

IN SESSION



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

"Celebrate the legacy of Mandela: contribute to nation-building"

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FEATURE

State of the Nation Address 2010

Faster, harder, smarter





At the end of 2009 the Parliamentary Millennium Programme (PMP) launched *Bokamoso Ba Rona* (Our Future), a national youth campaign, with the aim of creating an interest amongst young South Africans between the ages of 12 – 25, in the role and business of Parliament, and to create an opportunity for them to participate in the Legislative processes.

This campaign uses modern technology and the latest developments in new media to spread the message and to create a broader awareness of the scope and the severity of the social challenges faced by the youth. In partnership with locally developed mobile application MXiT, the PMP conducted a social survey which yielded over 43 000 submissions. MXiT has a community of over 18million young adult subscribers, which constitute 36% of the South African population, thereby significantly enhancing the scope and reach of this campaign.

This first phase saw a virtual march to Parliament, with well over 13 000 “virtual marchers” signing up on our dedicated website (www.bokabuddies.co.za) to attend the State of the Nation Address. The overwhelming response thus far, highlights the necessity for engaging with the youth in the social network spaces, which they already use.

It does not stop there! Results of the survey will drive the way forward for the *Bokamoso Ba Rona* campaign. To discuss the survey responses in greater detail Youth Dialogue Forums will be held, where young South Africans in all provinces will be invited to sit down and discuss the challenges they face. Whilst modern technology was heavily relied on in the initial phases, public meetings will be the driver in this phase. Suggestions on ways to address challenges like crime, health, employment and education will be put forward by young South Africans themselves.

The last phase will see a Youth Summit being staged in September 2010 with participants of all nine provinces gathering in Parliament to interrogate the recommendations that emanate from the dialogue forums. Stakeholders from Parliament and civil society will be invited to this Summit where they will engage directly with the youth.

In his 2010 State of the Nation Address, President Jacob Zuma urged all of us to prioritise and invest in the development of South Africa’s youth. This campaign finds resonance with the sentiments expressed by the President and its relevance is confirmed by his assertions.



**For more information on the campaign, please contact
Tumi Mogorosi on Tel: 021 403 8038
or email at tmogorosi@parliament.gov.za**

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Presiding Officers

Mr Max Sisulu
Mr Mninwa Mahlangu
Ms Nomaindia Mfeketo
Ms Thandi Memela

Accounting Officer: Zingile Dingani

Editor-in-Chief: Luzuko Jacobs

Editor: Momelezi Kula

Production Editor: Kagisho Mamabolo

Copy Editor: Oswald Gibson

Writers: Jackie Adriaans, Abel Mputing
and Sakhile Mokoena

Contributors: Peter Setou, Jasmine Mohidin,
Thulani Madlala, Oscar Selebogo

Design and Layout: Angelo Lamour

Photography:

Parliamentary Communication Services, GCIS

Distribution: Jacqueline Zils

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Telephone: (021) 403 8243, Fax (021) 403 8096

E-mail: insession@parliament.gov.za

Subscriptions: subscriptions@parliament.gov.za
Post: PO Box 15, Cape Town, 8000

OUR IDEALS**VISION**

To build an effective people's Parliament that is responsive to the needs of the people and that is driven by the ideal of realising a better quality of life for all the people of South Africa.

MISSION

As the freely elected representatives of the people of South Africa, our mission is to represent, and act as a voice of the people, in fulfilling our Constitutional functions of passing laws and overseeing executive action.

VALUES

Our values guide the management of Parliament. Our values are formed by that which we treasure and hold dear. It forms the foundation that will give rise to policies, which provide guidance in the implementation of everyday services and projects. The values of Parliament are derived from the role that Parliament plays in the context of our democracy. Therefore our values are formed by the people of South Africa, the Constitution, our cooperation with other arms of government, and our will to act with professionalism and good institutional governance.

TAKING PARLIAMENT TO THE PEOPLE



Sekhukhune FET College (Dr CN Phatudi Campus), Praktiseer, Burgersfort

23 – 26 March 2010 • Time: 8h00 – 16h00

“ WORKING TOGETHER TO SPEED UP DELIVERY OF SERVICES TO OUR PEOPLE”



editor's note

February 2010 was definitely packed with important Parliamentary events, and March promises more of the same. The action was seen by twice as many people: more South Africans than ever before were able to be a part of this year's State of the Nation Address from Parliament, thanks to it being held in the evening in honour of the 20th anniversary of Nelson Mandela's walk to freedom.

President Jacob Zuma opened his Address with a tribute to former President Mandela, as a powerful symbol of the strides South Africa has made as a nation: "He led us during a difficult period of transition, taught us to overcome anger, pain and hatred, and to move forward to build a non-racial, democratic and prosperous nation," he said.

Television viewership figures shot up from less than two million last year when the State of the Nation Address took place in the morning to just under four million on SABC 2 and eTV, taken together, for the evening slot on 11 February. The budget speech also received extensive media coverage.

In his first budget the Minister of Finance Mr Pravin Gordhan fleshed out several of the announcements in President Zuma's State of the Nation Address a week earlier, especially regarding education and health. The Minister called it "Cabinet's collective statement".

The Minister said enough money had been earmarked to double the number of people living with HIV/AIDS on anti-retrovirals (ARVs), from one- to two million, by 2013.

To provide for workbooks for learners and lesson plans educators, and for testing the literacy and numeracy of children in grade three, six and nine, R2.7 billion was added to basic education.

This year's "prudent" Budget, coming as it did on the back of a devastating recession, brought good news for several categories of South Africans, without imposing excessive new taxes. With the threshold for standard income tax on individuals (SITE) nearing R60 000 per year, SITE will be abolished from 1 March 2011, making this its last year. There are a few other ups and downs for people over 65 years of age, those who have company cars and those who earn interest and dividends from investments. Petrol will cost more from the second week in April, when fuel levies go up, and alcohol leads the way in the "sin tax" increases, with an increase of R27.27 per 750ml bottle of spirits.

Minister Gordhan detailed a wage-subsidy scheme to encourage companies to employ jobless youths. He said R52 billion would be spent over the next three years to create 4.5 million job opportunities.

Earlier, when the announcement was prefaced in the State of the Nation Address and the debate that followed in the National Assembly, President Zuma explained that job opportunities were not full-time jobs, although hopefully some would become permanent. He announced that he was putting pressure on the government to work "harder, faster and smarter", which is the subject of our cover story. To ensure effective leadership, Ministers and Directors-General in the public service will be required to sign performance contracts: "We are creating a delivery and performance-orientated State. As Ministers sign delivery agreements, so should we ensure that all public servants finalise performance agreements and work plans. Our public service performance management and development system has to work effectively, as outlined in the relevant public service legislation and regulations," President Zuma said.

The budget was generally welcomed with most analysts and economists saying it could have been worse. Next up, are the individual Ministers to present their Budget Votes. Enjoy reading.

Momelezi Kula
editor





Speaker of the National Assembly, Mr Max Sisulu

MESSAGE FROM THE national assembly



A good year awaits

On the eve of the State of the Nation Address, the Speaker of the National Assembly, Mr Max Sisulu attended a City of Cape Town function to welcome Members of Parliament at the start of another year in Parliament. This is adapted from his address:

South Africa has been preparing with enthusiasm for the Fifa 2010 World Cup. Finally, the dream of hosting the World Cup on the African continent is about to become a reality. Let us not forget that 2010 is about more than the World Cup. This year, not only do we celebrate the release from jail, 20 years ago, of former President Mandela, but our young democracy also turns "sweet 16". The beautiful city of Cape Town has its stamp firmly on these three events!

The 20th anniversary of the release of former President Mandela is especially poignant for Cape Town, as he had been incarcerated on a small island across the waters for most of his 27 years in jail. And who can forget his speech delivered from the balcony of the old Town Hall of Cape Town with many thousands of people gathered below on the Grand Parade waiting to hear his first words? That moment in history is also an important landmark shared by the people of Cape Town.

In celebrating the 20th anniversary of the release of Nelson Mandela we should take time to reflect on what his release symbolises. This year Parliament's theme is "*Celebrate the legacy of Mandela - contribute to nation building.*" Much of our activities this year will focus on what President Mandela's legacy is to us, as Parliament, as a nation, and as a people.

The City of Cape Town has invested heavily in preparing for the influx of visitors expected this year. However, it has been mindful that investments should also bring development benefits for the people of the city. This is not the time for us to list the many projects and many millions of Rands that have been spent. But I would like to mention the Dignified Spaces Project, to promote social cohesion. The City has embarked on extensive development work in Khayelitsha and Mitchell's Plain, which includes the Football for Hope Centre, the Khayelitsha Central Business District, access to land, extending the railway, and improved health facilities and housing.

In this regard, Cape Town will be well placed to win the World Design Capital title in 2014. Clearly, the legacy of apartheid is brutally felt in our Mother City. Sprawling townships on the wind-swept sandy Cape flats are a considerable distance from places of work. The integrated rapid transit system will and must make public transport more accessible and commute times shorter, thereby promoting the social cohesion the citizens of this city crave.

The integrated rapid transit system that will follow the World Cup, will harness infrastructure that was put in place for our 2010 world event. This is the meaning of legacy. The developmental gains of the World Cup must be felt by our people struggling to make a better life.



Max Sisulu
SPEAKER OF THE NATIONAL ASSEMBLY



The Chairperson of the National Council of Provinces, Mr Mninwa Mahlangu

MESSAGE FROM THE national council of provinces

Reaching out to rural north

The National Council of Provinces (NCOP) got off to a good start in the far northern reaches of South Africa this year with a preparatory meeting in the Greater Tubatse area of Limpopo, for the *Taking Parliament to the People* programme in March.

This is the essence of public participation. The NCOP wants a comprehensive idea of the kind of issues that will be raised by the community when we have the *Taking Parliament to the People* this month, to help us deal with them more easily later. Where people can be helped, this must indeed be followed through.

All relevant stakeholders (Youth Agency, Ministers, MECs, Councillors, etc) were expected to be present at the March meetings to ensure that the new budget and the laws that Parliament has passed also benefit the people of Tubatse. Oversight visits have taken place in the interim (since January) and these have been well supported by the local citizens. They helped us to determine if the current year's budget and the one still to be approved for 2010/2011, will be able to achieve their goals.

During our preliminary visits we learnt that all five larger local municipalities depend on government grants for their survival. None of the municipalities, including the District Municipality, are empowered to provide electricity. The District Municipality cannot provide enough water to the area, because there are not enough dams. De Hoop, Flag Boshielo and Loskop dams are supposed to provide water to the entire district but they are not up to the challenge. The existing boreholes are not reliable because the area is naturally dry.

The effect of this is that about 24 000 households in Greater Tubatse still do not have electricity. About R2million has been budgeted by the District Municipality to provide electricity to Greater Tubatse in the past two years, but this has had to be forfeited because Eskom could not provide the necessary infrastructure. Sanitation has not even reached 50% and this is having a negative

impact on millennium development goals (MDGs). Lastly, most of the land in the district is controlled by traditional leaders and this in itself presents a challenge. The sites can be given to local people at any time, which means that new homes can be built without the requisite budget to provide services, because this would fall outside municipal planning. However, there is a good working relationship between the municipality and the traditional leaders.

During our preliminary visits the NCOP encouraged people to organize themselves so that they could participate efficiently and effectively during the March programme. Despite the challenges faced by the government regarding service delivery, our people must resist destroying property when they engage in protests. Otherwise we are destroying our own birthright.

The NCOP decided earlier on seven main areas where it would concentrate its efforts in 2010: agriculture, education, economic development, health and social development, human settlements, policing, and rural development/land reform.

Taking Parliament to the People is the NCOP's flagship programme that brings together all three spheres of government to address issues of service delivery. Throughout the year education will be high on the agenda. Last year the Portfolio Committee on Basic Education called for submissions from the public on the delivery of quality education in South Africa and the challenges it presents. We arranged a public debate in Parliament during February under the topic *Enhancing the culture of learning and teaching in our schools for better education outcomes, and addressing the challenges in accessing financial assistance for poor learners in higher education*. Both the Ministers for Basic Education and Higher Education and the Education MECs from Provincial Legislatures were invited to the debate. 🗣️

Mninwa Mahlangu

CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES

parliament in-brief

A selection of online news

Cabinet Ministers before SCOPA?

The National Assembly House Chairperson for Committees (Oversight), Mr Obed Bapela, says the question of Ministers appearing before the Standing Committee on Public Accounts (SCOPA), should be debated in Parliament. Over the past few weeks there has been a lively debate on whether Cabinet Ministers should appear before SCOPA. This has shown the need for a formal debate on this issue.

Mr Bapela says the appearance of Cabinet Ministers before Parliament is not a matter of choice, it is entrenched in the Constitution. With regard to the Standing Committee on Public Accounts, the practice has been that Accounting Officers or Directors-General appear before SCOPA: but over the years this has not helped anyone to understand why certain government departments continue to receive qualified audits every financial year. To this end, there should be a discussion that examines how Public Accounts Committees can improve their oversight work.

It was recently proposed that Cabinet Ministers would only be invited by the Public Accounts Committees when the need arose. An example was instances where the Accounting Officer or Director-General tried to shift the blame for the problems of their department to the particular Minister. Mr Bapela said this tended to happen frequently.

“Secondly, when a department becomes a serial offender the matter is no longer an administrative issue,

it becomes political as well, and that will require political authority in the person of a Minister. The responsible Minister would then have to explain why, if there were recurrent problems, and state what corrective measures had been instituted to improve the situation.

“Thirdly, there might be a case where a policy is being ignored, and the answers given by officials are vague. The political authority will be required to put things into perspective. Political parties in Parliament should consider a formal debate on this issue in the Joint Rules Committee, with the aim of amending the Public Finance Management Act. The parties must also phase in measures agreed upon in the Oversight Model of Parliament, measures that can address some of these issues. I believe this approach will lead to effective oversight of the Executive by Parliament. An exercise of this nature is crucial in entrenching the idea of an activist Parliament,” Mr Bapela said.

Shoddy job by SETAs

Millions of young people in South Africa are unemployed owing to a lack of skills. In spite of this, the National Skills Fund is not being utilised properly. Members of the Portfolio Committee on Higher Education and Training expressed their dissatisfaction at this fact, during a briefing in Parliament by the Director-General of Higher Education and Training, Ms Mary Metcalfe, who reviewed the Sectoral Education and Training Authorities (Setas) and analysed their financial performance. Although the Committee commended the

work done by Setas in helping historically disadvantaged South Africans participate in the country's economy, it found that the National Skills Fund was not spending the funds allocated to it. The Chairperson called on the Minister of Higher Education and Training to ensure that Setas have the capacity to function more fully and proposed a national structure to co-ordinate their work, to ensure good performance. The 23 Setas will in due course appear before the Committee.

Language is the issue

Parliament's Joint Committee on Constitutional Review has conducted public hearings on the Official Language Status of Sepedi in Limpopo, to determine whether Sepedi is incorrectly designated as an official language in the Constitution. The Committee received written and oral testimony on the debate that was sparked by various submissions to the Committee, including the Commission for the Promotion and Protection of the Rights of Culture, which contends that Sepedi is incorrectly designated as an official language in the Constitution. They argue that the correct designation of the language in question should be *Sesotho sa Lebowa*. The Committee is in Limpopo to establish if Sepedi is incorrectly designated as an official language or if *Sesotho sa Lebowa* should be in its place.

The hearings were held in the Fetakgomo Local Municipality; the Sekhukhune FET College; and Ahanang Municipality Hall in Limpopo. 🗣️

NCR

guest column

National Credit Regulator

by Peter Setou, National Credit Regulator

Credit watchdog a winner but debtors must act fast

South Africans have been running up record personal debts during the recession, but since the enactment of the National Credit Act more people have been helped to control bad lending and credit habits.

Millions of South Africans are in debt, and they owe more than ever before. Research shows that more than 70% of our household income is spent on repaying debts:

- Repaying home loans is the highest single category. It has a positive side, because it usually means paying off on an appreciating asset
- Car loans and credit cards are next and most consumers spend too much on both
- Repaying personal loans are the least productive of all, because they mean using up present and future income.

The National Credit Act has allowed people an opportunity to tap into mainstream credit avenues, even if they were previously unable to access credit. Along with the introduction of the new credit regulator, the Act helps to protect consumers from unethical lending practices and offers them the revolutionary concept of counselling, to help avoid prosecution.

Trying to survive on less than 30% of household income frequently means that debts continue to grow, becoming a “debt spiral” where more income is used to pay interest and less goes to repay mounting debts.

The NCA helps consumers to combat this problem. The law requires of credit providers that they ensure that consumers are not borrowing more than

they can repay. But the government is not content to leave it there: its stricter rules on lending have helped protect consumers from unethical moneylenders and officially introduced the concept of debt counselling. These aspects of the Act have attracted international interest.

As debt levels continue to rise, so has the number of registered debt counsellors, growing steadily to more than 1 500. About 150 000 consumers have asked for help with debt review. Debt counselling has an invaluable social side, in that it helps to avoid legal action against the debtor. Having one’s belongings repossessed just compounds consumer stress.

Consumers must ensure that the debt counsellor they want to consult is registered with the National Credit Regulator (NCR), as only registered debt counsellors have the power to approach the court for an order declaring that a reckless credit agreement cannot be enforced.

Debt counsellors help review and assess a person’s debt and financial position, after which they submit a re-arrangement proposal to the people or businesses that have provided credit to the consumer. The debt counsellor tries to get the credit providers to co-operate in finalising a common debt restructuring framework. The magistrate’s court may be approached to order that the debt counsellor’s recommendations bind both the consumer and credit provider.

A payment distribution agency is instructed to deduct money from the client’s salary, and this is paid out on an agreed basis to credit providers. The debt counsellors try to restructure

monthly debt repayments in such a way that the consumer has enough left for basic expenses. Provided that agreed monthly payments are met, credit providers are not able to take legal action.

10 days to act

The Act requires credit providers to notify you that you can approach a debt counsellor before they take legal action. The person in debt has only ten days to approach a debt counsellor, so it is vital to contact the NCR and make application for debt counselling as soon as possible. Unless this is done, the debt in question will be excluded from any future debt counselling rearrangement and legal action against the debtor will be possible.

It is essential that consumers become aware of their rights and spread the word to others, to approach a debt counsellor within the 10-day period.

The courts are at present granting a high number of administration orders but this will in time be replaced by a growing number of consumers who are undergoing debt counselling, which is a cheaper and less restrictive solution. The cost of debt counselling is also less than an administration order. It is hoped that consumers will exit the debt counselling programme within two years, having paid off their debts.

Debt counsellors are registered by the National Credit Regulator and a new Debt Counsellors Association of South Africa has been formed to help counsellors to maintain high professional standards. 🇿🇦

Peter Setou, Senior Manager Education & Strategy, National Credit Regulator



State of the Nation attracts millions

by Jackie Adriaans, Sakhile Mokoena and Abel Mputing

Parliament's first two premier events of this year went off without a hitch in spite of President Jacob Zuma's State of the Nation Address being broadcast in the evening and a tough economic backdrop facing Minister of Finance, Mr Pravin Gordhan.

President Zuma used the State of the Nation Address and the debate that followed to address important domestic issues.

"The fight against crime is one of the issues on which we all agree. We want South Africans to be safe and to feel safe, and we fully understand the feelings and views of South Africans about crime and corruption. For this reason, we have spent the last nine months working hard to revamp the criminal justice system, and also to ensure a more visible and vigorous policing style. We know that crime in our country tends to be violent, whether it takes place in homes, businesses or shopping malls. This increases the feelings of being unsafe. We have a number of interventions in place to improve the functioning of the criminal justice system. Let me emphasise that we are improving the skills base and capacity of our police service, in the areas of detective skills, intelligence and forensics. The bottom line is that crimes must be properly investigated, criminals must be tried, convicted and properly punished for what they have done."

The President said the fight against corruption formed an integral part of the fight against crime. "This means corruption within various programmes of government be it motor licensing, social grants, identity documents and others to ensure that the delivery of services is not undermined. Opposition members have welcomed the discontinuation of more than 30 000 fraudulent social grants, and asked when we are going to prosecute the perpetrators.

FRONT: President Jacob Zuma
MIDDLE: National Assembly Secretary, Kamal Mansura and Acting National Council of Provinces Secretary, Modibedi Phindela
TOP: National Assembly Speaker Max Sisulu



Past, present and future: (FROM LEFT) Ms Elita de Klerk and former President FW de Klerk, President Jacob Zuma, Ms Graca Machel-Mandela, former President Nelson Mandela and former Archbishop Desmond Tutu.

More than 12 000 people have been convicted since the inception of the anti-social grants fraud project and the campaign is ongoing. We thank members of the public who provided information on fraudsters to help us eradicate this practice. We will address corruption in government procurement. This includes the establishment of a tender compliance unit as well as supply chain fraud," he said.

President Zuma said creating decent work remained at the centre of the government's economic policies. "The short-term measures we have embarked on to assist our people to survive the recession, do not replace the jobs that must be created by the formal economy. Our long-term infrastructure investment programme will be one of the platforms that will underpin our growth in the next four years."

He agreed with opposition speakers that the government should "open the economy, promote opportunity, create competition and give choice. But this does not require the retreat of the State. Indeed, the resources and institutions of the state can be effectively used to promote conditions for even greater private sector growth and development."

President Zuma stressed that nationalisation was not government policy. "We have noted that political formations, including the ruling party's Youth League, have decided to debate the matter. This is a democratic society, and as government, we cannot stop political formations from deciding to open a debate on this topic or any other."

In an effort to improve accountability and speed up service delivery, cabinet Ministers will sign delivery agreements with the President to measure their individual performance in relation to the work of their departments. President Jacob Zuma says he has declared 2010 "a year of action".

"We are pleased to announce a new way of doing things in government.

"The work of departments will be measured by outcomes, developed through our performance monitoring and evaluation system. The Ministers, who are responsible for a particular outcome, will sign a detailed Delivery Agreement with the President," said the President.

President Zuma said the agreement will outline what is to be done, how, by whom, within what time period

How to double an audience

More South Africans than ever before were able to be a part of this year's State of the Nation Address from Parliament, thanks to it being held in the evening in honour of the 20th anniversary of Nelson Mandela's walk to freedom.

Television viewership figures shot up from less than two million last year when the State of the Nation Address took place at 11h00 on a Friday, to just under four million on SABC 2 and eTV, taken together, for the 19h00 slot on Thursday, 11 February.

Replying to the debate on his Address, President Jacob Zuma said audience measurement figures from last year showed that when the State of the Nation Address was delivered in the morning, SABC 2 viewership was 1,5 million and eTV viewership was 487 000. This year the SABC2 audience for the evening event shot up to more than 2,5 million and eTV rose to slightly more than 1,3 million viewers. Millions more were also able to follow the State of the Nation Address on radio.

and using what measurements and resources. He said both the executive and the public service should comply with the vision of a government that works “faster, harder and smarter”. “We are building a performance-oriented state, by improving planning as well as performance monitoring and evaluation. This year, 2010, shall be a year of action,” the President said. He said government’s work was to be determined by clear outcomes, and by increasing the pace and form of service delivery in this new era.

The President reminded South Africans that government’s priorities were still education, health, rural development and land reform, creating decent work and the fight against crime.

“Our priorities have not changed. What is changing is the method of implementation, so that we can see faster results in this year of action,” he said. The government was creating a delivery and performance-oriented state by improving planning as well as performance monitoring and evaluation. “We need to integrate gender equity measures into the government’s programme of action. This action

will ensure that women, children and persons with disabilities can access



developmental opportunities,” the President said.

Not only Ministers will have to commit themselves to deliver - government officials will also be expected to sign performance agreements and work plans.

“As Ministers sign delivery agreements, so should we ensure that all public servants finalise performance agreements and work plans.” All South Africans should work together to make this year of action a successful one for the country.

The Chairperson of the Committee on Auditor-General, Mr Michael Masutha, said the introduction of performance contracts between the President and Cabinet was necessary to set out clear and agreed targets to which Ministers would adhere and against which their performance could be measured “Your declaration that you will conclude performance contracts with ministers with measurable outcomes being the criteria for monitoring their individual performance is refreshing,” said the Leader of the official Opposition Mr Athol Trollip during the debate of the President’s address.

Opposition on State of the Nation Address

On a new approach

“Your first year in office has hardly been stellar and your call for 2010 to be a year of action rings really hollow in our ears. Why? Because we have heard all these exhortations before. We remember these: ‘the age of hope’, ‘business unusual’, ‘all hands on deck’, ‘working together we can do more’, ‘faster, harder, smarter’. Why should 2010 be the year of action, more than 2009 or 2008?”

– Mr Athol Trollip, Democratic Alliance

On education

“With millions of children being unable to read or write, the educational situation calls for

a state of emergency in South Africa. Teachers should not use innocent children to fight their battles with the State. The President promised to create 500 000 job opportunities last year, but in this same period one million jobs were lost.”

– Rev Mvume Dandala, Congress of the People

On creating jobs

“Mr President, can you tell us when, if ever, we will see a plan from you on how we are going to restructure the economy so that we can create jobs? It is an indictment of the Mandela legacy that we have become the most unequal society in the world. It is patronising to enter onto a semantic debate about what constitutes work when over a million South Africans lost their jobs last year. You said we are ‘turning the corner’, Mr President. Which corner?” – Ms Patricia De Lille, Independent Democrats.

On teachers

“In education we must have the courage to get rid of teachers who do not produce results. Stop this nonsense of refusing to perform a thorough assessment of teachers’ skills and education. A teacher whose class does not obtain the desired results for two years in a row should be dismissed, as should the Principal of a school with poor results. Please, Mr President, implement what you have announced.” – Chief Mangosuthu Buthelezi, Inkatha Freedom Party.

On delivery

“President Zuma referred to the detailed delivery agreements that Ministers were expected to sign: will they be made public so that everyone, including the roleplayers, knows what is expected of them? This is the only way to ensure that non-delivery can be spotted and acted on. I suggest that Ministers who do not deliver to the accepted standard, should be fired.” – Leader of the African Christian Democratic Party, Rev Kenneth Meshoe.

On the economy

"There is a big need for a well-formulated economic policy in South Africa. The government should also do more to maintain the country's roads. There are large potholes in main roads such as the N1 in Johannesburg and the N2 in the Eastern Cape. Creating road maintenance teams will mean work for more people because it is cheaper to repair than to replace."

– **United Democratic Movement**
Mr Stanley Ntapane

On skills for youth

"The President says things will get better, but instead they keep on getting worse. He gave no details of skills training for youth, and his figures on job creation were contradictory. We expected more from him as a leader: he made no mention of women and the dignity of women."

– **Ms Celia Ditshetelo, United Christian Democratic Party**

On affirmative action

"The FF Plus welcomes the President's proposal 'to subsidise the cost of hiring young workers ... to encourage firms to take on inexperienced staff.' But why are young white people excluded from this, even those born after Mr. Mandela's release in 1990? The black wealthy and middle class are already considerably larger than its white equivalent but affirmative action at present only takes race into consideration and not economic capacity. There can be no reason to advantage a black millionaire's children by these measures while a poor white child is disadvantaged."

– **Dr Pieter Mulder, Freedom Front Plus**

Getting back on track

"The country's parastatals are in a crisis. It is clear that President Zuma's generals have let him down. He should return to the road mapped out by Madiba, in a deep spirit of unity and reconciliation, to build a better South Africa."

– **Mr Royith Bhoola, Minority Front Party**



Education tops Budget bill

Education remains a high priority for government, receiving the largest slice of this year's budget. R165 billion will go into the coffers of the Departments of Basic and Higher Education to tackle the challenges facing the education system.

A further R2.7 billion will be allocated to the Department of Basic Education to roll out daily lesson plans, provide workbooks in all official languages and to provide for special literacy and numeracy testing. This latest development represents a return to basics and a more "hands on" approach to improve education. Its implications and prospects in largely rural provinces like Limpopo and the Northern Cape

represent a growing concern. In his State of the Nation Address, President Zuma outlined his plans for education. "We will assist teachers by providing detailed daily lesson plans and students will be provided with easy-to-use workbooks in all 11 languages. From this year onwards, all grade 3, 6 and 9 learners will do literacy and numeracy tests, which will be independently moderated. We aim to increase the pass rate for these tests from the current average of between 35% and 40% to at least 60% by 2014."

The Chairperson of the Portfolio Committee on Basic Education, Ms Fatima Chohan, welcomed the introduction of workbooks as a means of addressing some of the challenges



Noteworthy: Finance Minister Pravin Gordhan

of the Foundation Phase. "We are very excited about the introduction of workbooks based on the Currie Goudie model and we think that we will see good results. The fact that workbooks will be in all 11 languages will to some extent deal with the language challenges in our schools. However, we will only be able to properly assess performance in 12 years time when this intake of students matriculate," she said.

The Currie Goudie model is an adult literacy project introduced by the Department of Education about three years ago in order to systematically address the high illiteracy rate in the country. Within a space of two years and on a small budget, the project relied completely on volunteers using adult activity workbooks to help teach one million people basic literacy skills, and it was a big success.

The rationale behind introducing external reading, writing and numeracy

testing for grades 3, 6 and 9 lies in enabling students to cope with writing external exams. "The proficiency of students will improve by doing these external exams so that they are able to gradually build up experience and are not suddenly confronted with it in grade 12," explained Ms Chohan. These results would also serve as an objective measure for parents to assess the quality of education that their children were receiving.


Beside education and work in a time of recession, the budget also had to address South Africa's dire need for more spending on health care. The Minister of Finance said by 2013 the number of people on anti-retrovirals (ARVs) would be doubled from one million to two million.

"In October, the government announced an additional R5.4 billion for spending on our HIV and Aids programme to be able to take on more people and improve the effectiveness of our treatment programmes. Taking into account further policy measures to broaden access to those co-infected with TB and women and children with CD4 counts lower than 350, a further R3 billion is allocated in this budget. Presently, about 920 000 people are on anti-retroviral treatment. The budget provides for the number to rise to 2.1 million in 2012/13."

The R5.4 billion allocated to combat Aids was indicative of government's bare-knuckle fight against the pandemic. The current budget on anti-retroviral treatment shows a steady increase from R1.7 billion initially allocated for it in

2007. The 920 000 target in this financial year marks an ambitious increase on the 630 000 target set last year.

The Minister of Finance explained how these amounts had been calculated: "The consolidated budget of government for next year is R907 billion and over the next three years, we will be spending R2.9 trillion. The fiscal framework makes provision for an increase in spending over the MTEF period amounting to R87 billion. In addition, about R25.6 billion has been identified through savings. So in total, it had been possible to add R112 billion to the baselines of departmental budgets.

"Of these amounts, over half go to provinces and municipalities for education, health, municipal infrastructure and human settlements, reflecting our commitment to sustaining growth in spending on our key priorities. In addition, we will continue to broaden the use of public private partnerships in the health sector, in particular to improve our hospital system. The flagship PPP hospital project will be Chris Hani Baragwanath, for which a feasibility study is now complete. In addition, the new George Mkhari and Polokwane academic health complexes are being fast-tracked. Alongside longer term reforms to the financing of health care, a closer partnership between the public and private health care systems is a prerequisite for the introduction of a national health insurance system. Our total national and provincial health spending is projected to be R105 billion next year," Mr Gordhan said. 

Some of the "Pointers for Pravin", budget hints and wishes from citizens may be held over for next year's budget. The Pointers for (Finance Minister) Pravin have replaced the "Tips for Trevor", started by former Minister of Finance, Trevor Manuel. As reported in February's InSession, the process of writing a budget speech takes at least 14 months. Preparations for the 2011 speech were started two months before the 2010 speech was even read.



Through the lens

STATE OF THE NATION ADDRESS



ABOVE: President Jacob Zuma, his wife Ms Sizakele Khumalo Zuma (on his right) with the Speaker of National Assembly Max Sisulu (on his left)



LEFT: Part of the public participation component at the State of the Nation Address to mark 20th anniversary of Madiba's release



TOP: Junior Guard of Honour cheers the President as he arrives at Parliament
ABOVE LEFT: Former President Nelson Mandela and his wife Ms Graca Machel-Mandela at the State of the Nation Address
ABOVE RIGHT: Western Cape Premier Helen Zille and her husband, Prof Johann Maree, share a moment with journalists
LEFT: Mr Chris Madlala and Ms Ndabeni Thembisa
BELOW: Ms Thezela Vika and Ms Zodwa Manase





fashion@

STATE OF THE NATION ADDRESS



SEEN AT 2010 STATE OF THE NATION ADDRESS

LEFT: Ms Juanita Terblanche and husband Mr Renier Terblanche

ABOVE LEFT: Ms Mmsasefako Aikgate

ABOVE RIGHT: Ms Livhuhani Mabija and Ms Priscilla Themba

BELOW: Mr Mandla Sibili, Chief Shadrack Sadana, Mr Andile Lungisa, Mr Mduzuzi Manana and Mr Ishmael Malale





Catching them young: Matric interventions must begin early

Good results depend on early start

by Abel Mputing

The educational values that our pupils absorb in the lower grades will give us a more realistic assessment of our education system, rather than taking matric results as the only true reflection of how good it is. So says Ms Fatima Chohan, Chairperson of the Portfolio Committee on Basic Education.

"I am quite convinced that no amount of intervention at that level (matric) will by itself make too much of a difference. We need to look at learners and what educational value they receive at lower grades: this, together with an urgent Early Childhood Development strategy, will improve overall results significantly. The Department is now beginning to use these terms and this is gratifying."

Ms Chohan says this does not remove the challenge to improve the matric results and get the basics right "because we can't say we're on a winning ticket when even one child gets left behind."

Despite being relatively new, her Committee seems to have a good grasp of what is expected of it: "The government is principally concerned with the issue of developing an education system that delivers quality education for all. We believe we are there to assist and maintain a course to achieve this. We have to play a role as public representatives to revive a hunger for education in our country," she says.

In her view that is why the education portfolio was split. "The idea behind splitting the Department of Education into distinct focus areas was to ensure a dedicated focus on each of the "big" issues, from basic education to tertiary education. There is no doubt that both areas hold major challenges and one way of dealing with it was to tackle it head-on," she says.

Fortunately, the transition has been well managed by its members, especially those who previously served in the education sector.

"The MPs who serve on it are former teachers, principals and others who served in our education sector in different capacities. This makes, I think, for a very good combination of talent," she said.

She said she could not over-emphasize the role of other stakeholders in promoting a culture of learning and teaching: "Principals, teachers, learners and their parents should help create an education system that delivers quality education for all. As a first measure we have called for views from the public on what they would like to see happen in our schooling system. We will have public hearings this year on the quality of teaching, access to education in rural and specialized schools."

"Some potential problems are that bodies and institutions are not neatly categorised into either of these departments, and of course the

process of change is always difficult for those involved," she said.

"When Outcomes Based Education (OBE) was introduced it was meant to address the fact that in order to be effective in the modern and future world a person has to have diverse skills, including the ability to be creative, highly adaptable and be far more discerning and critical in their thinking. The problem was how OBE was implemented. It appears that in rolling out certain aspects there was ineffective teacher development and a lack of adequate planning and support. These things are being addressed through a review, recently initiated by Minister Angie Motshekga, which seeks to remove some of the major challenges that teachers have complained about. This will hopefully restore some balance," Ms Chohan said.

She stressed the need for stringent measures to ensure that a breach such as the leaking of matric exam papers in Mpumalanga did not happen again. But in spite of all its faults, South Africa's education system has seen some major milestones. "More children now receive a proper education than ever before in our history. We're also one of the few countries in the world where every child does some form of mathematics. In the last matric results, we produced more university entrance passes than at any other time, so there are some achievements and the challenges should be put in perspective," she said.

State probes profiteers

by Sakhile Mokoena

Parliament's Standing Committee on Public Accounts (SCOPA) expects to hear soon from State departments on their investigation of employees who exploited their links with departments in order to land big government contracts.

More than two thousand government employees who pocketed millions of rands from doing business with national and provincial departments between 2005 and 2007 could face prosecution for failing to declare their interests in companies that benefited from government projects.

The probe followed recommendations last year by SCOPA after it was found that only a handful of public servants and Ministers had declared their business interests in companies that benefitted from government tenders. Based on reports of the Auditor General, 97% did not have the legally required approval to perform remunerated work outside their employment. From the 2005 to 2007 financial years, these entities conducted government business that amounted to R 615 million. The Auditor General said 2 224 government officials had interests in companies doing business with national and provincial departments but only 75 (some 3 %) had the required permission to do so.

Of 30 employees who were directors or members of companies or closed

corporations (CCs) that conducted business with the Department where they were employed, five were designated employees, only one had submitted a financial disclosure form to the Public Service Commission, three had not declared their interest in the specific company or CC on their financial disclosure form and one had incorrectly indicated that he had resigned from the CC. The total amount paid in this regard during the review period was R30.6 million.

During its lengthy investigation, SCOPA heard evidence from 20 government departments and entities. It directed heads of departments to investigate and take appropriate actions against officials found guilty of performing such work without approval. It also said there should be annual letters to employees informing them they had to obtain approval to perform any remunerated work outside their official duties.

SCOPA recommended at the end of 2009 that the accounting officers of the relevant departments take disciplinary action against designated employees who had exploited their links with State departments. In line with the Public Service Act, the public funds watchdog suggested that if the officials were found guilty, the accounting officers of the respective departments should recover all money paid to them. Departments were ordered to investigate possible

preferential treatment or fraudulent action in allocating tenders.

SCOPA Chairperson Mr Themba Godi said there was lack of compliance with legislation relating to financial disclosures. "There is no proper monitoring of the legislation relating to financial disclosures, procurement, collusion among public servants and other practices that have led to the findings outlined by the Auditor General," Mr Godi said. Departments should take more care to develop monitoring and evaluation policies that would detect breaches in policy and deal immediately with such cases.

In a National Assembly debate on a SCOPA report Mr Nicolaas du Toit said Parliament should take urgent steps to ensure that high-ranking officials and Ministers were not allowed to become involved in contracts concluded with the State for a reasonable period after they had left office. "Measures to prevent a conflict of interest are urgently needed but cannot stop at the level of senior officials, they must also include Ministers, their spouses and families," he said.

Mr Leonard Ramatlakane said such officials "were committing a serious crime against jobless and poor people who instead could have participated in the economy. They get an unfair advantage, compromise independence and abuse positions, and use State facilities, time and inside information to get their gains," Mr Ramatlakane said.

SCOPA's recommendations were adopted by the National Assembly in November. The Accounting Officers of all departments mentioned had to submit a progress report to the House within 60 days after the adoption of the report.

Government houses (below) represent major business for contractors





Public Enterprises Minister, Ms Barbara Hogan

Tie pay to action

Parastatal brass under fire

by Sakhile Mokoena

Parliament's public accounts and public enterprises committees believe the paypackets of parastatal senior managers are excessive. They want the current salaries and bonuses of management to be directly linked to the performance of each State-owned enterprise (SOE). The Standing Committee on Public Accounts and the Portfolio Committee on Public Enterprises are also concerned about the "astronomical golden handshakes given to departing senior managers of SOEs" and they have called for a review of the policies governing the remuneration of these executives.

Standing Committee Chairperson Mr Themba Godi said the Committee had requested a copy of the Guidelines on Remuneration of SOEs from the Department of Public Enterprise and would recommend amendments where necessary, especially on salaries and bonuses of senior management.

The Committee heard for the first time about the guidelines in a recent meeting with State arms manufacturer Denel. "All along we thought there were no guidelines and it was a free-for-all," Mr Godi said.

Mr. Godi said the call by SCOPA follows a general outcry about the salary structure of senior management of SOEs which, he added, did not seem to be in line with the performance of the entities.

"It seems it (salary) has been structured to ensure maximum material benefits for senior management irrespective of the performance of the entities," said Godi.

He accused these executives of being

"unpatriotic" and putting personal considerations before public interest.

"South Africans were recently shocked by news of Jacob Maroga demanding R85 million for termination of services when the country experienced power blackouts that ran to billions of rand.

"What adds salt to the wound is the fact that even when it is people who are under-performing they still get 'performance' bonuses. We want SOEs to be run by people who are patriots, who will put public interest first before personal considerations.

"If people want to be rich they should go to private business to make money. In the public service, (managers) should serve whole-heartedly. What makes it more painful is the gap between the lowest-paid worker in the entity and the senior management," he said.

He said there was no need to promote a culture of astronomical salaries: "The cake must be shared evenly, rather than to concentrate it in the hands of a few." Another critical issue, Godi said, was the fact that these astronomical salaries had been paid amidst high unemployment and poverty levels in our country.

Mr Godi said the State-owned arms manufacturer, Denel, had posted losses in the past ten years and often had to be bailed out by the fiscal authority, yet the salaries of senior management remained high.

"Even though the entity posted a loss of about half a billion, the executives still got bonuses," he said.

"It gives a sense that with the current

salary structure, irrespective of how the entity performs, senior managers still reap the benefits, and yet when they struggle it is the public that bails them out."

Mr Godi said some of the parastatals were led by people who did not represent the best talent: "Their own performance is not spectacular."

The Chairperson of the Portfolio Committee on Public Enterprises, Ms Vytjie Mentor, echoed Godi's sentiments and called for a holistic examination of the whole system of governance of SOEs.

Ms Mentor said the issue of hefty packages and other matters including governance were part of the Committee's programme for this year.

"The CEOs sit on board (as exco members), so technically they influence decisions and draft the agenda of the board, and indirectly they influence how much they earn," she said.

The Chairperson said a review of the entire system would help separate the roles of boards and management, which she said were currently not clearly defined, making oversight difficult.

Ms Mentor queried what she termed "conflicting roles" by citing the examples of Eskom and Transnet: "How on earth can one person act as board chairperson and CEO, is he reporting to himself?"

Ms Mentor has asked the Department of Public Enterprise to provide more information on the duration of the term of office and the remuneration of board members.



Amending Money Bills

by Abel Mputing

It is easy to see the advantages of the new Money Bills Amendment Procedures and Related Matters Act and how the line of authority will be asserted, but measuring up to its demands is more of a challenge says Mr Obed Bapela, Chairperson of the Political Task Team that is implementing it.

Questions have been raised about Parliament's capacity to give effect to the new Act, but Mr Obed Bapela is not fazed: "The issue of capacity does cause some concern, but Parliament has not given itself this power for its own sake. The move is informed by the Constitution, which outlines Parliament's obligation to develop internal measures to amend money-related decisions."

Mr Bapela says Parliament has in 15 years (of the new democratic order) given itself time and space to plan "how to assert our authority on this matter. So, it would be an unfair comment to say we have taken command of powers for which we are not ready."

The Money Bills Amendment Procedures and Related Matters Act is a far-reaching legislative milestone that will afford Parliament powers to adjust our national budget. This means a new and significantly powerful voice for Parliament, according to Mr Bapela: "The Act takes cognizance that Parliament as the voice of the electorate, ought to find its expression around issues of budget. It must not just be seen as an organ of State that adopts legislation, it also has authority on the allocation

of budget, to ensure that there is a dedicated focus on service delivery priorities."

This new move embraces the notion of an "Activist Parliament," which marks Parliament's departure from its previous obligation of passing and repealing racist laws to a new model that upholds the principles of oversight.

"Some elements of an 'Activist Parliament' have always been there, such as the notions of a responsive people's Parliament. We need to reshape and transform Parliament to serve the needs of the people," he said.


His Political Task Team Committee comprises the Chairpersons of Parliamentary Committees, and the Programming Whips and Chairpersons of both houses. Its legislative responsibility will be carried by the newly-formed Appropriations Committee. But its administrative tasks will fall squarely on the Budget Office, which will also be charged with attracting requisite skills for particular legislative obligations.

"Parliament is in a process of setting up the Budget Office to get the requisite resources and skills. The head of the office, who will take over from April, will have to be a qualified Chartered Accountant who has a good grasp of public management and public finance matters. His work will be complemented by seasoned researchers, accountants and public

management personnel, so that they may afford Committees holistic and valuable information that relate to policy deliverables and Parliament's mandate," Mr Bapela said.

The Act advances Parliament's oversight authority, but "it only allows Committees to amend the budget should there be any deviations from the executive side regarding policy priorities or strategic plans, or if in their view the budget does not address the deliverables outlined in a State of the Nation Address. In such an instance, a Committee may amend or reject the allocation of budget," he said.

"But while the Act gives Parliament certain powers its own rules are being reformulated to govern its environment. For instance, any Committee that rejects an allocation in a budget must first explain why to the Appropriations Committee, before the matter comes before the house. The Appropriations Committee can overrule the Committee's objections. The motivation to reject any budget allocation will have to be watertight and the Appropriations Committee must also be able to explain why it agrees or disagrees with it."

"It's a new law, there has to be an orientation of the Executive and the respective Departments' official responsible for finances about its expectations and what it expects of them. A training manual has been developed, officials can adjust it to their environments so that there can be a harmonies understanding of its obligations," Mr Bapela said. 



Greater Sekhukhune District Municipality: Residents want a part of mining action in their area

Parliament hears the people

Community seeks access to its mineral wealth

by Sakhile Mokoena

The National Council of Provinces (NCOP) recently invited the community of Sekhukhune district in Limpopo to help create the agenda for the Taking Parliament to the People visit, which took place at the Praktiseer Campus of Sekhukhune FET College from 23 to 26 March. At a public meeting attended by the leaders of the provincial legislature and District municipalities, residents claimed that the mines overlooked local citizens and companies when recruiting or signing Black Economic Empowerment (BEE) deals. Despite more than 30 platinum and chrome mines operating in the area, Sekhukhune District Municipality is struggling for revenue.

The executive mayor, Mr David Magabe, wants the National Council of Provinces (NCOP) to help change things. He says Sekhukhune is not a typical mining town like Rustenburg, or Welkom. With vast rural villages and dusty streets where people queue for water at communal taps, and other signs of underdevelopment, there is no indication that the area is rich in precious minerals. The mayor sees this as evidence that the mines are not ploughing back enough into the local community: "Most of our local municipalities in the district are poor, they do have not a source of revenue and they rely on grants from national and provincial government," Mr Magabe told the NCOP.

The Sekhukhune district is home to over a million people scattered in vast rural

tracts. Despite mining vast quantities of chrome and platinum, it seems that none of the light from these precious minerals is reaching the surrounding community. Chrome and platinum are used extensively in manufacturing automobile components like shiny chrome parts for cars. Platinum has unique properties and a very high melting point, making it ideal for advanced technical applications, like catalytic converters and fuel cells, besides its popularity in manufacturing jewellery.

The district administers five local municipalities: Fetakgomo, Elias Motsoaledi, Marble Hall, Makhuduthamaga and Greater Tubatse. These small towns have little economic activity. The NCOP has been asked to follow up on allegations of fraudulent issuing of mining licences and rights, and through its oversight role, to look into the environmental impact of the mining activities. This follows allegations that hazardous chemicals from one of the mines flows into a river that serves as a source of drinking water.

The Chairperson of the NCOP, Mr Mninwa Mahlangu, agreed that the mining issue was serious and promised to refer it to the relevant committees in Parliament and to the Minister for Mineral Resources for further investigation.

"It is clear that mining is a very hot issue in this area; we will follow it up with the relevant government structures, because these mines must benefit local

people and help grow the economy of the region," Mr Mahlangu said.

NCOP Select Committees would conduct oversight visits in Sekhukhune to gather more information on the issues raised by the residents in preparation for Taking Parliament to the People in March: "We want the local people to be part of the processes of drawing up a programme, we don't want to impose issues to be discussed in March," the Chairperson said.

Since its establishment in 2002 the Taking Parliament to the People programme has evolved from being just an ordinary "imbizo" to become one of the most useful oversight and public participation mechanisms.

In its visit to Limpopo in 2005, delegates were shocked by reports on how municipalities were struggling to deliver services to the communities.

At the time the provincial administration responded and committed to addressing the challenges faced by the municipalities and indeed most of the issues were addressed.

More visits by the NCOP committees found that there was improvement, with many citizens now receiving free basic water and electricity and more RDP houses built for the poor. Given previous successes of speeding up delivery following Taking Parliament to the People visits, it is hoped that the problems of Sekhukhune would be addressed soon.

Q & A



At your service: Mr Ben Skhosana, House Chairperson, National Assembly

Mr Ben Skhosana is one of the three House Chairpersons assisting the Speaker, who is in charge of the National Assembly. With up to 400 members, the National Assembly (NA) is the larger House of Parliament, which means it is a big enterprise. Mr Skhosana tells INSESSION about taking care of members' interests and facilities.

Has your role as House Chairperson in the fourth Parliament shifted from what it was in the third Parliament?

I was appointed Chairperson of internal arrangements two years ago and it entails looking after the interests of Members of Parliament in various ways. There may have been a bit of shift this past year, because we are allowed now to recommend draft policies to the Rules Committee, which we didn't do a year ago. So in the fourth Parliament there are a few additions to my portfolio. Generally it is about taking care of members' interests, be it travel, security, office or what they call the tools of trade – laptops, computers, cellphones, etc.

The National Assembly in terms of the Constitution has three House Chairpersons. How does your role differ from the other two: International relations and Committees?

The responsibilities are clearly distinct. The House Chairperson for International Relations, Ms Mildred Oliphant, deals with issues of international affairs and also the relationship between different Parliaments outside South Africa and our own Parliament. Part of public education is taking care of that. Then

there is also the House Chairperson for Committees, Mr Obed Bapela, who has distinct duties, dealing with the various portfolios of Parliament linked to government departments. So our responsibilities are clearly different.

What are some of the challenges in taking care of the interests of Members of Parliament?

When it comes to those tools of trade I spoke about, when the fourth Parliament began we had to be ready to equip members and their offices, and accommodation and travel arrangements had to run smoothly. But I think this time it presented a bit of a challenge in that we had just concluded the third Parliament, when we needed PCs and other equipment for the incoming members. You had a situation where MPs had to wait between two and four months: very confusing and ineffective. But I am glad that we recovered without too many glitches.

How could you act without first assessing the needs?

Your question is very appropriate: we found that we were trying to be perfectionists because the majority of new Members of Parliament simply wanted a cellphone, and a laptop that is not too complex. We became caught up in discussions of different types of computers and that wasted a lot of our time.

You also oversee the implementation of the strategy dealing with member training?

The Deputy Speaker of the National Assembly, Ms Nomandina Mfeketo,

is also responsible for training and education of members. Simply put, it means that members ought to be trained in various fields to make them effective in their work as MPs. We are compiling a list of skills required by members to do their work effectively. This includes everything from languages to computer operations. When that information comes back we can do our training-needs assessment and design workshops for members to attain different skills. Where members want to be educated in different languages, we want to be able to cater for that.

And how would you cater for a variety of languages?

At present, for instance, we are dealing with members interested in learning French but one suspects that there would be more members interested in learning Portuguese. I think members coming from various backgrounds would like to learn the African languages. We have to look around and enlist the help of local universities or colleges that cater for African languages.

What is your strategy for this year?

Our direction as a Unit is going to be determined by the overall strategy of the Speaker of Parliament. The Speaker detailed the legacies of the past three Parliaments, and there has been the assessment of Parliament by a panel of experts. The current Speaker was a member of that panel, and they had recommendations on how Parliament could be made more effective and how the social contact between Parliament and the people could be cemented. 🌐

Parliament celebrates

Madiba's legacy

by Jackie Adriaans

Parliament this year is inviting the rest of the world to join us in celebrating the legacy of International Icon and South Africa's most revered statesman, Mr Nelson Mandela. President Jacob Zuma spearheaded celebrations at this year's State of the Nation Address, which was aligned with the 20th anniversary of Mr Mandela's release from prison. To complement this historic event, Parliament has arranged a special art exhibition in Madiba's honour.

To bring the exhibition to life, Parliament has entered a unique partnership with the Nelson Mandela Museum in Qunu, which celebrates its tenth anniversary this year. The partnership is driven by the passion of all involved.

"Parliament's own theme for 2010 relates to celebrating the legacy of Mr Mandela and contributing to nation-building," said Parliamentary Communication Services Head, Mr Luzuko Jacobs. "The idea is for Parliament to become a central repository for artefacts, memorabilia and visual material relating to him, from stakeholders such as the Nelson Mandela Foundation, Victor Verster Prison, Nelson Mandela Museum and

Robben Island, in order to give visitors a broad sense of who Mr Mandela is. The exhibition will form part and parcel of the Parliament tour," Mr Jacobs said.

The centrepiece is a 21m X 2m linear projection of Mr Mandela's life which highlights the different aspects of a historic figure who has made such an indelible impact on South Africa and the world. The projection lines the outside wall between the National Assembly and the official entrance at Poorthuis, and it represents the route the President followed up the red carpet to the National Assembly for the State of the Nation Address.

The visuals, courtesy of the Nelson Mandela Museum, span Mr Mandela's youth in *Son of the Soil*, his struggle days as a banned political activist in *Spirit of Struggle*, his release from prison in *Beacon of Hope*, his term as President in *Icon of Democracy*, his humanitarian work in *International Statesman*, and his retirement as represented in *Father of the Nation*. These visuals are replicated on the wall opposite the Slave Lodge. Large-format prints of Mr Mandela's Presidency are to be displayed at the base of the six plinths outside the



Nelson Mandela, SA's elder statesman

National Assembly and National Council of Provinces.

The Madiba tribute exhibition will continue to evolve throughout the year and the theme will be significant events in various months, leading up to his birthday in July.

Through the course of the exhibition, Parliament hopes to commemorate Mr Mandela's life and legacy and to acknowledge his remarkable contribution to fostering principles such as *ubuntu*, nation-building, reconciliation and minority rights.

Exhibition themes for 2010

- February – Mandela in Parliament
- March – Mandela and Human Rights
- April – Mandela and Freedom
- May – Mandela and the Constitution
- June – Mandela and the Youth
- July – Mandela, the Man Himself
- August – Mandela and Women's Struggle and Emancipation
- September – South Africa's Heritage and Humanity



Mandela banners at NCOP entrance



'Do it like this'



Madiba and 'the lion' Oliver Tambo

60 questions

Parliament in action

by Jackie Adriaans

Question time is vital to oversight in Parliament. It is important to the way in which Parliament conducts oversight over government's service to society.

Members of Parliament are driven by their constitutional obligation to hold the Executive accountable. The Manager of Parliament's Questions Office, Mr Michael Plaatjies, receives an average of 60 questions a week to be put to the Executive. He says when MPs pose critical questions on how power is being exercised "they are exercising a responsibility entrusted to them by the Constitution."

Following the 2009 national elections the official opposition doubled its number of representatives from 30 to 60 increasing the number of questions that the party can field: "Each member is permitted three questions a week for written reply and two questions a week for oral reply. This resulted in a significant increase in the number of questions that were asked in last year's shorter than usual annual Parliamentary session, due to the election. The average increased dramatically to 121 questions per week in 2009," Mr Plaatjies said.

Question days are often the most interesting, because putting questions to the President and members of the cabinet are part of a parliamentary tradition that dates back to at least the 18th century.

In the hands of an effective Opposition, putting questions to the Executive provides an opportunity to bring to light any questionable actions by the government, by requesting specific information. It is one of the many ways of finding out how Parliament serves the people of South Africa, where more

prompting is needed, or if there has been a major breakdown.

"Section 92 of the Constitution specifies that Cabinet members are accountable collectively and individually to Parliament for the exercise of their powers and performance of their functions," Mr Plaatjies said.

Posing questions to the Executive is one of the ways in which Parliament can help to hold the Executive accountable to the public. Two hours per week are also set aside for questions for oral reply.

Question time takes precedence over any other business scheduled on those days. It is usually scheduled for Wednesdays at 3 o'clock. "Unlike a debate, a question is a precise and concise means of requesting information or prompting Executive action. When the Executive replies, they are required to respond to each point raised by the Member of Parliament in their question," Mr Plaatjies said.

In accordance with the annual Parliamentary programme the President answers six questions per term. The President's response to questions can be very informative and have far-reaching consequences, so MPs look forward to his sessions. The Deputy President answers four questions during ordinary Question time, which is generally once a fortnight.

Each week, in rotation, a cluster deals with its questions eg cluster one (Peace and Security), cluster two (Social Services), cluster three (Governance) and cluster four (Economics and Finance). Therefore, each cluster usually gets to answer questions every fourth sitting week. The idea is that cross-cutting policy and implementation-related issues

can best be dealt with by departments working across the board.

The media usually publish the Executive's replies to questions, and this wields considerable influence in determining public opinion, according to Mr Plaatjies. "The purchase of official vehicles led to a heated debate both within and outside Parliament. Hence, the Ministerial handbook for such purchases is being reviewed in order to establish more appropriate guidelines," he said.

The procedure for submitting questions requires Members of Parliament to submit signed questions to the Questions Office, marked for either oral or written reply. The questions are edited by the Questions Office, which reports to the Speaker of the National Assembly and the Chairperson of the National Council of Provinces. Government departments work hard to prepare the necessary responses in the shortest possible time.

There are two types of Question Papers, the Question Paper and the Internal Question Paper. The Question Paper in the NA appears on the Monday preceding a particular question day and is distributed to all Members of Parliament. In the National Council of Provinces the Question Paper appears on the Friday preceding a particular question day. The Question Paper reflects only the questions for oral reply. The Internal Question Paper contains questions for both oral and written reply.

Provision is also made for topical questions, for example when a natural disaster requires urgent attention. "The questions process does provide for such instances and it is up to Members to use it. In some instances use is made of these processes, but because of the special circumstances that prescribe the

“Questions are not speeches in disguise”

use of urgent questions and questions without notice, they are not widely used,” Mr Plaatjies said.

- Any Member of Parliament can ask a question
- Members of opposition parties often compete to ask incisive questions
- The Speaker controls the flow of questions, and allows a reasonable number of supplementary questions, as long as they “arise from the reply” given by the Minister.

This means that no new unrelated questions are permitted – the supplementary questions should relate to the Minister’s reply.

Questions for written reply are not dealt with in the House. The Internal Question Paper gives the Ministers notice of questions specifically addressed to them for written reply. The departments often prepare written responses which are submitted for the Minister’s approval and signature, or the Minister can decide to respond directly and check it out with the department. These responses are then submitted to the Questions Office for processing and distribution to all the relevant stakeholders.

There is no limit to the number of written questions that may be posed to the President, Deputy President and Ministers. If the Member does not receive a written reply to a question within 10 working days after it has appeared on the Internal Question Paper, then that Member may instruct the Questions Office to place a question for oral reply on the Question Paper.

A Cabinet member is allowed three minutes in which to respond to a Member’s question on the Question Paper. The Member in whose name the question stands, or who takes charge of a question for Cabinet

response, may have one minute within which to ask a supplementary question. The Cabinet member takes a maximum of four supplementary questions and has two minutes within in which to respond to a follow-up. The Presiding Officer has discretion to permit more time if the matter is very important. “Members do not enjoy the same freedom to make sweeping statements or speeches as they would during debates,” Mr Plaatjies said.

Question time comes with its own set of constraints. “All mechanisms employed by Members in Parliament, including questions are governed by the Constitution, Parliamentary rules and practice. At times the rules and practice may result in frustration for both Members of Parliament and the Executive as was proven in the first few Question days for the new Executive last year. Set time limits restrict replies in response to Members’ questions. When points raised in a Member’s question are not responded to, this may result in the Speaker of the National Assembly not considering the question as replied to,” Mr Plaatjies said.

Questions should seek information, rather than be seen as an opportunity to score political points in Parliament. The rules on questions forbid “speeches within questions”. The rules of the National Assembly also specify that a question for oral reply may not be longer than five subdivisions. One for written reply may not be longer than 15 subdivisions. Questions should not be too long and complex or entail big expense to get the answers. Members that stray too far into the realm of political speech-making are sure to have their questions edited. Putting critical questions to the Executive contributes towards proper focus and debate and gives expression to the concept of an activist Parliament. 🇿



Independent Democrats leader Patricia de Lille at question time in Parliament

Human Rights and Democracy

Supplied by the Public Education Office

South Africa of the 21st century is a representative democracy. This means citizens do not govern the country themselves, they elect (vote for) other people to represent them in government. Elections are held in South Africa every five years. The Constitution establishes three spheres of government: the national, provincial and local. The citizens choose their representatives in national elections where they elect representatives to represent them in Parliament, and the country's nine provincial legislatures.

In his inaugural speech in 1994, the then President Nelson Mandela said: "We cherish our constitution and want to ensure that its rights become a living reality for all our people. All of us should play our part in popularising this manifesto of our democracy, in our work-places; in our schools and universities; in our communities and in our homes"

Parliament passed the Constitution in 1996. The Constitution contains the most important rules of our political system. It protects the rights of the people inside the country and it explains their obligations. It defines the institutions of South Africa, what their powers are, and how they may use their powers. All South Africans should know what it means for them.

The Constitution is the supreme law of the land, which means no other law or government action may go against its

provisions. South Africa's Constitution is one of the most progressive in the world and enjoys high acclaim internationally. One of the important parts of our Constitution is the Bill of Rights.

The Constitution and Human Rights

In March we celebrate the 20th anniversary of the release of Nelson Mandela by examining human rights, what they mean and how they are portrayed in the Bill of Rights, Chapter 2 of our Constitution. Human rights are the rights that everyone has, simply because they are human beings.

The rules set out in a Constitution are hard to change, and so are the rights in the Bill of Rights. This means that it is difficult for anyone, including the government, to change your rights or try to take them away from you.

Some of the human rights that are contained in the Bill of Rights

- Right to equality
- Right to human dignity
- Right to life
- Right to privacy
- Right to assemble, demonstrate, picket and petition
- Freedom of expression
- Freedom of religion, belief and opinion
- Freedom of association
- Freedom of movement and residence.

The limitation clause (section 36 of the Constitution)

At first glance it might seem strange to include, in a document dedicated to protecting rights, a clause that allows rights to be limited. But this is a necessary feature of life in society: people inevitably have competing and conflicting rights, and the State's interest may clash with that of the individual.

One person's right to dignity, for example, may clash with another's right to freedom of expression. One citizen's right to be protected from violent suspected criminals will conflict with that suspect's right to freedom of movement. It is an established principle that rights can be limited. Section 38 gives a person who believes that an infringement has occurred the right to go to court. Not only people acting for themselves may use the law to protect their own rights: "class action" suits are also allowed, by people acting for others, for a group or in the public interest.

In March 1960, events were planned for many parts of the country, for people to protest against the Pass Law. This law required all African men living or working in and around towns to carry a document (known as a pass) at all times, and the authorities were planning to extend the Pass Law to African women as well.

The idea was that so many people would be arrested and the jails would be so full that the country would not be able to function properly. It was hoped that this would lead to the Pass Laws being scrapped. At Sharpeville in Gauteng, thousands of people gathered at the police station demanding to be arrested. They were confronted by 300 armed police officers. After a scuffle, the police opened fire on the crowd. At least sixty-seven people were killed and 180 injured in the shooting.

Human Rights Day

On 21 March each year we remind ourselves of the suffering and loss of life that accompanied the struggle for human rights in South Africa. Our people must never again be denied their human rights.



Harry Schwarz, described as a “champion of the poor” by no less a figure than his friend Nelson Mandela, was a formidable debater and a fierce opponent of the Nationalist government. His political career spanned four decades during South Africa’s turbulent apartheid years. As a German Jewish refugee, he knew childhood poverty. He served as a navigator in the South African Air Force in World War 2, and later became a prominent lawyer and leading banker. In the introduction to his State of the Nation Address, President Jacob Zuma paid tribute to Harry Schwarz, who served as a defence attorney in the 1964 Rivonia trial of Mandela and other South African struggle figures.

Mr Schwarz also showed the way as a leading member of the Transvaal Provincial Council from 1963 to 1974. As Leader of the United Party in Transvaal, he soon clashed with the party’s establishment and led the liberal “Young Turks” to break away, creating the Reform Party which later formed a coalition with the Progressive Party. He was a founding member of the Democratic Party.

His career in banking helped him to become an excellent shadow Finance Minister, and as a shadow Defence Minister he was respected by all. During South Africa’s transition into democracy he was South Africa’s top diplomat, as the rainbow nation’s first democratic ambassador to the US (he succeeded Dr Piet Koornhof) and the first South African ambassador to Barbados.

The leader of the Democratic Alliance, Helen Zille, on behalf of



Harry Heinz Schwarz

13 May 1924 - 5 February 2010

the Democratic Alliance, extended sincere condolences on his death to his widow Annette and their three sons, Jonathan, Allan and Michael. She said Harry Schwarz would be remembered for “his signal contribution to the development of our democracy. His piercing intellect, and long professional experience in banking, made him the most astute analyst in Parliament on economic and financial matters during his terms in office. He had strong leadership qualities and could inspire people to great achievements. He was an outstanding debater, both inside and outside Parliament, who could stand his ground against all-comers.

“His principled and steadfast resistance to racial nationalism was rooted in the key role he played in

fighting Nazism during World War 2. He continued his resistance to racial nationalism through his long and distinguished career in South African opposition politics,” Ms Zille said.

Harry Schwarz helped form the Torch Commando, a movement that protested when the vote was taken away from the Coloured people in South Africa. He served on the South African Jewish Board of Deputies and was a prominent community leader who never lost an election. In 1988 he was awarded the Order for Meritorious Service. He also received several Honorary Doctorates, being described by the University of Stellenbosch as “one of the moral fathers of the new South Africa,” who played a leading role in laying the groundwork for a negotiated settlement.



citizen's forum

Learning can be fun

The Crossword is focused on learning about the business of Parliament. The solution to the February Crossword and Sudoku will be published in the next edition of INSESSION.

Rules of crossword

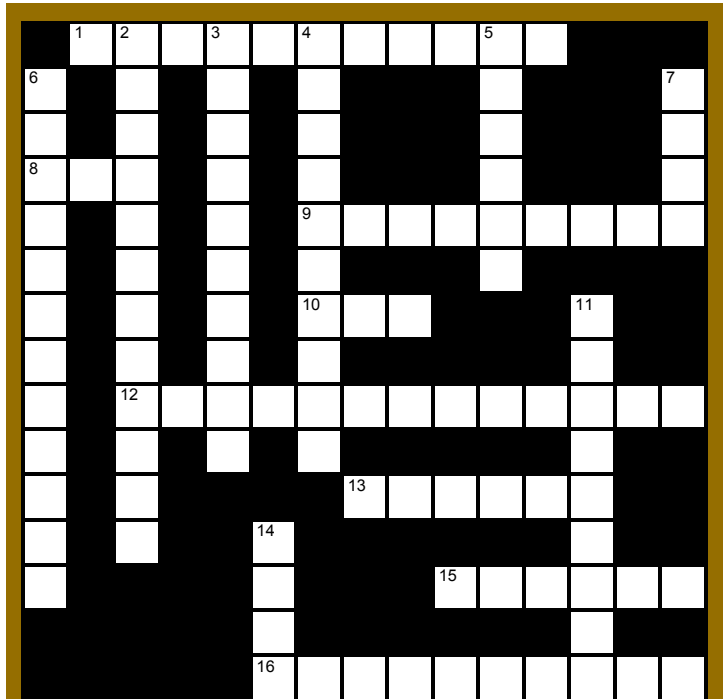
A crossword puzzle is a group of words that have been arranged across and down, so that each word crosses at least one other word at a common letter. The puzzle itself doesn't show the words, only the spaces where the words should be written. A list of numbered clues is matched to numbers placed in spaces on the puzzle where each word starts. You must find the correct word, in order for the clues to match up down and across, otherwise the puzzle does not work out.

Rules of Sudoku

Sudoku is played on a 9 by 9 board, divided into 3 by 3 cells. The solution of the puzzle is to place numbers on the board so that each row, column or cell contains each number, 1 to 9, exactly once, without moving the initial clues. The idea is to see where the numbers 1 to 9 will fit in. Each cell (or block) must contain the numbers 1 to 9, and each row vertically and horizontally must also contain 1 to 9.

Keep this INSESSION and check your answers in next month's issue.

		2				4	5	
9		7		8				
	6							
	7							1
			6		2	3		
3						8	6	
		2		6	3		8	
	4	9						
6		1	7					



Across

- 1 Massacre in which 67 people died in protests against apartheid, commemorated each 21 March. (11)
- 8 National Credit Act (Abbreviation) (3)
- 9 These are held in South Africa every five years to choose members of Parliament (9)
- 10 State-owned enterprise (Abbreviation) (3)
- 12 President of the first democratically elected Parliament of South Africa (13)
- 13 South African word meaning "quality of compassion and consideration for others" (6)
- 15 Nguni term for public meeting (6)
- 16 The National Legislative body of South Africa (10)

Down

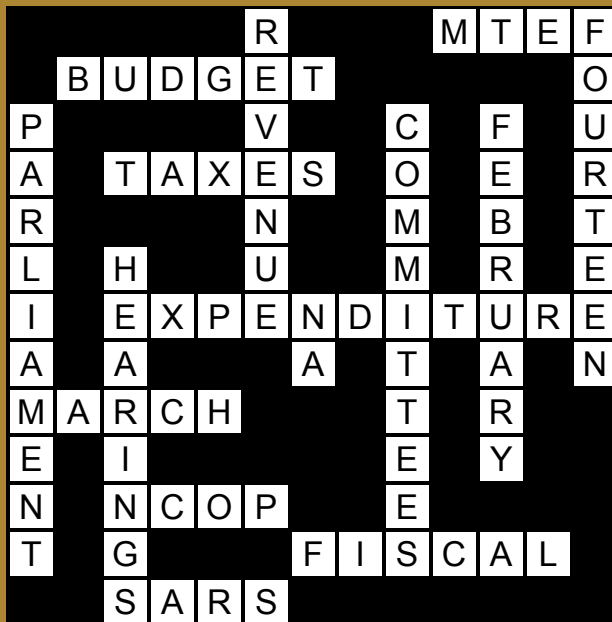
- 2 This quality gives one self-esteem and self-respect and should be cherished (12)
- 3 Nelson Mandela's first (traditional) name (10)
- 4 Freedom of _____ does not include freedom to incite violence (10)
- 5 A clause in the Constitution, _____ our rights, in respect of those of others (6)
- 6 Supreme law of the land (12)
- 7 An Apartheid law that limited the movement of Black South Africans (see page 24) (4)
- 11 According to the Constitution, Members of Parliament hold the _____ accountable for service delivery. (9)
- 14 This House is responsible for "Taking Parliament to the People" (Abbreviation). (4)

citizen's forum

solutions

to November Crossword and Sudoku

Crossword



Sudoku

3	5	2	6	9	7	4	8	1
7	8	4	1	2	5	6	9	3
9	1	6	8	4	3	5	7	2
5	2	1	3	6	9	8	4	7
6	7	9	4	8	1	2	3	5
4	3	8	5	7	2	1	6	9
8	9	5	7	1	6	3	2	4
2	4	3	9	5	8	7	1	6
1	6	7	2	3	4	9	5	8



Editor-in-Chief: Luzuko Jacobs

Note from the Editor-in-Chief

Parliament's theme for 2010 is *Celebrate the legacy of Mandela: Contribute to Nation-Building*. Throughout the year, this theme will permeate the business of Parliament. In this regard we have already made a start: the Presiding Officers launched the theme publicly on 9 February 2010 and the State of the Nation Address on 11 February was the first major event celebrating his legacy. We partnered with the Nelson Mandela Museum in his home town Qunu, Eastern Cape, to mount an outdoor exhibition around Parliament. We will be visiting the Qunu museum in March to explore other possibilities, such as relocating some artefacts, photos etc to Parliament. This could include a three-dimensional exhibition in the tour route within the Parliamentary precinct. We receive thousands of foreign and local tourists a year in Parliament, and 2010 should be a bumper year. We are in discussion with the Nelson Mandela Foundation, Robben Island Museum and Victor Verster Prison. We hope to make Parliament a central repository of the materials for a period (hopefully a minimum of 6 months). The exhibition will be "credited" appropriately to give exposure to each entity that supplies artefacts.

If you know of an organisation that would be interested in such a proposed collaboration, please do not hesitate to contact us. Our "Madiba Exhibition" will have a different theme each month (see page 25) and this will be reflected in all Parliament's publications, as well as our SABC Radio programmes.



OUR SOUTH AFRICA – THE SUN

The sun heals the divisions of the past, improves the quality of life of all South Africans, frees the potential of each person and builds a united and democratic South Africa, taking its rightful place as a sovereign state in the family of nations.



OUR PEOPLE – THE PROTEA LEAVES

Our people, building on the foundation of a democratic and open society, freely elect representatives, acting as a voice of the people and providing a national forum for public consideration of issues.



OUR PARLIAMENT – THE DRUM

The drum calls the people's Parliament, the National Assembly and the National Council of Provinces, to consider national and provincial issues, ensuring government by the people under the Constitution.



OUR CONSTITUTION – THE BOOK

Our Constitution lays the foundation for a democratic and open society based on democratic values, social justice and fundamental human rights. It is the supreme law of our country, and ensures government by the people.

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