading the gyno and surgery areas and new waiting rooms.

Construction on the front part of the hospital started in April 2001 and will be finished in September 2001. Already, ramps have been flattened to accommodate the disabled and the casualty ward was painted, the floors and ceiling were renovated and doors were fitted.

(e) Mocwaledi Primary School (R6,5 million)

The school is situated 1 km from the North West border and serves children from across the border. The school has ramps at every door entrance to accommodate the disabled. Overall, the entire school is accessible for the disabled, as it has no stairs and all the classes are on the ground level. The windows have rolling blinds with burglar bars. A fence surrounds the very well cared for facility.

(f) Warrenton Access Road (R500 000)

The Municipality of Warrenton requested funds from the

Department of Public Works for this paving project. The completed paved road is less than 1 km long, but created more than 50 employment opportunities.

(g) Mosaipoa Créche

The créche uses an old building with row classes. The kitchen and staff room are in the middle of the row of classes to avoid noise from one class being transmitted to others. Parents pay a monthly fee of R80,00 per child, but the creche receives no support from government.

(h) Breipaal Créche—Douglas

When the créche was handed over to the community there was no one to manage it, but teachers from the community volunteered to assist with management.

Still, there is a lack of expertise and training among the volunteers. The Department of Public Works assisted with some funding, but otherwise the créche depended entirely on donations. Businesses were not willing to make donations and when the project co-ordinators request funding they were referred to the new government.

(i) Prieska Access Road—Siyathemba Municipality (R380 000)

This road project suffered from delays due to poor planning. However, contractors such as Stuart & Co were co-opted by Max plan to execute the project. The District Council and the Provincial Government supplied machines. Max plan and members of the community have been drivers of the project since 2001. It is expected that the project could be completed at the end of September 2001 if water tanks and pipes were provided timeously. The project is very labour intensive.

(j) Prieska Youth Centre

The building used to be an old age residence and is now being renovated. The Department of Public Works provided R50 000 and the municipality also provided R50 000. The centre has spent R70 000 and R30 000 is still available from Public Works. One of the rooms will be used for computer training. Members of the community felt the need need to create a multi-purpose centre as the building was deserted.

Still, some problems existed. The plastic floor tiles needed to be replaced and there was a lack of funds to formally hand over the project to the community. The centre is well looked after by members of the community, especially those who stay near the centre.

(k) Oasis School in Upington

In 1994 women from Upington established a woman's forum comprised of retired teachers and physiotherapists. The project is aimed at mentally and physically disabled

students. In 1999, a lease was signed with Public Works. Students are taught to make bangles, hats and woodwork articles. They are also taught to care for animals.

Although the centre accommodates students from the ages of 13 to 20 there are other people who want to join but accommodation is a problem. There is also a need for a hall to accommodate youth activities.

The school is the only one for disabled persons in the area, the nearest other school is in Kimberley, almost 400 km away.

The school faces a number of problems. These include:

* Squatters on the land do not want to be part of the development forum.
* The only means of income is the R60 school fee and R60 transport fee.
* Business plans were submitted to the Department of Public Works in February 2001. A reply is still awaited.
* Transport costs are prohibitively high.
* Only one toilet is available for 30 people.
* Poor electricity supply.
* The building needed fencing.
* A shortage of wheelchairs and a shortage of beds for massages as students spend long hours in the wheelchairs.

(l) Marcus Mbeta Sindela Centre

The Department of Public Works contributed R6,8 million to this centre for juvenile delinquents. It houses 38 children between the ages of 14 and 15, mostly from the Springbok, De Aar and Upington areas The Department of Education leased the building from the Department of Public Works and provided three permanent teachers, funds and resources.

Some of the problems experienced include children having to travel in police vans to attend workshops or training; a special education curriculum was needed as the children often lost interest in basic education; the children come from abnormal family situations; peer pressure existed as some of the kids came from the same community or gang; only one social worker was provided for the whole centre.

(m) Pella Access Road (R10 million)

The road is still under construction.

(n) Lungile Bakery Project

The building used to be owned by the Department of Education. After it became vacant it was converted into a bakery and handed over in 1998. The initial project cost was R44 000. A further R50 000 was received and an amount of R36 000 is available. The contractor was from Upington and labour came from the community.

The project will officially be opened in August 2001 with 20 employees. The only other bakery is 6 km away from town. However, a major problem is being experienced with poor electric power supply.

(o) Springbok Youth Centre

The project has not been formally handed over. Namakwa Station wants to make use of the centre as a broadcasting station. Public Works intended to give the building to radio stations but this is still being negotiated. The centre was previously utilized until the community stopped using it because of the distance involved. The centre has fitted pine cupboards, counters and a geyser.

However, the centre is very far from the community, it has been vandalized and there is no fencing or security personnel.

J. Findings—Western Cape

1. Visits to Public Works properties

(a) Somerset Hospital

The north block of the building had been partially renovated. Maintenance costs amounted to R10 million.

(b) Wingfield Naval base

Public Works maintained the stores area.

(c) De Novo Rehabilitation Centre

The centre catered for adults on a property spanning 192 hectares. It is a fully funded institution and draws clients from as far as the Northern Cape.

(d) Bloekombos School

The department owned 360 hectares of the property. The school had nine classes that accommodate 150 students. The maintenance costs over a period of 3 months amounted to R150 000. There is, however, a shortage of accommodation.

(e) Wallacedene—Kraaifontein

The site consists of informal settlements. Four secondary schools are to be built in the area.

(f) Kuilsriver Technikon

The Technikon has 100 staff members.

(g) College Of Education

The hostels at the college can accommodate 600 students.

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The hostels at the college can accommodate 600 students.

(h) Mfuleni Village

There are 3 hectares available to build a primary school and 2 hectares for a secondary school.

(i) Khayelitsha opposite Site C

People from Khayelitsha and Site C are illegally occupying the land. The matter has been over to the police for further investigation.

(j) Mandalay High School

The total cost to build the school amounted to R1,8 million. It took 12 months to complete the school.

(k) Kwakufa Lower Primary School—Crossroads

There are 1 184 pupils in the school that accommodates pupils from grade 1 to grade 7. One teacher is responsible for 48 pupils instead of 40 in a class. There is a security door gate at the school and the playground is inside the building.

A number of problems were evident. The school was built on a small site, there were only 24 classrooms and the building has no passages. Furthermore, classrooms on the second floor are warm in summer and very cold in winter. The classrooms are not waterproof and as a result some cannot be used during rainy season. The building has cracks.

A complaint has been submitted to the contractors but they felt the problems were not their responsibility but that of the Department of Public Works.

(l) Ottery Youth Care Centre

There was no clarity on the ownership of the centre and a lack of maintenance was evident.

(m) Porter School

The property spanned 1 418 hectares and the school accommodated 250 children. The school provided rehabilitation courses and discipline training over a period of three months. It has three hostels that need upgrading. The Department of Education in the Western Cape, Public Works Property Management, and the Department of Correctional Services play an important role in the success of the school.

However, there is no security in the school and upgrading will cost about R1 million.

2. ***Meeting with Head of provincial Public Works Department***

Mr Peters, the Head of the department presented the department's structure and vision. He also stated that the department aimed to provide a full in-house service through co-operation with stakeholders and that partial outsourcing of functions had occurred. The following other issues were also highlighted:

(a) Considerable vandalism occurred in Public Works properties and it was unclear whether pupils or members of the community committed the acts. The communities were encouraged to look after their schools.

(b) Many Public Works properties were vacant. The Department was trying to ensure that these properties are occupied in order to prevent vandalism.

(c) Other properties were not yet registered as there was confusion between the municipality and Public Works on the ownership.

(d) The province was faced with maintenance backlogs due to inefficient funds and it was incapable of raising funds to complete certain projects.

(e) In 1996, maintenance costs to lifts in Groote Schuur Hospital amounted to R6 million.

(f) In 2000, R19 million was granted for maintenance. In 2001, R69 million was granted for maintenance services. The 2002 maintenance budget fell to zero.

(g) The E-works programme will assist the department to calculate the amount to be budgeted for maintenance in the next financial year. The system will provide the exact location of the project and the time frame within which the project will be completed. The system was in the development stage.

(h) The department was busy with a Management Information System (MIS). The project will be completed within six months and will be accessible to other provinces.

(i) The Western Cape had 16 000 state properties. The Asset Register was 99% complete, but delays were experienced in registering properties due to unclear procedures. It will take six to eight months to receive the certificates of the registered properties.

(j) The department had also introduced GIS to collate information on registered properties.

(k) The Department needed about R320 million to R340 million a year to maintain buildings without addressing the backlogs. The department should receive 2 to 3% more than what is currently the case for maintenance.

3. ***Discussions with Standing Committee on Public Works***

The Chairperson, Mr D Silke (DA), welcomed everyone present and members introduced themselves. The Standing Committee covered the following portfolios: Economic Affairs, Transport, Agriculture and Public Works.

The Committee delegation informed the Standing Committee about its tour around Public Works properties in the province, and in particular, its expectation that it would also have visited rural areas. The Head of Department explained that there had

been a misunderstanding about the exact areas to be visited. As a result rural areas did not form part of the programme.

The delegation felt that the province has not done enough to empower Blacks and the disabled as part of job creation. It was the opinion of the delegation that community involvment in projects was non-existent. The standing committee promised to follow up on the issues raised.

The delegation was impressed with the department's ability to provide financial statements on a monthly basis and holding weekly meetings to give updates and progress reports.

Ms Mqulwana proposed that the standing committee organise an intensive follow up visit to rural areas with members of the Department. This was agreed to.

The delegation was surprised by the excessive backlogs the Department had inherited. The standing committee informed the delegation that the reasons for the backlogs were mainly historic.

The chairperson informed the delegation that he had just joined the Committee and promised to share any information before the next Annual Report. He confessed that the committee has not done enough since it had not been involved with departmental projects.

The delegation was informed that the standing committee had to perform an excessive amount of work with only a few members. The committee was experiencing serious difficulties in coping with its oversight function.

The question of community-based projects was unclear to members of the committee as the delegation had to explain what it meant and also gave examples from other provinces, including the involvement of youth in these projects. The standing committee mentioned that these community-based projects were not new but because there were regular changes in provincial ministries, development was affected.

Ms Sekgobela mentioned that a report would be made available to the standing committee as soon as it became available.

K. Recommendations

1. Northern Province

(a) The Departments of Transport and Defence must resolve the issue of maintenance of the Getaway Airport road in Pietersburg. This road should be handed over to the NPRA for repairs as it has been budgeted for.

(b) R700 million should be allocated to the province in order to address the repair backlogs for roads and bridges damaged by floods.

2. ***Gauteng***

The allocation of funds to Chris Hani Baragwanath Hospital, compared to other hospitals, was not justifiable since it served a large number of patients. The Department of Health should attend to this matter.

3. ***North West***

(a) The Department of Public Works (Regional Office) in North West should do in loco inspections before a project starts and after the completion of that project. Examples included the Lonely Park School and Bophelong Hospital.

(b) The province should justify the discrepancy between money allocated to contractors and project results.

(c) A follow up visit to the North West province must be undertaken.

4. ***KwaZulu-Natal, Eastern Cape and Mpumalanga***

(a) The Committee must develop a mechanism to revisiting projects that were built in previous years.

(b) Continuous discussions with the Standing Committee, Provincial Department, District Councils and general public must be encouraged.

(c) Mechanisms must be developed for projects to become self-sustaining.

(d) Contractors who were at fault for not completing projects should be fined.

(e) Public properties and buildings must be accessible to disabled persons.

(f) Co-ordination and management of projects should be intensified in terms of skills development and departmental exchanges should be encouraged.

(g) Medium and long-term programmes for the sustainability and expansion of projects should be integrated into training.

(h) Main contractors should be monitored so that they could fulfil their obligations.

(i) The employment conditions of workers at main and subcontractor level must be monitored to ensure adherence to applicable standards.

(j) Employment conditions must be based on government policies.

5. ***Free State***

(a) Government structures needed to improve their service delivery.

(b) Mr Lekoro, Control Works Inspector from Reitz Petsana was mandated to submit a report on the progress of the investigation to the Head of the Department.

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6. Northern Cape

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(b) Financial support was needed from government.

(c) Mr Norter, Consulting Engineer in Prieska, was requested to train members of the community so that when contracts ended, they would have skills.

(d) Officials from the Department of Public Works should assist with community training.

7. Western Cape

The Committee wishes to investigate whether any funding was allocated by National Parliament to assist the province with CBPW programmes.

8. General recommendations for national Department of Public Works and provincial Departments of Public Works

(a) The National Department of Public Works should consider adopting the Gauteng Facilities Management System (GFMS) for assessing and maintaining state properties.

(b) The provinces should copy the CBPWP model of the Gauteng province.

(c) The National Department of Public Works should assist provinces in terms of standardisation and management of projects.

No 34—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

TUESDAY, 4 JUNE 2002

1. The House met at 14:00.

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

3. [14:01] Notices of motion.

4. [14:16] The Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes with deep regret and sadness the sudden death of the former captain of the Protea cricket team, Hansie Cronjé, on Saturday, 1 June 2002;

   (2) notes that—

      (a) Hansie was a born and an inspirational leader who served South African cricket for many years;

      (b) he was willing to accept responsibility for mistakes made by him;

      (c) throughout his career he was committed to transformation of cricket in South Africa, a fact that many young South Africans from all walks of life will bear witness to;

   (3) conveys its sincere condolences to his family in their sad bereavement.

   Agreed to.

5. The Deputy Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes that the recent elections in Lesotho were universally acclaimed by election monitors to be free and fair;

   (2) further notes that the opposition has declared its dissatisfaction with the results and that there is a threat of unrest as a result; and

   (3) urges all parties to accept the election results and to use democratic processes to further their political aspirations.

   Agreed to.

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   (3) urges all parties to accept the election results and to use democratic processes to further their political aspirations.

   Agreed to.

6. Mr D H M Gibson moved without notice: That the House—

(1) congratulates Bafana Bafana on earning their first point in the 2002 Soccer World Cup in South Korea;

(2) notes with appreciation their determined fight back from a two-goal deficit to draw the match; and

(3) commends the African teams for the encouraging results some of them have produced in the opening matches and looks forward to greater successes as the tournament proceeds.

Agreed to.

7. The Chief Whip of the Majority Party moved without notice: That the House congratulates the soccer team of Senegal on their victory over France in the opening match of the Soccer World Cup tournament.

Agreed to.

8. FIRST ORDER [14:20]

Debate on Vote No 16—Health, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

Debate concluded.

9. SECOND ORDER [16:52]

Debate on Vote No 20—Correctional Services, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

Debate concluded.

10. The House adjourned at 19:17.

S MFENYANA,

Secretary to Parliament.

No 13—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL COUNCIL OF PROVINCES

TUESDAY, 4 JUNE 2002

1. The Council met at 14:04.
2. The Deputy Chairperson of Committees took the Chair and requested members to observe a moment of silence for prayers or meditation.
3. [14:05] Notices of motion.
4. [14:09] Mr N M Raju moved without notice: That the Council—

   (1) notes with sadness—

      (a) that our nation is mourning; and

      (b) the tragic death of Hansie Cronjé, one of our Republic's greatest sporting icons in a flying accident during the weekend, has left our nation stunned and devastated;

   (2) is of the opinion that, although he was a fallen hero as he was embroiled some two years ago in match-fixing scandals with Indian bookmakers, no-one can deny that he was one of South Africa's finest cricket captains, dedicated, disciplined and devoted, who brought us joy and pride, throughout the cricket stadiums of the world, whenever he led the Proteas to many victories—he was the ultimate professional;

   (3) joins the Cronjé family and friends in sharing the grief and sorrow in this tragic loss;

   (4) is of the view that the death of Hansie Cronjé has all the trappings of a Greek tragedy; and

   (5) is reminded of the final words of Sydney Carton in Charles Dickens' ***A Tale of Two Cities*** before being led to the gallows to be executed by the guillotine:

      It is a far from better thing that I do than I have ever done.
      It is a far far better place that I go to than I have ever gone.

   Hamba Kahle, Hansie!

   Motion agreed to in accordance with section 65 of the Constitution.

5. [14:12] Mr A E van Niekerk moved without notice: That the Council—

(1) notes—

(a) that the centennial commemoration of the Anglo-Boer War ended in Bloemfontein last Saturday;

(b) certain similarities between this freedom struggle and the freedom struggle which led to the democracy South Africa is experiencing, as the following questions confronted both groups:

(i) What price were they willing to pay for political independence?

(ii) When must one move from war to negotiation?

(iii) How must one proceed to build a nation after the defeat or victory?

(c) that in 1902 the Afrikaners viewed their language as an instrument to become a nation once again and that this recipe for success is still applicable to Afrikaans speakers today, but also to the speakers of all the other indigenous languages; and

(2) strives for the maintenance and expansion of these languages, as contained in the South African Constitution.

Motion agreed to in accordance with section 65 of the Constitution.

6. [14:13] Ms M P Themba moved without notice: That the Council—

(1) notes and applauds the good performance of African countries in the Korea/Japan 2002 Fifa World Cup Tournament;

(2) further notes that their performance confirms the view that this is Africa's century to prosper economically, socially and culturally;

(3) commends Bafana Bafana, Senegal, Cameroon and Nigeria for their performances in the tournament; and

(4) calls upon these countries to continue the outstanding performance and bring the gold back home.

Motion agreed to in accordance with section 65 of the Constitution.

7. [14:14] Mr K D S Durr moved without notice: That the Council—

(1) notes the top quality award, based upon the number of motor vehicles exported to the USA, made by JD Power of the United States—the global marketing information services firm—to BMW South Africa;

(2) further notes that—

(a) included in the Europe section, the BMW Rosslyn plant beat all German rivals, including BMW's Bavarian plant and the DaimlerChrysler factory at Sindelfingen in Germany;

(b) the Rosslyn plant came second out of 10 plants that received awards and was beaten only by the Toyota Tahara Japan plant which builds the luxury Lexus cars; and

(c) the award is regarded by many as the industry benchmark for new vehicle quality;

(3) acknowledges that this is an extraordinary achievement of which South African motor manufacturers and exporters can be proud;

(4) agrees with BMW SA MD, Ian Robertson, that "not only has BMW SA been recognised as building the best quality cars in Europe, but our record also has comprehensively beaten major car manufacturing plants throughout the world"; and

(5) congratulates BMW on this high achievement as the award shows South African exporters can make it in the global economy.

Motion agreed to in accordance with section 65 of the Constitution.

8. [14:15] Ms J N Vilakazi moved without notice: That the Council—

(1) notes the efforts of the IFP leader, Dr M G Buthelezi, and the sociologist, Ms Fatima Meer, in respect of the establishment of an Afro-Indian Institute to deal with the unhappy relations between the two biggest population groups in KwaZulu-Natal;

(2) further notes that Dr Buthelezi has committed himself to ensuring that the dialogue between the two groups broadly represents the full spectrum of all stakeholders in the province;

(3) believes that this is a tentative, yet positive step towards the attainment of a lasting and just peace in KwaZulu-Natal; and

(4) commends Dr Buthelezi and Ms Fatima Meer for their efforts as they will go a long way towards restoring the faith of the people in the province and in their ability to solve problems through dialogue and negotiations.

Motion agreed to in accordance with section 65 of the Constitution.

9. [14:17] Statement on the train disaster in Mozambique.

Debate concluded.

The Chief Whip of the Council moved without notice: That the Council—

(1) expresses its sympathy and condolences for the loss of life and damage to property caused by the tragic railway accident on 26 May 2002 in Tenga, Maputo Province, in the south of Mozambique, in which more than one hundred lives were lost and about three hundred people injured;

(2) is fully cognisant of the economic difficulties already faced by Mozambique, a country that is just emerging from a prolonged civil war and which is still recovering from the devastating floods two years ago;

(3) recognises that Mozambique is shouldering the major part of the burden in dealing with the current tragic disaster, but that the magnitude of devastation and damage is far beyond the means and abilities of Mozambique alone to rectify;

(4) notes with appreciation the swift response of the government of South Africa, through its Ministers and government agencies, and of non-governmental organisations and other donors who threw their weight behind the relief efforts;

(5) expresses its gratitude to the officials of the Departments of Provincial and Local Government and of Foreign Affairs who have facilitated the delivery of consignments of gloves, surgical knives, surgical clothes, anaesthetics, syringes, bandages and drugs for Mozambique;

(6) also expresses its gratitude to the private healthcare company Netcare and other unnamed private donors for their unwavering support in the relief efforts and to Southern Airlink, who agreed to transport medical equipment free of charge;

(7) expresses its solidarity with the government and people of Mozambique in facing this complex disaster situation; and

(8) supports the call made by Mozambican health authorities for the donation of medical equipment such as surgical blades, surgical clothes, sterile gloves, urine collect bags, kramer splints and anaesthetic drugs amongst others.

Motion agreed to in accordance with section 65 of the Constitution.

10. FIRST ORDER [14:30]

Policy debate on Budget Vote No 6: Public Works, ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

Debate concluded.

11. SECOND ORDER [16:47]

Consideration of ***Land and Agricultural Development Bank Bill*** [B 12B—2002] (National Assembly—sec 75) and of Report of Select Committee on Land and Environmental Affairs thereon (Announcements, Tablings and Committee Reports, 27 May 2002, p 471).

Debate concluded.

Bill agreed to in accordance with section 75 of the Constitution.

12. The Council adjourned at 17:56.

S MFENYANA,

Secretary to Parliament.

No 69—2002] FOURTH SESSION, SECOND PARLIAMENT

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

TUESDAY, 4 JUNE 2002

ANNOUNCEMENTS:

National Council of Provinces:

1. The Chairperson:

   (1) Bill passed by National Council of Provinces on 4 June 2002: To be submitted to President of the Republic for assent:

      (i) ***Land and Agricultural Development Bank Bill*** [B 12B—2002] (National Assembly—sec 75).

2. The Chairperson:

   The following papers have been tabled and are now referred to the relevant committees as mentioned below:

   (1) **The following papers are referred to the Select Committee on Public Services:**

      (a) The Business Plan of the National Department of Transport for 2002-2003.

      (b) Together pushing back the Frontiers of Poverty—Laying Tomorrow's Development.

   (2) **The following papers are referred to the Select Committee on Social Services, the Select Committee on Security and Constitutional Affairs and the Joint Monitoring Committee on the Improvement of Quality of Life and Status of Children, Youth and Disabled Persons for consideration and report. The committees must confer, the Select Committee on Social Services to report:**

      (a) The Convention on Protection of Children and Co-operation in respect of Inter-Country Adoption, tabled in terms of section 231(2) of the Constitution, 1996.

      (b) Explanatory Memorandum to the Agreement.

(c) Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, tabled in terms of section 231(2) of the Constitution, 1996.

(d) Explanatory Memorandun to the Agreements.

TABLINGS:

National Assembly and National Council of Provinces:

Papers:

1. The Minister of Labour:

(a) Annual Report and Financial Statements of the Compensation Commissioner for 1999-2000 [RP 208-2001].

(b) Annual Report and Financial Statements of the National Skills Fund for 2000-2001, including the Report of the Auditor-General on the Financial Statements for 2000-2001.

National Assembly:

Papers:

1. The Speaker:

(a) A review of South Africa's National Anti-Corruption Agencies, Public Service Commission [RP 216-2001].

(b) Ethics Survey for 2001—Ethics in Practice, Public Service Commission.

COMMITTEE REPORTS:

National Assembly:

1. Report of the Portfolio Committee on Communications on the ***Electronic Communications and Transactions Bill*** [B 8—2002] (National Assembly—sec 75), dated 3 June 2002:

> The Portfolio Committee on Communications, having considered the subject of the ***Electronic Communications and Transactions Bill*** [B 8—2002] (National Assembly—sec 75), referred to it and classified by the Joint Tagging Mechanism as a section 75 Bill, reports the Bill with amendments [B 8A—2002].
>
> The Committee recommends further that, notwithstanding the amendments to the Bill, the South African Law Commission continue the work it was originally mandated to perform.

Report to be considered.

No 35—2002] FOURTH SESSION, SECOND PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

WEDNESDAY, 5 JUNE 2002

1. The House met at 14:01.

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

3. FIRST ORDER [14:02]

   Debate on Vote No 8—National Treasury [Intelligence], ***Appropriation Bill*** [B 4—2002] (National Assembly—sec 77).

   Debate concluded.

4. [15:34] Question to Minister for Provincial and Local Government (standing over from Wednesday, 22 May 2002) and Questions on Cluster 3: Economics.

5. [17:36] Notices of motion.

6. [17:51] The Deputy Chief Whip of the Majority Party moved without notice: That the House—

   (1) notes that today, 5 June 2002, is World Environment Day;

   (2) further notes that our Constitution guarantees everyone the right—

   "(a) to an environment that is not harmful to their health or well-being; and

   (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that—

   (i) prevent pollution and ecological degradation;

   (ii) promote conservation; and

   (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development";

   (3) pledges to ensure that these constitutional provisions are implemented and to ensure that future generations inherit a clean, viable and sustainable world.

Agreed to.

7. The House adjourned at 17:52.

S MFENYANA,

Secretary to Parliament.

PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

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OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

WEDNESDAY, 5 JUNE 2002

ANNOUNCEMENTS:

National Council of Provinces:

1. The Chairperson:

   (1) The Minister of Finance submitted the ***Wetsontwerp op Finansiële Advies- en Tussengangersdienste*** [W 52—2001] (National Assembly—sec 75) to the Speaker and the Chairperson on 5 June 2002. This is the official translation of the ***Financial Advisory and Intermediary Services Bill*** [B 52—2001] (National Assembly—sec 75), which was introduced in the National Assembly by the Minister on 29 August 2001.

TABLINGS:

National Council of Provinces:

Papers:

1. The Chairperson:

   Request received from the Minister for the Public Service and Administration for parliamentary approval for retention of service beyond the age of 65 in terms of the Public Service Act, 1994 (Proclamation 103 of 1994).

   Request referred to the Select Committee on Local Government and Administration, the committee to confer with the Select Committee on Economic and Foreign Affairs. The Select Committee on Local Government and Administration to report by 24 June 2002.

   Copies of the correspondence are available from the Clerk of Papers.

2. The Chairperson:

   First Report of the Working Group on the African Union

   A. Introduction

   The Working Group was established on 16 November 2001 by a resolution

of the National Council of Provinces. The primary focus of the Working Group was to consider the implementation of the Constitutive Act of the African Union

B. Composition of the Working Group

The following Members were appointed to the Working Group:

Ms G N M Pandor (Chairperson)
Mr M L Mushwana
Mr M E Surty
Mr M A Sulliman
Ms J N Vilakazi
Ms C-S Botha
Mr P A Matthee

C. Objectives of the Working Group

The brief of the Working Group is to:

* Consider Parliament's participation in the implementation of the Constitutive Act of the African Union and suggest appropriate procedural mechanisms for this.

* Determine the involvement of Parliament in assisting the South African Government in the process of implementation of the African Union.

D. Meetings of the Working Group

The working group met on 19 February 2002 and on 3 June 2002. Individual Members of the Working Group also attended meetings of the National Assembly Working Group on the African Union, as well as the two seminars on the African Union that were held at Parliament.

E: Recommendations

The working group considered the following instruments: The Constitutive Act of AU; the protocol establishing the Pan-African Parliament, the protocol establishing the African Court of Justice and the South African Constitution. The comments below arise from comments and discussions within the working group.

These instruments were analysed against the established principles of Public International law. They were weighed against the South African Constitution as dictated to by section 234, which stipulates:

> In order to deepen the culture of democracy established by the Constitution, Parliament may adopt Charters of Rights consistent with the provisions of the Constitution.

Section 233:

> When interpreting any legislation, every court must prefer any reasonable interpretation of the legislation that is consistent with international law to any alternative interpretation that is inconsistent with international law.

And lastly section 232, which provides:

> Customary international law is law in the Republic unless it is inconsistent with the Constitution or an Act of Parliament.

For comparison the UN Charter and the Statute of International Court were also analysed.

In the case of the PAP and the African Court of Justice, perhaps there may still be an opportunity to raise the issues if our comments are found valid and reservations may still be entered (registered) during the time of signing, in the event that the points can no longer be canvassed with other countries or blocs with which South Africa has a good relationship.

I. Constitutive Act of the AU:

* The language of the Act is not gender sensitive/gender neutral (e.g. references to Chairman)

* The Report of the Select Committee on Foreign Affairs highlighted the following:

  * Possible contradictions between provisions in the Act (e.g. provisions regarding accelerating political and socio-economic integration, provisions relating to a common defence policy; provisions relating to right of intervention in member States

  * Possible infringement of sovereignty of States

We recognise the significance of the Constitutive Act being adopted by the Heads of State and the framework which it sets in place. But having regard to the developments that have already occurred on the continent between countries and within regions, it is important for the following to be noted:

* The Act makes reference to accelerating political and socio-economic integration. Questions arise as to what will happen to the existing agreements that South Africa has entered into. Are these going to fall away? How are they going to be part of the existing framework? Parliament may need to assist in this process by examining the existing agreements and by recommending areas for review or further action. Consideration should be given to providing resources for Parliament to conduct such a review.

* The Act makes reference to a common defence policy without giving any guidance as to what this may mean. Furthermore, important principles that have informed South Africa's current policy on defence matters, such as the promotion of peace, the encouragement of conflict resolution, and so forth, are not highlighted sufficiently.

* There seems to be a possibility of overlapping of the powers of the Assembly with those of the Executive Council. These need to be unravelled as this might lead to duplication.

* The provision dealing with the appointment of the judiciary needs tightening up as at the end there is a random picking of those to retire first: Is it not possible to tie these to some competence, if only to maintain a balance between the need for rotation on one side and building of retention and transfer of skills within the judiciary on the other. The matter of removal from office will be dealt with when dealing with the African Court of Justice (ACJ).

II. Protocol to the Treaty Establishing the African Economic Community relating to the Pan-African Parliament

* Article 5(4)*(d)*: The definition of what would constitute "misconduct" should be clearly defined in the Rules of Procedure of the PAP as the rules of debate of some African countries reflect basically four different systems in Africa, viz French, West-Minster, Arabic, Constitutionalism (RSA).