

070213 SC Security

**Annual Report**

**January – Dec 2006**

**SC on Security and Constitutional Affairs**

**Name of Committee:**

**SC on Security and Constitutional Affairs**

**Chairperson:**

**Kgoshi ML Mokoena**

**Committee Secretary:**

**Bulelwa Bottoman**

**Mandate of the Committee:**

**Mandate of the Select Committee on Security and Constitutional Affairs is to facilitate public involvement in the legislative process and passing of constitutionally sound legislation.**

**Chairperson's overview:**

It was once again an extremely busy year for the Committee. The Committee had to deal with legislation, international agreements and a number of reports on the suspension of Magistrates within a short space of time.

The Committee managed to cover most of the work set out in its annual programme though it could not cover as much as it intended to. The Committee planned to visit two Provinces during 2006 for oversight but due to time constraints and the constant changing of the Parliamentary programme this could not materialise.

The Chairperson wishes to thank all the Members for their continued support. It was not easy but we pulled through and managed because we are such a good team always ready and willing to work hard to fulfil our constitutional mandate.

A word of appreciation also goes to the Departments for the co-operation and willingness to appear before the Committee.

Department(s) Reporting to the Committee:

1. Department of Justice and Constitutional Development
2. Department of Correctional Services
3. Department of Safety and Security
4. Department of Defence

Entities over which the Committee exercise oversight: (list and describe each):

Department/s reporting to the Committee

Entities reporting to the Committee

#### **Department of Justice and Constitutional Development**

- National Prosecuting Authority
- Legal Aid Board
- South African Human Rights Commission
- Gender Commission
- Office of the Public Protector

#### **Department of Safety and Security**

Department of Safety and Security Secretariat

- South African Police Services
- Independent Complaints Directorate

#### **Department of Defence**

- Department of Defence
- Armscor

**Department of Correctional Services**

- Department of Correctional Services
- Office of the Inspecting Judge

**1. MEETINGS**

	<b>Agenda</b>	<b>Date of meeting</b>	<b>Resolutions taken</b>	<b>Minutes adopted (Yes/No)</b>
1	a. Consideration of the Committee's 2005 Annual report and the challenges encountered by Members in their Provinces	22 January 2006	The Committee resolved to adopt the Committee Programme and the Annual report with amendments	Adopted
2	(i) Briefing by the Department of Justice on Report of suspension of Magistrates MK Chauke, Makamu and R Ameer. And the briefing by the National Prosecuting Authority (NPA) on the amendments to the prosecution policy .	24 February	To recommend that the Council approves the suspensions of the Magistrates	Adopted
		<b>Constituency Period</b> 3 April – 28 April 2006		
3	Consideration of the Strategic plan and the Budget of the Department of Justice (Deputy Min. and Director General)	2 May 2006	The Committee was concerned about underspending and resolved that the Department should monitor the expenditure of	Adopted

			programmes and fund the line items that need funds most 2. The Committee will continuously meet with the Department to get an update on the budget	
4	Briefing by Court Services Branch on the budget	3 May 2006	The Committee raised concerns about non-filling of vacant posts and recommended that the department should speedily fill the posts.	Adopted
5	Budget hearings(State law Advisors, Justice College and the Master's Office)	4 May 2006	The Committee raised concerns regarding the shortage of black young lawyers and recommended that the Department should try to recruit more black state law advisors in order to be able to address the challenge of introducing legislation in indigenous languages	
6	Budget hearings NPA	5 May 2006	The Committee was concerned about the 219 posts vacant since December 2005 and requested the Department to speedily address the problem	Adopted



7	Briefing by the Department of Defence on the Strategic Plan and Budget	9 May 2006	The Committee raised a concern that the department's focus is mainly on external matters than internally and the SANDF internally is scalling down	Adopted
7	Briefing by the Department of Correctional Services on the Strategic Plan and Budget	10 May 2006	The Committee resolve that the Department should come and address the issue of new model prisons, gender equity and the recruitment policy	Adopted
8	Briefing by the Department of Safety and Security on the Strategic Plan and Budget	17 May 2006	The Committee resolved to interact regularly with the Department to address the challenges faced.	Adopted
9	Briefing by the Public Protector and the Commission on Gender Equity on the Strategic Plan and Budget	29 May 2006	The Committee resolved that there should be regular interactions between the Committee and the Chapter 9 institutions and also recommended and encouraged a relationship between the institutions and the Provincial Portfolio Committees	Adopted
10	Introduction of the Deputy Minister for Correctional Services and Consideration of outstanding issues from the previous meeting on the budget	30 May 2006	The Committee felt that once again the Department has not addressed the question of new prisons	Adopted

			and resolved that the Department should come again and address the issue of financing of prisons in detail	
11	Informal briefing by the Department of Justice on the Repeal of Black Administration Act and Amendment of Certain Laws Amendment Bill and the Report back by the Departments of Justice, Provincial and Local Government and Land Affairs on the Repeal of Black Administration Act	7 June 2006	<p>The Committee resolved to deal with the Bill formally in the next meeting when it is formally referred.</p> <ol style="list-style-type: none"> <li>1. The Committee resolved that the Department of Local Government should give a report on the steps taken to ensure that the Provinces that did not submit reports do so</li> <li>2. The Department of Land Affairs should make a follow up to the Departments that did not respond to a call to look at the discriminatory legislation that fall within their jurisdiction</li> </ol>	Adopted
12	Consideration of Black Administration Act and Adoption of the Committee Programme for the third term	21 June 2006	<p>The Committee resolved to agree with the Bill without proposed amendments The Committee also adopted the third term</p>	Adopted

			programme	
		<b>Constituency Period 26 June – 28 July 2006</b>		
13	Consideration of the Mandating Procedures of Provinces Bill	23 August 2006	The Committee proposed amendments and requested Adv. Momoti from the procedural office in the NCOP to effect the amendments	Adopted
14	Deliberations on the Mandating Procedures of Provinces Bill	6 September 2006	The Committee considered its proposed amendments and	Adopted
15	Briefing by the Department of Defence on the Prohibition of Mercenary Activities and Regulation of Certain Activities in Country of Armed Conflict	7 September 2006	The Committee resolved to deliberate on the Bill during the next meeting	Adopted
16	Consideration of the Draft Notices on the Remuneration of Judges and Magistrates	12 September 2006	The Committee resolved to invite the Department of Justice and Constitutional Development to clarify some issues	Adopted
17	Briefing by the Department of Correctional Services on its AIDS policy	13 September 2006	The Committee resolved to have a strategic meeting with the Portfolio Committee and the Department.	Adopted
18	Deliberations on the Prohibition of Mercenary Activities and Regulation of Certain Activities in the Country of Armed Conflict Bill	18 September 2006	The Committee resolved to further deliberate on the Bill during the next term so as to allow Members to consult with their parties	To be adopted in the next term



19	Consideration of the AU Protocol to the Convention on Prevention and Combating of Terrorism International Convention on the Suppression of Acts of Nuclear Terrorism	19 September 2006	The Committee resolved to recommend that the Council approve the said protocols	To be adopted in the next term
20	Briefing by the Department of Justice on the Reports on the Suspension of Magistrates IX Masimini and M Matekere	20 September 2006	CLOSED MEETING	This was a joint meeting with the Portfolio Committee on Justice and the Chairpersons instructed the secretariat not to record the proceedings
21	Briefing by the Department of Safety and Security on the Firearms Control Amendment Bill	18 October 2006	The Committee resolved to deliberate in the next meeting since this was a first briefing	NO
22	Finalisation of the Prohibition of Mercenary Activities Bill	25 October 2006	The Committee resolved to finalise the Bill during the next meeting so as to give Members an opportunity to consult with their parties	No
	Prohibition of Mercenary Activities and Regulation of Certain Activities in Country of Armed Conflict Bill [B42B-2005] ,Firearms Control Amendment Bill [B12B-2006] and Proposed oversight visit to North -West	1 November 2006	The Committee Finalised the Bill [B 42B- 2006], The Committee resolved to deliberation in the next meeting.	Minutes will be adopted on the 18 January 2007
	Firearms Control Amendment Bill [B12B-2006]	7 November 2006	The Committee resolved to Finalize the Bill and it was debated on the 15 November 2006	Minutes will be adopted on the 18 January 2007
	Briefing by Department of Correctional Services on the Jali Commission Report	15 November 2006	The Committee resolved to have a workshop in January 2007.	Minutes will be adopted on the 18 January 2007