

DRAFT 1 (11 MAY 2006)

**Report of the Committee on Provincial and Local Government on Budget
Vote 5: Provincial and Local Government, Dated 1 May 2006.**

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

A. INTRODUCTION

1. The budget review of the Ministry and Department of Provincial and Local Government (dplg) was undertaken on 13 March 2006 and the budget review of the statutory bodies accountable to the Portfolio Committee was undertaken on 14 and 15 March 2006.
2. The budget briefings also served to acquaint the Portfolio Committee with the plans, programmes and projects of the Ministry and Department of Provincial and Local Government.

B. PARTICIPANTS IN THE BUDGET HEARINGS

1. Those who appeared before the Committee included a delegation from the Department of Provincial and Local Government, Director-General Ms L Msengana-Ndlela; Deputy Directors-General Mr E Africa, Mr P Flusk, Ms T Mketi, Ms S Makotoko, Mr D Powell, Ms L Molapo; Chief Directors Mr M Rangata, Mr O Cupido, Mr L Williams, Ms L Graham, Ms Z Ngcobo, Ms F Zangca, Ms M Jacobs, Mr N Jack, Mr T Fosi, Ms V Mafoko, Ms J Morulane, Mr L Twaku, Mr O Nzimande and Chief Financial Officer Mr C Clerihew.
2. The South African Local Government Association (SALGA) was represented by CEO Ms M Khoza, Cllr C Johnson, Mr S Wasa and Mr K Mullagie. The Municipal Demarcation Board (MDB) was represented by Dr V Mlokoti and Mr H Monare. The National House of Traditional Leaders was represented by Inkosi M Mzimela, Inkosi M Mthethwa, Kgosi S Suping, Prince Z Makaula, Mr Z Matebese, Mr M Ntsanwisi, Mr S Khandidlela, Mr A Sithole and Mr T Shikwandana. The Local Government Sector Education and Training Authority (LGSETA) was represented by Mr S Maloka, Mr M Sebezo, Mr S Mofokeng, Ms J Davies and Mr E Mnyakeng. The Municipal Infrastructure Investment Unit (MIU) was represented by Ms B Magugumela and Ms J Lesoane. The Commission for the Protection and Promotion of the Rights of Cultural, Religious and Linguistic Communities (CRL Commission) was represented by Dr W Langeveldt, Dr M Guma, Mr H Gouvelis, Mrs M Bethlehem, Mr B Mgcina, Mrs M Soni-Amin and Mrs P Madiba.

C. STRATEGIC PLAN AND OVERVIEW OF THE BUDGET

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C. STRATEGIC PLAN AND OVERVIEW OF THE BUDGET

1. The Director-General for Provincial and Local Government, Ms L Msingana-Ndlela, commended the Committee and other stakeholders on

the successful local government elections held on 1 March 2006. She revealed that the March elections saw an increase in the national average of voter participation and therefore reflected that the public is optimistic and expected government to deliver on its mandate, particularly at local level.

2. In terms of the local government review and the strategic direction for the next term of local government, the Director-General emphasized that the purpose is to assess the main lessons from the first term of local government in order to achieve a viable and consolidated local government system in the second term. She identified the key challenges for this first term as poor capacity and inadequate accountable systems.
3. In this regard, the department identified three strategic priorities:
 - Mainstreaming support to local government to improve municipal governance, performance and accountability.
 - Addressing structure and governance arrangements of the state to strengthen, support and monitor local government.
 - Refining and strengthening the policy, regulatory and fiscal environment for local government.
4. The Director-General explained that local government will receive R92 billion over the MTEF period, of which R82 billion will be allocated to municipalities through the DPLG Budget and the remainder through national departments of Transport, Minerals and Energy, Water Affairs and Forestry and National Treasury.
5. She further explained that funds have been set aside for improving skills and systems in municipalities and that municipalities will receive allocation from the Capacity Building Grant, to the value of R600 million for the next three years. In addition, R73 million has been set aside for the implementation of Project Consolidate and the deployment of expertise.
6. The Director-General pointed out that over the 2006/07 MTEF period, an amount of R35.7 billion will be transferred directly to municipalities through the Local Government Equitable Share in order to place municipalities in a better position to fund the provision of Free Basic Services and Sustainable Development.
7. The Municipal Infrastructure Grant will receive an additional increase of about R21.4 billion to be used for infrastructure development and maintenance. This amount includes R1.2 billion for eradication of the bucket sanitation system. Metro and District municipalities will also receive an additional amount of about R24 billion to perform their mandate and improve service delivery. These funds, the Director-General explained, will replace the RSC levies previously collected from employees and the business sector.
8. In her presentation, the Director-General emphasized the importance of spreading growth to the poor through favourable conditions for economic development. She revealed that data from CSIR reflected that of the 52 district and metropolitan areas, the economies of 13 municipalities grew

consistently above the national average over an 8-year period from 1995-2003.

9. The Director-General pointed out that in 2005 all affected provinces were able to pass provincial-specific legislation as required by the Traditional Leadership Framework Act of 2003. An amount of R68.2 million has been set aside as a contribution for promotion of the institution of traditional leadership of which R26 million will be transferred to the National House of Traditional Leaders, R22 million to the Commission on Disputes and Claims and R18 million within the DPLG Budget. The Commission for the Protection and Promotion of the Rights of Cultural, Religious and Linguistic Communities will receive R43.3 million over the same period.
10. In her conclusion she noted that the Budget of R82 billion within the DPLG over the MTEF period represents a financial commitment and contribution to improve performance at provincial and local government.
11. The Committee welcomes the greater clarity, coherence and focus of the department's strategic plan. However, the Committee is concerned about the capacity within the department, and wanted to know whether the department is in itself capacitated to undertake what they seek to achieve in the next term of local government.
12. The Committee was further concerned about the continued under-spending by provinces and wants the department to play an active and robust role to guard against this pattern and to further give guidance with respect to infrastructure roll-out.

D. ADMINISTRATION

1. Expenditure on this branch grows significantly right into the MTEF period. The increase of 19.6% in support services is due to the following:
 - Increases in the management structure of the office of the DG and the full funding of the DDG posts for monitoring and evaluation and the Chief Financial Officer.
 - The increase in the total establishment necessitated an increase in the provision for telecommunications and others.
 - Activation of the Chief Directorate position to provide an advisory and coordinator service to the department.
 - The function of property management has been transferred to all national departments.
2. The increase in the outer years of the MTEF is 3.4% and 5.3% respectively.
3. The branch has two clear strategic objectives:
 - To monitor performance, evaluate service delivery and communicate development.
 - To strengthen the DPLG organizational capacity and capability.
4. Achievements for this branch includes:

- 2004/05 annual reports finalized and presented on time.
- Analysis of year to date strategic progress.
- Review of monitoring and evaluation strategies finalized.
- Communication strategy approved, rolled-out to key stakeholders and Project Consolidate municipalities.
- HRD strategy developed and approved.

E. GOVERNANCE, POLICY AND REASEARCH

1. There is a considerable increase on the total Budget of this branch for 2006/07 compared to the one for 2005/06 financial year (R29 287 - R24 041). This expenditure increase continues into the MTEF period). The expected growth in funding is mainly due to increased commitments in intergovernmental and international relations.
2. The department explained that a number of municipalities had completed their draft IDPs and that this was part of an ongoing process to ensure that all municipalities had IDPs by the end of July 2006.
3. When challenged by the Committee about the possible dangers of the two-tier system of local governance with regard to the differentiated yet complementary functions of district and local municipalities, the department explained that it would not challenge the fundamentals of the two-tier system, but would seek to strengthen the original concept as all types of municipalities were regarded as on par to each other regardless of the perceived view to the contrary. However, the department emphasized the need for greater clarity on the roles of district and local municipalities.
4. The department emphasized that it views provinces as very critical in the overall programme of support for and work with local government. The department would, in time undertake to review the current state of provinces to evaluate their ability to provide the necessary support to local government. In this view, all national and provincial departments would then need to indicate in concrete terms, how they would lend support to municipalities.
5. The Committee expressed its support for the programmes of the department, but felt that performance indicators in most IDPs are not kept static so that they guide municipalities that did not have the necessary capacity. Moreover, the Committee wants the department to set standards in respect of the signing of Performance Agreements for Municipal Managers.
6. The Committee in its assessment found it difficult to appreciate clear alignment of targets from national, provincial and local government in respect of IDPs, PGDS and NSDP.
7. The Committee was concerned about the continued prominence of consultancy-led processes of drafting IDPs.

F. URBAN AND RURAL DEVELOPMENT

1. The total Budget of this branch for the 2006/07 is R10 729 billion and the total Budget for the MTEF period will be R33.853 billion with a yearly increase of 9.8% over the 2006 MTEF, reaching R11.844 billion in 2008/09.
2. The programme has a predominantly co-coordinating, monitoring and evaluation role and the Budget split over the MTEF period reflected this – 70% of the yearly Budget is for operational costs and 30% for programme implementation. The ISRDP programmes have a marginally higher allocation, in line with the larger number of rural districts (13) to be serviced.
3. Achievements for this branch includes:
 - Enhancing nodal capacity and capabilities
 - Tailoring ISRDP and URP initiatives towards addressing the challenges of the second economy
 - Communicating and market ISRDP and URP across the spheres.
4. Key strategic priorities for 2006/07 financial year are as follows:
 - All nodal areas will be assisted to realize their economic potential and to improve the active participation of nodal communities in the economic growth sectors of the country.
 - Community Investment Programme in the former Bohlabela Node: Bushbuckridge and Maruleng local municipalities.
 - Strengthen Project Management and M&E Technical Support to the nodes.
 - Preliminary Impact Assessments in 2 urban and 2 rural nodes.
 - Assessment of impact of Cross-Boundary changes on current nodes.
 - Strengthen communication of the programme with an emphasis on beneficiary communities.
5. The Committee acknowledged the need for additional development nodes, however, the department should provide clear details about the work, status and the progress made within the current nodes.

G. SYSTEMS AND CAPACITY BUILDING

1. The Budget for this branch has increased from R91.1 million to R109.8 million in 2006/07, with an annual average increase of about 21.7%. The biggest increase is being absorbed by Project Consolidate.
2. There is a greater focus on Performance Management and achieving better institutional development, including addressing governance, anti-corruption and financial viability.
3. The department declared that there is a general increase in the remuneration of councillors and that an amount of about R200 million has been made available for this 2006/07 financial year.

4. Strategic achievement include the following:
 - Realigning provincial boundaries.
 - Phased implementation of the Property Rates Act – developed first set of Regulations and monitoring Framework.
 - Implemented anti-corruption strategy in selected municipalities in line with Project Consolidate.
 - Approval of the new Councillor Remuneration framework.
 - Local Government Employees Bill drafted.
 - Launched the Local Government Leadership Academy by 31 March 2006.

5. Strategic priorities include the following:
 - To finalise the Local Government Laws Amendments Bill with a view to have it submitted to Parliament during 2007/08.
 - Review the division of powers and functions between category B and C municipalities.
 - Enforcing a more effective performance management system in local government.
 - Finalising a local government competency framework by July 2006 (which will include improving the regulatory environment).

6. The Committee wanted specific reports made available to it in order to determine progress and results around Projects Consolidate.

7. The Committee commended the department on their efforts to deal with the weaknesses and challenges faced by local government. However, the Committee feels that lack of progress reports about the work done around Project Consolidate makes it difficult to assess the project's status.

8. The Committee believes that the current work of the department puts more emphasis on national and local government, but places lesser focus on provincial government as it is the sphere faced with under-spending. This is also in light that provinces are also positioned to assist local government in developing both infrastructure and capacity to delivery services.

H. FREE BASIC SERVICES AND INFRASTRUCTURE

1. Expenditure in this Branch has increased to an annual average increase of 49.2%. The increase is due to government's commitment to:
 - Wipe out the backlogs and achieve the targets by 2013.
 - Increase the roll-out of FBS to those people who have access to this new infrastructure and;
 - Contribute jobs consistent with the EPWP Guidelines for 2006/07.

2. Progress and achievements include the following:
 - Draft policy framework on public participation has been developed and circulated for comment.
 - Research of the CDW Programme has been completed and report is now available for circulation.

- 3000 CDWs have been recruited and will be deployed in municipalities in the next financial year.
 - Of 5 517 090 Indigents/poor households, 3 919 402 (71%) with infrastructure have access to Free Basic Water.
 - Of the 5 517 090 Indigents/poor households, 2 901 134 (52%) with infrastructure have access to Free Basic Electricity.
 - A national total of 184 municipalities have indigent registers.
 - A total of 94 Project Consolidate municipalities have functional Indigent registers.
3. While the Committee acknowledged and appreciated the work done by this branch, the Committee was however, worried about the apparent lack of compliance by some municipalities in compiling indigent registers. The Committee wants the department to establish whether this is a case of lack of capacity or simply lack of compliance with S78.
 4. The Committee reiterates its position of support for additional development nodes however, believes that the focus should also be on challenges facing cities and other urban areas.

I. SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION (SALGA)

1. SALGA's Budget for the 2005/06 financial year amounted to R161 934 000.00. SALGA derives revenue mainly from membership levies paid to it by municipalities. The percentage distribution of the budgeted income was as follows:

• Membership fees	-	49%
• Donor funding	-	33%
• Grants from DPLG	-	11%
• Sponsorship	-	0.4%
• Others	-	0.6%
2. The CEO of SALGA explained that they received a qualified audit opinion from the Auditor-General for 2005/06 financial year, however, reported that efforts are currently being employed to formulate a comprehensive plan to turn the disclaimer of the audit opinion around.
3. The CEO of SALGA, Dr Makhosi Khoza reported that SALGA was previously 100% reliant on government funding but currently the DPLG only accounts for 11% of its income. SALGA further explained that the fact that they are listed as a Schedule 3A public entity makes it difficult to become self-sufficient.
4. SALGA reported that general attendance in IGR structures has been observed and relations with stakeholders have generally improved with exceptions.
5. SALGA advised the Committee that the Extension of Security of Tenure Act does not favour the poor and needs to be re-looked at seriously to reduce evictions.

6. SALGA acknowledged that GDW's had undergone accredited training and had been deployed within wards, although no significant progress has been made to absorb CDW's in municipalities.
7. SALGA mentioned that the twinning agreements have been entered into where municipalities were partnered together to share knowledge and expertise. Where one municipality had an overabundance of capacity, such capacity would be used in another to cover shortfalls.
8. Dr Khoza noted that the role of SALGA needed to be further clarified. In terms of the Constitution, SALGA was supposed to be a representative body. However, in practice, it was maintaining municipalities. SALGA is not supposed to monitor and oversee municipalities; rather it should focus on promoting and protecting the interests of local municipalities.
9. The Committee expressed its concern about the increasingly high number of Acting Municipal Managers and wants SALGA to detail a report on this at a later stage.
10. The Committee feels that SALGA makes representation without addressing issues that were raised and did not sufficiently address some of the issues that were raised by the Committee in the previous Budget hearing of 2004/05.
11. The Committee and SALGA agreed that SALGA needs to strengthen relations with the National House of Traditional Leaders and further increase parliamentary participation in the two Houses of Parliament to ensure that a delegate takes part in the legislative processes. It was further agreed that different legislatures need to ensure that SALGA has a seat and an active role to play.
12. SALGA confirmed the following successes as:
 - Improvement in membership levy collection from 40% to more than 95% by March 2006.
 - Improved staff turnover from 47% to 13.8% by the end of the last quarter.
 - More visibility of SALGA in Inter-Governmental Relations (IGR) structures.
 - Comprehensive involvement in the Cross-Boundary Municipalities Bill, and the Constitutional 12th Amendment Bill.
 - Financial statements were consolidated with all its provincial structures for the first time in 2004/05 financial statements.
13. SALGA proceeded to highlight the following challenges:
 - The twinning arrangements and the exchange of best practices.
 - Lack of an international relations strategy.
 - The listing of SALGA as a schedule 3A public entity, which in turn limited its ability to be self-sufficient and generate its own income and ensure sustainability.

14. It was resolved that SALGA should forward quarterly reports on crosscutting issues e.g. disability, gender, etc to the Committee.

J. MUNICIPAL DEMARCATION BOARD (MDB)

1. The total income of the Municipal Demarcation Board (MDB) amounted to R29 784 000.00.
2. The MDB currently has capacity constraints to effectively assess local government performance. More funding is required to ensure that facilitation and consultation takes place with communities.
3. The MDB explained that consultants are used on a seasonal basis and are thus less expensive as they are only used when a need arises.
4. The Committee declared that the MDB should play a role in Project Consolidate to assess the distinction between powers and functions at the local government level and research resources and capacity at municipalities.
5. The Board believes that cross-boundary issues could have been handled differently and certain lessons had been learnt. The reason for the confusion was that ward delimitations had been clarified first before provincial boundaries were considered.
6. The Committee acknowledged that the recent cross-boundary disturbances had shown a clear lack of consultation with affected communities and that the Board needs to show practical steps taken to correct this process.
7. The Board acknowledged that they experience challenges in maintaining their asset register.
8. It was resolved that the MDB should increase its visits to rural and smaller towns. The board was requested to make research documents available to the Committee on the consultation that took place in relation to the Cross-Boundary Bill. Both the NA and the NCOP would have discussions with the Minister to ensure that further funding is made available to the Board.

K. MUNICIPAL INFRASTRUCTURE INVESTMENT UNIT (MIIU)

1. The financial of the MIIU as at 31 March 2006 reflected the following:
 - Total unspent income - R8.27 million
 - Outstanding operational and Capital expenditure - R7.15 million
 - Operational expenses - R0.90 million
 - Caretaker budget - R6.26 million
 - Anticipated surplus - R1.12 million

2. The MIIU stated that 45 projects were completed over an eight-year period and that 200 other projects had been launched.
3. With regards to high and low points, MIIU mentioned that two infamous water concessions were cutting edge projects. The Nelspruit water concession completed in 1999 was far ahead of its time and was successful; however, the Dolphin coast water concession is viewed as a worst project due to documented errors like the population growth.
4. MIIU believes that the need for such an institution would never completely disappear and that it would be valuable for government to have such an institution on a permanent basis.
5. Ms Magugumela, the CEO of MIIU added that initially the mandate of the MIIU was quite narrow and based exclusively on basic services; however, with the new infrastructure agenda, the MIIU feels that the mandate should have been broadened.
6. In terms of the MIIU's exit or handover strategy, it was agreed that the DPLG would engage with the MIIU on legal issues relating to the exit strategy, financial issues and the project pipeline.
7. There was an additional agreement with National Treasury that the project development facility in terms of PPPs will have to extend to local government more so that the DBSA has agreed to administer the remaining project pipeline.
8. From the financial point of view, the department (DPLG) was satisfied with the way funds were disbursed and control exercised.
9. The Committee was equally satisfied with the financials of the Unit and the manner AT which it carried its work. The Committee further commended the Unit on the good work done and stated that its contribution will continue to be valuable in the overall work of government particularly at the local government level.

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

1. The Local Government Sector Education and Training Authority (LGSETA) received approval for the amount of R70 100.00 to fund the implementation of Community Development Workers Learnerships.
2. An amount of R25.8 million has been disbursed by LGSETA during the 2005/06 financial year. The total breakdown of income and expenditure was as follows:
 - Skills Development Levy Income and Expenditure
 - -The projected total gross levies contributed for 2005/06 - R188.9m.

• Skills Development Levy Income	-	R14.2 million
• Operational Expenditure Incurred	-	R13.2 million
• Mandatory Grant Income for 2005/06	-	R70.9 million
• Mandatory Grants Disbursed	-	R12.2 million

3. Regarding a letter by Minister of Labour on the subject of the under-performance of the LGSETA, the Chief Executive Officer of LGSETA, Mr Mofokeng said that SETA's agreement with the Minister was to deal with their core competencies, which he defined as training and development and its facilitation.
4. LGSETA reported that a process of skills audit is underway and that skills development facilitators within municipalities are supposed to conduct skills audits as a foundational activity. The main problem is that skills facilitators seldom have that duty as an urgent function, because they often fulfill a multitude of functions within human resources management.
5. LGSETA identified recognition of prior learning as recognising the experience of people irrespective of the origin of the experience. The experience however would be assessed relative to new qualifications or old qualification standards to assess their competence. If found competent, they would then be issued with a certificate of competence in the specific field. If found to be lacking, an intervention has been put into place to help these people fill the gaps.
6. LGSETA acknowledged that the biggest problem in implementation of programmes is the lack of workplace skills plan.
7. Using the grant of R32 million, the LGSETA targeted unemployed graduates in areas such as finance.
8. The Committee was however worried about the extent of accessibility and visibility of the programmes provided by LGSETA.
9. LGSETA said that a framework for investigating the needs of traditional institutions was now in place and that the LGSETA supported the need for such institution.
10. The Committee expressed concern that bigger and more established service providers are crowding out the historically disadvantaged service institutions.
11. The Committee wants the LGSETA in the future to provide documentation way in advance and prior to the presentation.

M. NATIONAL HOUSE OF TRADITIONAL LEADERS (NHTL)

1. The National House of Traditional Leaders (NHTL) has been allocated R8 258 000.00 for this financial year, which is a marginal increase from the 2005/06 financial year.

2. The presentation of the financials of the National House had significantly differed from that of the 2005/06 financial year in that :
 - Provincial Houses were now actively participating in the affairs of the NHTL.
 - There was more cooperation between the NHTL and the Ministry of Provincial and Local Government.
 - The human resources capacity of the NHTL had improved; and
 - The NHTL was much more focused due to its strategic plan.
3. The National House reported that a close working relationship has been forged between itself and the provincial Houses.
4. The NHTL is intent on receiving autonomy, be given the status of National Public Entity and the provincial House the status of Provincial Public Entity.
5. The NHTL has visited countries in both the continent of Africa and the SADC region to garner support for the Continental House of Traditional Leadership. The National House has visited these countries and learned valuable lessons from the countries visited especially Zimbabwe as their House of Traditional Leaders functions effectively in Parliament.
6. The National House confirmed that challenges in this regard included the cooperation with various countries and governments and budgetary constraints. The National House hopes that with the assistance of the Committee these funds would be attained.
7. The NHTL further stated that funds would also be needed for the employment of a staff compliment, the maintenance of its own Chamber, the acquirement of its own legal library, and the employment of all members of the House full-time.
8. The Committee was concerned about the prevailing tendency of some traditional leaders/headmen refusing to cooperate with councillors and refusing to recognize them.
9. The NHTL acknowledge that there appears to be a problem with the attitude of some headmen and the NHTL would appreciate some guidance on how to address the issue so as to ensure that service delivery continues.
10. The NHTL believes that it should be an autonomous structure taking care of its business and running its own affairs without having to obtain permission from the department (DPLG).
11. The NHTL expressed a need for filling the positions of a Parliamentary Officer, Chief Financial Officer and Auditor.

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

1. The CRL Commission elaborated on its mandate, role, function, vision and mission. The programmes of the CRL Commission included CRL Dialogue, Public Education and Awareness, Investigation and CR, Research and Policy and Flagship/events.
2. The Commission was involved with youth and had a workshop, which also involved the Department of Arts and Culture to bring youth together to interact in respect of the different cultures.
3. The Commission also worked with many of the embassies of African countries on the Africa Day Celebrations. The Commission also received visits from other countries on the work being done by the CRL Commission.

O. CONCLUSION

1. The Committee believed that submissions are in part a response to past resolutions and mandates.
2. The Committee further records some of its concerns and directives recorded in its Portfolio Committee Report in 2005 as adopted by Parliament and directs the Department and institutions that appeared before it to implement the decisions of the Committee are still outstanding.
3. The Committee further commits itself to strengthening its oversight role through visits to Municipalities.
4. It thanks parties concerned for the progress made, so far.