



PARLIAMENTARY  
MONITORING GROUP

## MONITOR

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

Did you know?	Our lead story
<p>The National Planning Commission has published its Diagnostic Report. This is available on the website: <a href="http://www.gov.za">www.gov.za</a></p> <p>The report is available in all eleven languages, as well as Braille.</p> <p><b>The National Planning Commission's Vision Statement and Development Plan released on 11 November 2011</b></p> <p>The Department of Home Affairs will, in future, insist on a full passport for entrants into South Africa from Lesotho, because of increasing fraudulent use of ID documents. A project will also be run in border towns, starting in Mpumalanga, to check that people have birth and ID certificates.</p> <p><b>The Department of Mineral Resources is aiming to transform the traditional male domination in the mining industry, by providing scholarships for girls to study mining, geology, and engineering. There has also been buy-in for this type of programme from other ministries such as the Ministry of Rural Development. More than fifteen Ministers had participated in the Women's Conference.</b></p>	<p>The Green Paper on Land Reform was published in the Government Gazette on 16 September 2011, to stimulate discussion. The five key policy questions were:- Why should the State invest in land transformation? What is the importance of land reform? Is South Africa primarily an agrarian society, important for determining the relationship between people and land? How does the historical context affect demand and prospective beneficiaries for reform? How can land reform create a radical and rapid break from the past, without significantly disrupting agricultural production and food security?</p> <p>Land is a national asset that is also an emotive issue. Great care will be needed to ensure that ownership and use are both institutionalised to protect Constitutional rights. The past policy weaknesses of the land acquisition strategy, the distortion of the land market and beneficiary selection process were acknowledged. There will be four new tiers. In respect of State land, the fragmentation occurring through different policies across different spheres of government must be addressed, as promotion of leasehold tenure requires that State land be kept in State hands. In respect of private land, there is acceptance that South Africans should continue to exercise freehold rights, but regulatory limitations will apply to prime and unique agricultural land, sustainable utilisation, subdivision of rural and agricultural land, absentee landlords, land quantity restrictions, and approval regimes for selected controlled land. Regulatory limitations are proposed for foreign ownership, with strict compliance with obligations and conditions; partnerships with South Africans in respect of land-based investments in the country, and exclusion of foreign ownership in the case of sensitive land or that essential for national security, which may include communal, coastal, heritage, rural, agricultural, environmentally-sensitive, security-sensitive, and border lands. There will also be controls on transactions over certain thresholds. Communal land will be mixed use, with institutionalised use rights.</p> <p>Three new institutions are proposed, to support the new system. The Land Management Commission will be an over-arching authority to oversee, coordinate and monitor land management in accordance with policy. The Office of the Valuer-General will address the need for a comprehensive, nation-wide reference point for land valuation, that is not hampered by conflict of interest. The Land Rights Management Board will comprise representatives from various land-ownership sectors, with particular professional expertise, and it will maintain harmony and build institutional capacity.</p> <p>MPs and Department officials agreed that although much of the blame for the shortcomings in land use was rightly apportioned to colonialism, apartheid, and the 1913 Land Act, there had also been incorrect policy and actions taken after 1994. It was vital to diagnose current capacity problems properly, and avoid transference of land without training and support, as well as over-crowding and over-grazing. The new land claim model needed to address equity and not just reconciliation. There was also a need to be cautious against foreign governments acquiring agricultural land, with negative consequences for food security, as reported upon by the World Bank. National interest would have to be defined.</p> <p>Some Members of Parliament suggested that perhaps a new institutional framework was required to implement the policies and legislation put in place since 1994. They cautioned that the Land Management Commission should not duplicate the roles of traditional leaders.</p>

## Recent Parliamentary Committee Indabas and public hearings

**The Portfolio Committee on Communications** recently held hearings on the readiness of the Department of Communications, the Independent Communications Authority of South Africa (ICASA), broadcasters, manufacturers and Sentech, for the move to Digital Terrestrial Television (DTT). South Africa wanted to switch off analogue signals by 2013, earlier than most other countries' cut-off date of 2015. It would be necessary for TV-owning households to acquire Set Top Boxes (STBs) to convert the new digital signals, so that analogue TV sets could still be used. Cabinet had approved a 70% subsidy, but the final costs, qualifying levels and criteria were still outstanding. It was likely that about 5 million households would qualify for a subsidy. This would most likely be arranged by coupons being provided to those needing financial assistance, which would then be handed over to retailers of the STBs, who would then redeem them. Community Development Workers would gather data on needy households. In some areas, copper cable networks were not yet in existence, and wireless networks would need to be installed and used. There was still a need to get municipal buy-in and ensure sustainability. The whole project was likely to cost R4.2 billion over three years.

There had been a long and drawn-out process since 2001, which eventually led to publication of the STB draft strategy (since amended) in 2009, but the final revised standards would probably only be ready in November 2011. Although the Universal Service and Access Agency of South Africa (USAASA) did not make a presentation, it had earlier reported spending of only R3.9 million of the R21 million budget on this project, and reported that whilst systems and procedures for administration of government subsidies were developed, no STBs had been distributed, and only one of the planned 20 public access centres was completed, while the broadband infrastructure project was on hold. It had aimed to pilot a broadband infrastructure project in Tzaneen, where the Meraka Institute was located, and where the Council for Scientific and Industrial Research was providing services to 150 schools, but there was disagreement among stakeholders on the objectives. The Department of Communications was still trying to resolve outstanding areas of dispute on the STBs. It wanted to encrypt the STBs to prevent imports, ensure that they could be used only in South Africa, and enable stolen boxes to be disabled. Sentech reported that its network was designed for analogue TV, and was not dense enough to provide a signal for indoor antennae, so about 60% of households would need outdoor antennae, which may also need to be changed to receive new frequencies. It was hoped that by 2020 the ICT industry would be a R250 billion industry, delivering 100% broadband and internet penetration in the whole country, with at least 25% black empowerment.

TV broadcasters claimed they were ready for digital migration, but disagreed on what was the most desirable approach. It was suggested that encrypted STBs would be too expensive to acquire and maintain, costing double what a simple converter would cost, and some suggested that simpler standards be set and 100% subsidies be allowed, whilst conformity could be obtained through better regulation. It was also suggested that cellphone technology would be preferable to achieve the objectives of e-government. Objections were raised to spectrum changes.

Electronics manufacturers also gave input, and all noted that it was virtually impossible to set definite timelines without knowing the final specifications. However, most suggested that at least a six to nine month lead time was needed, after release of the specifications, to source and import components, manufacture and distribute. This meant that they were unlikely to meet the target date of April 2012. They expressed differing views on what would be an ideal STB, but said that they could manufacture what would be required. They agreed that encrypted STBs would be more expensive, and some proposed an interim solution. They stressed that an export market was needed, for the industry to be sustainable, and warned that STB encryption would make this more difficult. They all expressed concerns at the substantial delays so far, and urged that South Africa must move fast to avoid losing its regional market to competitors. They also cautioned the Department of Trade and Industry to guard against the dumping of analogue sets in South Africa.

The Committee commented that one of the weaknesses of the digital migration plan was the instability of the policy drivers for projects, and said that further delays occasioned by introducing new criteria must be avoided. MPs said that the Government Communication and Information System must be involved in dissemination of information, that Community Development Workers must also be trained, and the access control operations must be assigned, possibly to a non-profit entity under Sentech. The right mix would be required, but the greatest challenge still lay with administration and implementation of the subsidy support scheme, and avoidance of corruption and fraud.

**More Public Hearings.....**

**The Public Hearings on the revised Mining Charter 2010** produced a number of varied and widespread submissions and recommendations. The Revised Charter called for 26% black ownership of mines in the country across the entire industry. It sought to strengthen and sharpen the Charter's effectiveness in driving transformation and competitiveness in the mining sector, through implementing ownership, procurement and enterprise development, beneficiation, employment equity, human resource development, mine community development, housing and living conditions, sustainable development and growth. Reporting, monitoring and evaluation were key to successful implementation, and companies would need to report levels of compliance annually. The Department of Mineral Resources suggested that the legislation should be amended to increase penalty provisions for non-compliance.

The Revised Charter was criticised by some as too vague and uncertain, with contradiction in the concepts of 'effective ownership' and 'meaningful economic participation', and a failure to define the requirements of mine community development clearly. It was suggested that the Charter should be better aligned with the Department of Trade and Industry's Codes of Good Practice, and the Industrial Policy Action Plan.

Other critics felt that procurement measures were not broad-based or focused on sustainable transformation, and were open to abuse and fronting. Some complained that the inclusion of white women as historically disadvantaged skewed the system and that higher targets for employment equity should be set. Others suggested that broad-based ownership, although politically sound, was not commercially sound. Solidarity said the community share ownership should be raised to 5%. COSATU said that the emphasis needed to shift way from mining to social ownership, and local value-add industries.

There was a call for establishment of technical colleges to combat the mining skills shortage, and more emphasis on development of transferable skills that would address long-term security. The needs and security of foreign migrant workers also had to be addressed. It was suggested that the Charter should emphasise the status of Land Courts and restitution concerns. Different submissions called for a greater focus was required on the marine mining sector, as well as the disabled, women and youth, as designated groups.

Several commentators were concerned that closure of mines resulted in economic "ghost towns", and suggested that a national Mines Closure Fund should be set up for community development. Various community leaders and private companies said that mining of traditional land needed more attention, that social labour plans needed to be carefully monitored, with stronger punitive measures, and more focus was needed on infrastructure development. Mine Community Development need to be driven by communities, but the mining industry should promote holistic approaches, including environmental and socio-economic aspects.

It was suggested that beneficiation should be divorced from the Charter, and addressed separately, by a holistic, nationwide strategy agreed upon by all stakeholders in government and private sectors, to ensure real value and economic growth. There was a suggestion that a National Beneficiation Agency must be established. There was concern that foreign-listed multi-nationals were effectively penalised for investing in local manufacturing, although local procurement should be promoted.

It was clear that fronting needed to be examined from the perspective of small scale miners. The New Growth Path had specifically identified mining as one of the main economic sectors with a high potential for creating jobs, although it was also recognised that it was an industry with very long lead times.

Most submissions welcomed the requirements for strengthened annual reporting and scorecards. The Chamber of Mines conceded that mining companies should have learned more from the previous Charter. All stressed that long-term planning and greater clarity was needed.

The Independent Complaints Directorate will be renamed the **Independent Police Investigative Directorate (IPID)**. It reports every six months on the effectiveness of policing of crimes against women and children, and implementation of the Domestic Violence Act. The most common complaint by the public is that police fail to take action against abusers. If this happens, the station commander is supposed to institute disciplinary action, or apply for exemption to IPID.

Complaints against police had decreased. There had been increased training on the Act, and there were now 900 victim-friendly rooms, although they were not always accessible, nor staffed by those with proper training.

There were, however, still many challenges, including the difficulty in training police in gender sensitivity. Many victims chose to withdraw charges because they are economically dependent on abusers. The failure of police to take action on complaints has wider consequences, because a person who has had a protection order properly registered against him should not be able to get a firearm licence. Some police simply sent women laying domestic violence charges to the local traditional authorities, who would fine both perpetrator and victim.

NGOs noted a drastic need to alter perceptions. Most victims had known the abusive partner for an average of 13 years, may experience abuse for four years before seeking help, and one in ten experienced domestic abuse for 10 to 20 years of her life. 60% of children interviewed saw nothing wrong in forced sex, and 11% of boys and girls admitted having forced someone else to have sex.

NGOs recommended that the State must look at how to manage entire families, and to consider how existing legislation could provide a more comprehensive service. The IPID was also urged to take a stronger stance.

## Reports from Departments

**The Department of Human Settlements** has identified its priority projects for upgrade. These are listed as Duncan Village (Eastern Cape), Doornkop, Diepsloot, Sweetwaters and Khutsong (Gauteng), Cornubia (KZN), Lephalale (Limpopo) and Drommedaris (Western Cape), although others could be added when additional funds were approved. In the current year, 104 962 slum units and sites would be upgraded, 39 112 housing units would be created in the rural areas, and 17 425 poorly built units would be rectified. Although R6.4 billion had been transferred under the Human Settlement Development Grant, only R4.7 billion had been spent, and the Department was trying to rectify the delays, caused by lack of invoicing by service providers. The Urban Settlements Development Grant is currently paid to the main metros, because 70% of the country's slums are in the eight main metropolitan areas, and these aim to address the lack of bulk and connector services that cause blockages. Parliament asked some searching questions about spending to achieve service delivery, and the rectification programme.

**The Department of Rural Development and Land Reform** was again called in to explain its Land Restitution and Land Reform programmes, especially the shift of funds and slow progress in settling claims. The Department said that the verification of claims by the Regional Land Claims Commission should be completed by March 2012, and the Department now had a better idea what funds it would need for restitution. It was allocated R8.7 billion for 2012, rising to R9,9 billion for 2014, but about R5.5 billion would be needed to finalise backlogs. National Treasury was reluctant to accede to MPs' suggestions that it assume responsibility for claims, leaving the Department free to concentrate on rural development and land reform. The Department claimed, but the Assistant Land Commissioner disagreed, that claims could be finalised in a year. The Department must now draw and present a schedule of all claims and their current status.

**The Departments of Tourism, and of Home Affairs** have recently reported on matters affecting foreign migrants. A number of foreign nationals are employed in the hospitality industry, especially restaurants, often taking jobs that locals refused to do. There are also many foreign crime syndicates, not assisted by lax border control. Many Swazi and Lesotho nationals are accessing South African schools, hospitals, and even drawing pensions. Identity theft remained a huge problem. The Department of Home Affairs has almost completed its Registration of Zimbabweans Project, and was issuing permits for business, work and study. About 276 000 applications were made, of which 134 000 were approved, but 117 000 were incomplete, and a Zimbabwean Stakeholder Forum meeting was scheduled for September to encourage submission of outstanding documents and fingerprinting.

**The Department of Higher Education and Training** reported on its efforts for the youth and disabled, through Adult Learning Centres, National Skills Fund, and Universities. Funding for disabled learners was not separately budgeted, but was factored in to allocations, although the types of needs determined the resource requirements. There were currently about 14 500 people at Adult Learning Centres, and about 348 000 at Further Education and Training Colleges. Between 4 600 and 6 500 disabled students registered each year. The National Student Financial Aid Scheme provided R60 million in bursaries to students with disabilities. Career Wise and National Research Foundation also assisted with funding. However, financial support and correct data capturing remained problematic, and institutions still seemed unaware of or not committed to the needs of people with disabilities.

**The Department of Basic Education** hoped to provide inclusive schools, in line with Article 24 of the Convention on the Rights of Children with Disabilities, which underscores the need to increase access to education for learners with severe and multiple disabilities. The Department also wanted to increase mainstream capacity, and reduce dropouts by providing reasonable accommodation; integrating support in all programmes; and recognising dignity.

**The Department of Basic Education** is also trying to promote a clearer understanding of the law against sexual harassment and violence at public schools, by issuing guidelines for teachers and school management, a guidebook for learners, and by training more teachers to identify and respond appropriately to abuse and distressed children. The need for parental involvement has also been stressed.

**The Department of Public Works** has been asked by the Portfolio Committee to ensure that the National Youth Service will provide unemployed youth with training on renovation of the built environment, so they can assist with maintenance of Government's immovable assets. This project, initiated some time ago, but apparently not pursued, did not fall within the Expanded Public Works Programme (EPWP), and was intended to provide ongoing, and not temporary jobs. 500 youth members were identified from each province, but the Department did not seem to have continued with the project, and no reports were received as expected. The Inner City Regeneration programmes were to be extended also to rural areas. The Committee wanted a follow-up from this Department on employment of data capturers, and on its progress in ensuring compliance with the 30-day payment periods required by National Treasury. It is also required to present its skills transfer policies and skills plan.

## More Reports from Departments and Entities

**The Green Paper on National Health Insurance** was recently introduced and explained by the Department of Health. It can be accessed at [www.info.gov.za](http://www.info.gov.za), but a summary powerpoint presentation can be found at [www.pmg.org.za](http://www.pmg.org.za) under the Portfolio Committee on Health's meeting of 17 August 2011. The presentation was very general, and mostly examined the problems facing the healthcare sector at the moment, and emphasised the need for better training and staffing at all hospitals. Many questions asked by the Portfolio Committee related to policy, but the Department responded that wider consultation was still required, and more comment from stakeholders, including service providers and users, would enrich the content and policy issues in the document. MPs have so far raised concerns as to whether the NHI database would be linked with those of the Departments of Home Affairs, SARS and the Social Security Agency, and the impact of illegal immigrants claiming free treatment. More detail is needed on the classification of hospitals in districts, whether doctors might be required to relocate, and if enough personnel could be found to cover all wards. Other questions still to be answered relate to who would facilitate and monitor provincial funding, how the scheme would be administered, what percentage of funds would be taken up by administration, and what the package of services would cover. The question of overcrowding at public hospitals needed to be addressed. MPs also wanted to know more about the Department of Health's capacity and skills to deal with the current problems and ensure that they did not multiply in the new system.

**The Rural Development Portfolio Committee** was briefed on a report prepared by the Human Rights Watch, on human rights abuses in the wine and fruit industry sectors. This report highlighted inadequate housing and sanitation, exposure to pesticides without protective equipment, and efforts to block unionisation. The Ministry agreed that there were still long-standing issues of worker exploitation, and said that there was not sufficient support from Department of Labour inspectors. Although the wine and fruit sectors contributed substantially to the economy and tourism, workers in these sectors were still very badly paid and treated. However, the Ministry said that the rights of workers in these sectors had to be balanced against criticisms of foreign investors that South African labour laws were too rigid, as well as criticisms that different standards seemed to be applied to developing and developed countries. Both the Portfolio Committee and the Department of Rural Development and Land Reform had some reservations about the methodology used for the survey, since no specific instances were cited that would allow for oversight visits. The Department said that it was trying also to enforce workers' rights, although eviction cases were not always reported to the Department, in line with the requirements. It suggested that more information was needed before formulating a final approach.

**The National Convention Bureau** has recently been established by SA Tourism as a new business unit, to promote South Africa's potential to host large events and meetings, positioning it as a leading centre in Africa, and enhancing its ability to bid for more business-tourism related events. The project is divided into three phases, and will be rolled out only after engagement with stakeholders and participants and after frameworks have been drawn.

**The Media Development and Diversity Agency** tries to ensure that all citizens can access information in the language of their choice. It also aims to transform media access, ownership and control in South Africa – a topic that was examined in an indaba recently, and which will be reported on more fully in another issue. It had, in the last three months, allocated 60% of available funding to community media projects, 25% to small commercial media projects and 5% to research and training. Discussions were being held on alternative funding sources for community radio capacity building. Print media funding continued to decline.

**The Central Drug Authority** outlined the findings of a survey, conducted between June 2010 and March 2011. This survey aimed to create more awareness of substance abuse, and identify substances abused. Most of the respondents were mothers and grandmothers. 65% of those surveyed admitted to having a substance user (alcohol, cannabis, other drugs, tobacco or glue) in their home. The use of tobacco had fallen, and although tik was most frequently used in Cape Town, it was not so widely used elsewhere. Only 40% of those surveyed were aware of support services, and most were unconcerned with the health risks. There are only about 80 treatment centres, although 238 municipalities have drug action committees. South Africans' use of cannabis, cocaine and tik is twice as high as elsewhere in the world. Two million South Africans are classed as problem drinkers, more than 37% are binge drinkers, and 10% of drivers on Mondays are drunk. About 7 000 road deaths a year are alcohol-related. Male and female school learners, from as young as twelve, showed adult drinking patterns. Drugs are disguised as lip balms, tattoos and lollipops and re sold in schools. It was found that the reasons and patterns of drug use differed between men and women, with more women abusing over-the-counter medication and turning to drugs in response to abuse or loneliness. Although treatment centres had historically catered for men, there is a need to change that focus, provide more support to women and mothers, including child-care facilities. Longer-term treatment is also needed. Suggestions proffered by respondents included a need for improved parenting skills, provision of recreational facilities for young people, and promotion of spiritual values.

## More Reports .....

**The National Consumer Commission (NCC)** was established in April 2011 to deal with complaints under the Consumer Protection Act. It receives about 8 000 calls a month, and 616 written complaints and requests for advice. The NCC may call on a supplier to comply, and, in the event of failure, the Consumer Protection Tribunal may impose a fine of up to R1 million or 10% of annual turnover. The NCC initiates proactive investigations into three sectors per year, and is currently investigating fraudulent property schemes, sale of second hand cars as new, and timeshare industry practices. In the mobile phone sector, it has received complaints about exorbitant roaming charges, network call costs and per second charges, and is looking into Multichoice contracts, since the Consumer Protection Act now requires that bundled services may be sold individually. There have been concerns about the non-disclosure of terms and conditions of SABC television licences. Service levels in public hospitals were also under scrutiny, particularly in frail care clinics, neo-natal units, abortion clinics, facilities for people with disabilities in rural hospitals, and hospices. Private hospitals' tariffs and approval processes are also being investigated, following complaints of medical aids refusing to pay after the patient had obtained authorisation. The NCC is also investigating unnecessarily long hospital admission processes and ambulance response times. Several contracts of the top four medical aid schemes are in conflict with the Consumer Protection Act. Proposed investigations will include the banking sector, with a focus on debit orders and ATM charges, ticket pricing and excess baggage charges of airlines, and the Consumer Affordability Index, which looks at the impact of costs such as road tolls, property rates and bank charges. An interest group has asked for investigation of a particular supermarket's practice of injecting and repackaging chickens, without informing consumers.

The NCC reported that retailers who advised that "no returns" and "no refunds" would be allowed were in direct contravention of the Act. It was looking into creating an industry code of conduct for compliance on returns and refunds.

The NCC had also found instances where stores withheld all lay-by funds, instead of the statutory 1% only, when a customer cancelled a lay-by. Inspectors were being sent to two rural towns in each province to check on compliance with the Act, and to check also on complaints of food being sold after its sell-by date.

The NCC was holding imbizos, and meetings with traditional leaders and NGOs to promote awareness and accredit consumer protection groups. It would hold workshops with youth and women, and run campaigns at shopping malls, community halls and taxi ranks. It was aiming to have standing advisory committees in the provinces, to advise and ensure that the Act was equitably applied, as well as using unemployed graduates, stationed at the offices of traditional leaders, to provide support. It had booklets, but the cost of translation into all languages was exorbitant.

**NPOs in the children's sector** broadly welcomed the principles behind the Department of Social Development's National Policy on Financial Awards, but cited several areas of inconsistency or lack of detail. They complained that insufficient recognition was given to the fact that NPOs attended to an essential part of delivery on government's obligations and mandate. The Policy's use of the phrase "financial awards for service providers" implied that the funding was a gift, rather than remuneration in terms of a contract. Full, not partial, funding must be described and delivered. There were concerns about lack of consultation, and the policy was criticised as far too broad, and not able to be implemented. Several inaccuracies were noted, particularly with outdated terminology. The NPOs disputed the Department's claim that there were 100 000 NPOs, since only 72 000 were registered, and many of the rest did not provide social services that the DSD would fund. The NPOs recommended that funding must be prioritised for children's social services and protection from abuse and neglect, as well as proper realisation of child rights. They were concerned about under-spending in some provinces on Child Care and Support. No uniform funding model had been developed, and provinces had their own policies and practices. The DSD had confused the concepts of equitable distribution to the historically disadvantaged, through service delivery, and transformation in the sector. The NPOs urged a new model of funding all services under a proper contractual arrangement.

**The Department of Agriculture, Forestry and Fisheries** has come under fire from the Red Meat Industry Forum (RMIF), National Emergent Red Meat Producers' Organisation, and African Farmers Association of South Africa. This Department has a statutory obligation to establish an Independent Meat Inspection Service, but has failed to do so, or to respond to the RMIF's offer to fund this Service itself. Carcasses unfit for human consumption were currently being approved by abattoirs, because of financial incentives. The Department had also failed to fulfil its obligation to maintain strong border fences to protect proliferation of Foot and Mouth disease, and did not appear to have a sufficiently strong policy around importation of animals, nor establishment of quarantine stations. As a result, South Africa had lost, and was likely to spend at least two years in trying to regain, its foot-and-mouth-disease-free status, and this was estimated to cost the country around R4 billion. The Department had failed to consult with stakeholders. Further recommendations were made on withdrawal of temporary grazing permits granted to Lesotho farmers during a previous period of severe drought, as they posed increased risk to animal health and stock theft.

The Portfolio Committee was also highly critical of the Department's performance, and insisted that the Department must now urgently submit a report, which had already been outstanding for six months.

## Update on Legislation

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

**A Private Members' Bill** was tabled recently by an MP, which aimed to prohibit contracting between a national department or entity, and companies whose directors may be serving MPs or political party office bearers, or where political party representatives or office bearers held more than 2% of shares, or where its shares were held by political parties, directly or indirectly. This proposal was aimed at reducing the risk in tenders and promoting good governance, although there was some doubt expressed whether the limitation on contracting would be in line with the Constitution. However, the proposal is not presently being pursued, because in the meantime the Minister of Public Service and Administration announced the proposed tabling of a Public Sector Management Framework (hopefully by the end of 2011), which would reiterate much of what the MP's private proposal contained. This new Framework will also aim to promote integrity and good governance, to establish standard disciplinary procedures across departments, and to allow the Special Anti-Corruption Unit to work with designated Ethics Officers. The Financial Disclosure Framework would extend the current prohibition on public servants from accepting or soliciting gifts, hospitality and other benefits, and require them, in future, to apply if they wished to do remunerative work outside the public service. Public servants would be restricted from doing business with government. In addition, "cooling off" periods of twelve months would apply to former public servants, who would not be able to be employed by, or contract with, any third party with whom they had had dealings during their period of public service employment. All employees would have to submit financial disclosure forms. Similar provisions might also be extended to Members of Parliament. The Portfolio Committee on Private Members' proposals will be monitoring the introduction of this proposed legislation.

**The Expropriation Bill** was withdrawn from Parliament in 2008, but was supposed to be reintroduced in the 2010/11 financial year. The Portfolio Committee on Public Works has asked the Department of Public Works to give a report on that Bill and indicate when it may be re-tabled.

**The Intellectual Property Laws Amendment Bill** was extensively discussed by the Portfolio Committee on Trade and Industry. Although substantial amendments had been made, the opposition parties felt that it was still not ready for introduction to the House, and different parties opposed all or certain clauses. There was some disagreement whether there was a need to consult formally with the National House of Traditional Leaders. All Committee Members were agreed that, however the Bill will finally be worded, government, and particularly the Department of Trade and Industry, will bear a substantial onus in promoting awareness, encouraging communities to register their rights, encouraging existing owners of rights to engage with traditional communities and enter into profit-sharing agreements with them, and acting strongly to protect indigenous rights and knowledge. The Department of Science and Technology has already put field workers out to deal with indigenous knowledge, and it was suggested that the Department of Trade and Industry should do the same. The Bill was not tabled in the House as scheduled.

**The SARS Tax Administration Bill** has been tabled, public submissions were made and the South African Revenue Service has already responded to those submissions, and has agreed to amend its original proposals in several respects. A new draft will be produced shortly, for further consideration by the Standing Committee on Finance.

**The Military Ombud Bill**, which sets up an independent Ombud structure for dealing with complaints by members and past members of the military, has been approved by the Portfolio Committee on Defence and Military Veterans.

**The Constitution 18<sup>th</sup> Amendment Bill** has been approved by the Portfolio Committee. It was non-controversial and no public submissions were made. It outlines the same principles as the **Further Education and Training Amendment Bill**, which has also now been approved by both Houses. All education from Grade R to Grade 12 will remain within the legislative competence of provinces. However, Further Education and Training Colleges, like universities, will now become a national competence.

**The Science and Technology Laws Amendment Bill** was recently passed by the National Council of Provinces, after approval also by the National Assembly. It seeks to amend a number of different Acts relating to the public entities now falling under the Minister and the Department as opposed to the former Department of Arts, Culture, Science and Technology.

For Bills, go to: [www.pmg.org.za/bill](http://www.pmg.org.za/bill) or email [info@pmg.org.za](mailto:info@pmg.org.za)

**Contact details for more information:**

**Central Drug Authority (012) 312 7558 [www.dsd.gov.za/cda](http://www.dsd.gov.za/cda)**

**Department of Agriculture, Forestry and Fisheries (012) 319 6000 [www.daff.gov.za](http://www.daff.gov.za)**

**Department of Basic Education (012) 357 3000 [www.education.gov.za](http://www.education.gov.za)**

**Department of Communications (012) 427 800 [www.doc.gov.za](http://www.doc.gov.za)**

**Department of Economic Development (012) 394 3799**

**Department of Health (012) 395 8402 [www.health.gov.za](http://www.health.gov.za)**

**Department of Higher Education and Training (012) 312 5555 [www.dhet.gov.za](http://www.dhet.gov.za)**

**Department of Home Affairs (012) 810 6323 [www.home-affairs.gov.za](http://www.home-affairs.gov.za)**

**Department of Mineral Resources (012) 444 3119 [www.dmr.gov.za](http://www.dmr.gov.za)**

**Department of Rural Development and Land Reform (012) 312 8911 [www.dla.gov.za](http://www.dla.gov.za)**

**Department of Public Works (012) 337 3000 [www.publicworks.gov.za](http://www.publicworks.gov.za)**

**Department of Social Development (012) 312 7794 [www.dsd.gov.za](http://www.dsd.gov.za)**

**Department of Tourism (012) 444 6000 [www.tourism.gov.za](http://www.tourism.gov.za)**

**Department of Human Settlements (012) 421 1311 [www.dhs.gov.za](http://www.dhs.gov.za)**

**Independent Police Investigative Directorate (Independent Complaints Directorate)  
(031) 310 1300 (011) 220 1500 (021) 941 4800 [www.icd.gov.za](http://www.icd.gov.za)**

**Media Development and Diversity Agency (011) 643 1100 [www.mdda.org.za](http://www.mdda.org.za)**

**National Consumer Commission (0860) 266 786 [www.thedti.gov.za/agencies/ncc.jsp](http://www.thedti.gov.za/agencies/ncc.jsp)**

**National Planning Commission (012) 308 1791 [www.npconline.co.za](http://www.npconline.co.za)**