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OUTA Parliamentary Engagement Office



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Laudable or lamentable? The 6th Parliament's legacy

Part of the EU Dashboard Project



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1. Abbreviations used in this report

ACSA	Airports Company South Africa
AGSA	Auditor-General of South Africa
ATNS	Air Traffic and Navigation Services
BDM	Broadcasting Digital Migration
BEP	Bucket Eradication Programme
BRRR	Budgetary Review and Recommendation Report
CEF	Central Energy Fund
CGE	Commission for Gender Equality
COGTA	Cooperative Governance and Traditional Affairs
CWP	Community Works Programme
DHET	Department of Higher Education and Training
DMRE	Department of Mineral Resources and Energy
GBV	Gender-Based Violence
GBVF	Gender-Based Violence and Femicide
GFIP	Gauteng Freeway Improvement Project
GPW	Government Printing Works
ICASA	Independent Communications Authority of SA
IEC	Electoral Commission
LHWP	Lesotho Highlands Water Project
MP	Member of Parliament
MTSF	Medium-Term Strategic Framework
NCOP	National Council of Provinces
NDP	National Development Plan
Necsa	South African Nuclear Energy Corporation
Nersa	National Energy Regulator of South Africa
NHI	National Health Insurance
NNR	National Nuclear Regulator
NSF	National Skills Fund
NSFAS	National Student Financial Aid Scheme
NYDA	National Youth Development Agency
OUTA	Organisation Undoing Tax Abuse

OVAC	Parliament's Oversight and Accountability Model
PAIA	Promotion of Access to Information Act
PC	Portfolio committee
PMG	Parliamentary Monitoring Group
Prasa	Passenger Rail Agency of South Africa
RMIPPPP	Risk Mitigation Independent Power Producer Procurement Programme
RTIA	Road Traffic Infringement Agency
RTMC	Road Traffic Management Corporation
SA	South Africa
SAA	South African Airways
SABC	South African Broadcasting Corporation
SACAA	South African Civil Aviation Authority
Safcol	South African Forestry Company SOC Ltd
Samsa	South African Maritime Safety Authority
SANParks	South African National Parks
Sanral	South African National Roads Agency Ltd
Scopa	Standing Committee on Public Accounts
SDGs	Sustainable Development Goals
SETA	Sector Education and Training Authority
SIU	Special Investigating Unit
SOC	State-owned company
SOE	State-owned entity
TCTA	Trans-Caledon Tunnel Authority
TVET	Technical and Vocational Education and Training
UN	United Nations
Usaasa	Universal Service and Access Agency of South Africa
WTE	Water Trading Entity
WYPD	Women, Youth and Persons with Disabilities

2. Acknowledgements

In 2024, OUTA partnered with the Parliamentary Monitoring Group (PMG) and OpenUp to advance the development of a groundbreaking initiative: the Parliamentary Oversight Dashboard, known as the *ParliMeter*. This collaborative project is co-funded by the European Union under their Enhancing Accountability Programme, aiming to promote transparency, public engagement, and effective parliamentary oversight in South Africa.

The *ParliMeter* initiative seeks to create a user-friendly, open-source platform that enables the public to monitor and assess parliamentary performance. By offering real-time data on parliamentary activities, user engagement, and transparency, the dashboard aims to facilitate greater public and stakeholder involvement in holding Parliament accountable. A key focus of the platform is inclusivity, ensuring that marginalised groups can access information and actively participate in the democratic process.

The collaboration between OUTA, PMG, and OpenUp brings together a wealth of expertise and shared commitment to democratic governance. Our joint efforts include identifying the types of information needed for the *ParliMeter*, analysing parliamentary legacy reports, and examining the Indicators of Democratic Parliaments to establish robust benchmarks. Additionally, we are working closely with other civil society organisations (CSOs) to develop materials that will empower the public to understand and engage with parliamentary processes effectively.

While the *ParliMeter* serves as the main output of this collaborative project, the *Parliamentary Oversight Report* remains a critical and distinct OUTA product. This report, now in its sixth year, provides a comprehensive analysis of Parliament's

performance, tracking various quantitative and qualitative indicators to evaluate the effectiveness of parliamentary oversight. It serves as a vital advocacy tool, complementing the data-driven insights of the *ParliMeter* by offering in-depth analysis and critical commentary on Parliament's actions.

As an OUTA publication, the *Parliamentary Oversight Report* reflects our organisation's longstanding commitment to promoting accountability and transparency within South Africa's democratic institutions. Since our first report in 2019, OUTA has consistently called for stronger parliamentary oversight and public participation. Our findings have repeatedly highlighted the challenges and shortcomings in Parliament's ability to hold the executive accountable and prevent governance failures, including state capture and looting.

This sixth report builds on our established legacy, providing valuable insights and advocating for the reforms needed to strengthen parliamentary oversight. It aligns with the broader goals of the EU-co-funded project while maintaining OUTA's distinct voice and brand. By combining the qualitative analysis of this report with the innovative data capabilities of the *ParliMeter*, we aim to equip citizens, policymakers, and civil society with the tools to foster a more transparent, accountable, and inclusive Parliament.

For more information on the work of our partners, please visit the [Parliamentary Monitoring Group \(PMG\)](#) and [OpenUp](#). Together, we continue to drive efforts towards a democratic future where public participation is not just encouraged but actively facilitated, and where Parliament truly serves the people of South Africa.



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This report was compiled by the **Organisation Undoing Tax Abuse's** Parliamentary Engagement Office together with the support of OUTA's Communications and Marketing team:

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October 2024

3. Executive summary

The Organisation Undoing Tax Abuse's sixth annual *Parliamentary Oversight Report* provides a comprehensive analysis of the last year of the last year of the 6th Parliament's performance, specifically the National Assembly. This report also reflects on the legacy of the entire 6th Parliament. We analyse the work of selected portfolio committees (PCs) within the National Assembly.

The 6th Parliament ran through the Covid-19 years and associated economic fallout, the culmination of state capture and the acknowledgement that Parliament would have to address this legacy, the related rise in organised crime, the widespread collapse of service delivery across multiple sectors, and the financial collapse of crucial state-owned entities (SOEs) with the consequent need to bail them out. The Covid-19 pandemic had worsened existing problems such as healthcare strains, economic and financial issues, and delays in essential services and oversight.

This report analyses the work of selected portfolio committees (PCs): these committees' oversight of the executive, using the PCs' own legacy reports and Budgetary Review and Recommendation Reports (BRRRs), and OUTA's thoughts on the effectiveness of the PCs' work. The period assessed is 1 July 2023 to 30 June 2024. This period is not the financial year but aligns with the timing when a new Parliament takes office. Our focus is on the last year of this Parliament, but where it is particularly relevant, we look back over the full five-year term.

This year in our report we ask three guiding questions:

1. What challenges and opportunities did the selected PCs deal with?

This report assesses the work of
11 of the National Assembly's
portfolio committees, from July
2023 to June 2024

2. How did they deal with these challenges and were their efforts laudable or lamentable?
3. What recommendations can be made for the 7th Parliament?

This report evaluates the effectiveness of PCs in fulfilling their mandates, identifying obstacles they encountered, and offering recommendations for improvement in the 7th Parliament. It addresses key governance and service-delivery challenges, including corruption, inequality, and failures in areas like water, electoral reform, the National Student Financial Aid Scheme (NSFAS) and the Sector Education and Training Authorities (SETAs) crises, electricity, housing, and sanitation.

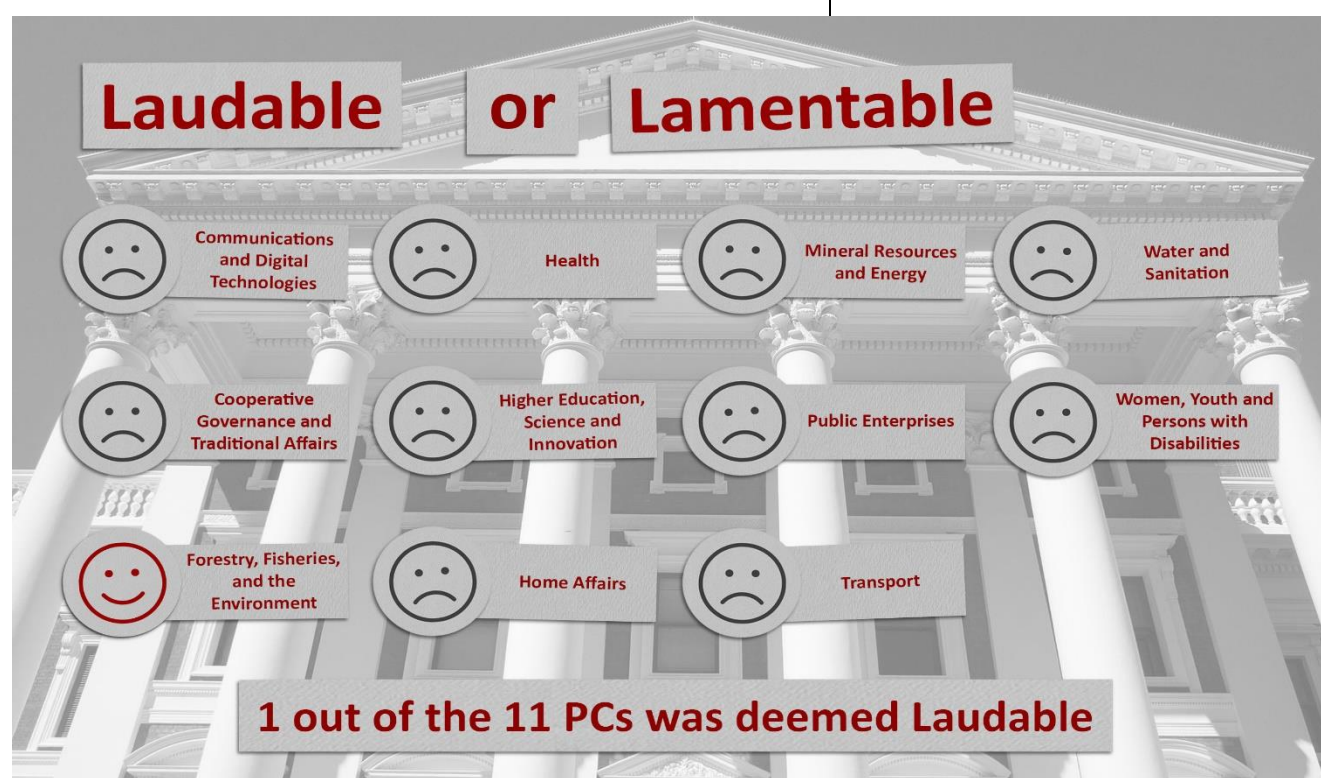
Our report finds many portfolio committees worked hard to carry out their oversight duties. They struggle due to limited resources, budget constraints, logistical challenges, departments and entities which repeatedly fail to get their finances in order, officials who fail or are slow to provide the reports and submissions the committees require, legally required annual reports which never arrive, departmental tardiness in implementing recommendations, and political point-scoring from other parties. However, there are some committees which seemed reluctant to grasp the realities of state capture, corruption, mismanagement and widespread state failure. There is also a concern that despite a committee's busyness and hard work, this does not necessarily translate into effective oversight.

Persistent issues such as unemployment, environmental sustainability, the collapse of infrastructure, governance failures, the need to implement the State Capture Commission's recommendations, and ongoing political instability, especially at the local government level, remain critical concerns for the next parliamentary term.

This report evaluates the effectiveness of PCs in fulfilling their mandates, identifying obstacles they encountered, and offering recommendations for improvement in the 7th Parliament

Departments and Parliament have useful tools such as the National Development Plan (NDP) and the UN's Sustainable Development Goals (SDGs). These may be old – the NDP is more than a decade old but has been reviewed and priorities included in the Medium-Term Strategic Framework – but they are still relevant and useful for measuring performance. Unfortunately, not all portfolio committees seem to use these tools. We understand that the National Treasury implemented spending reviews in certain departments or programmes, with a view to starting a zero-based budgeting system, but it is not clear whether these reviews are being used by the PCs.

OUTA's report scores each of the assessed portfolio committees as "laudable" or "lamentable" in terms of effectiveness of oversight. Unfortunately, we scored only one committee – the Portfolio Committee on Forestry, Fisheries and the Environment – as laudable and all the other 10 as lamentable. Overall, the 6th Parliament's oversight performance is lamentable. This is the sixth year in a row that OUTA has criticised Parliament's exercise of oversight as inadequate.



OUTA's recommendations call for increased resources, including for parliamentary oversight visits, for enhanced meeting attendance, strategic planning, and better training for committee members. Many committees themselves identified such difficulties. Addressing financial management issues, resolving staffing gaps, and developing sustainable funding models are essential to ensure improved performance and accountability. Strengthening public participation, legislative processes, and oversight in key sectors like education, water, and infrastructure are also crucial.

Environmental issues are impacting many sectors and need more insight and attention.

Parliament needs to learn from international best practices and address gaps in policy integration.

While the 6th Parliament faced significant challenges, the 7th Parliament has an opportunity to learn from these experiences and implement measures to improve governance, oversight, and service delivery.

For the new group of Members of Parliament (MPs), OUTA warns that, without full commitment to performing necessary structural reforms within Parliament, they are likely to encounter many challenges. This report highlights the risk of these MPs becoming tangled in the slow and inefficient administrative processes of a Parliament that has historically struggled to hold the executive accountable.

The need for stronger measures to implement accountability comes up repeatedly across this report.

In 2024/25, Parliament watches over R2.136 trillion in national government spending. We as the public expect responsible accounting for those funds. The annual bailouts to Eskom (the most recent are R78 billion in 2023/24, R66 billion in 2024/25 and



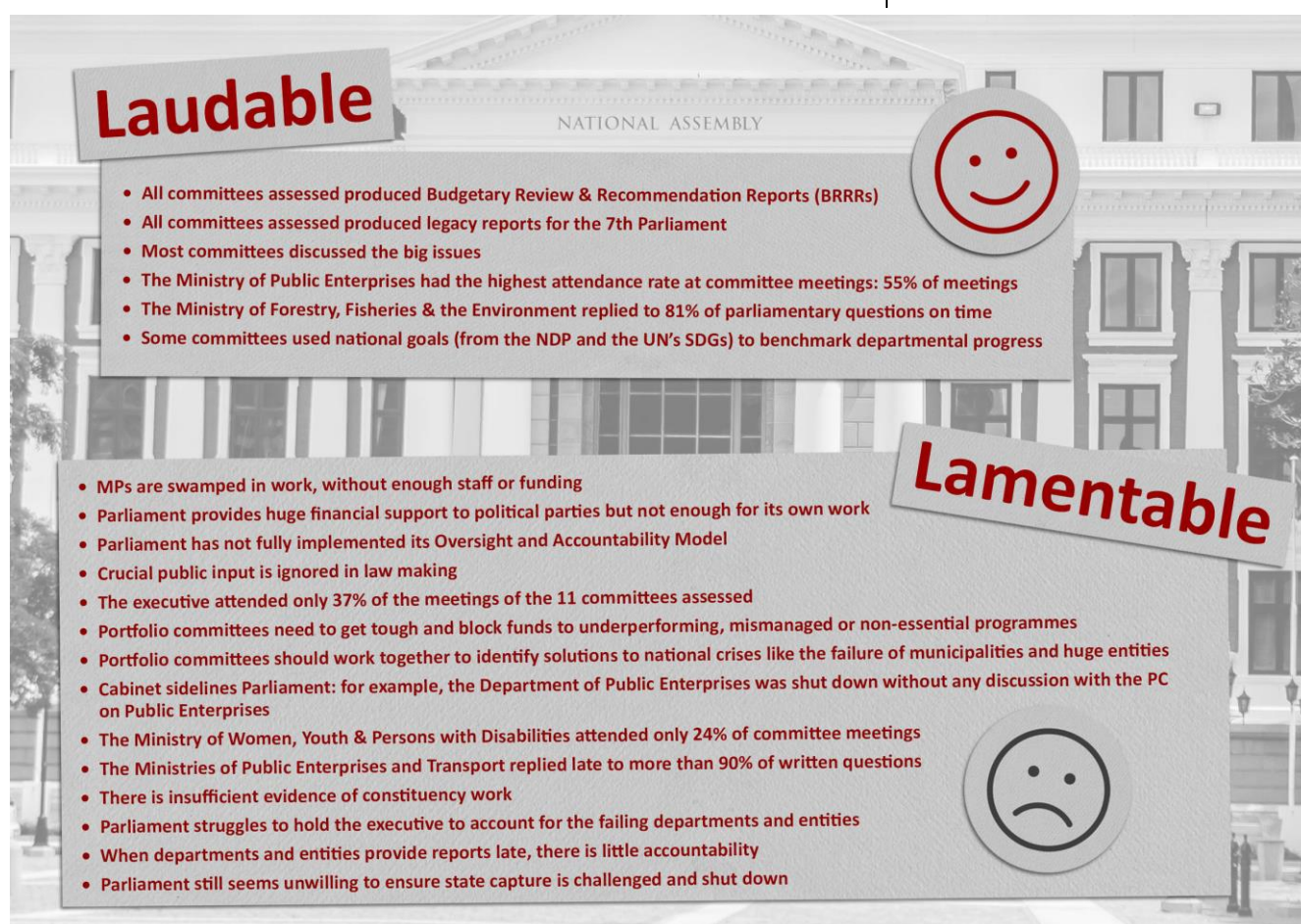
Swearing in the 7th Parliament: they have the opportunity to learn from the 6th Parliament.

Image: Facebook/ParliamentofRSA

R40 billion for 2025/26) would have gone a long way to sorting out the water and sanitation infrastructure backlog.

The time for effective accountability is long overdue, and South Africa needs Parliament to drive this.

Throughout this report, creative imagery is utilised to convey our impression of whether actions undertaken were “laudable” or “lamentable”.



4. Key findings and recommendations

4.1. Key findings

- **Country challenges:** South Africa faces a widespread and increasing failure of basic service delivery and the related collapse of essential infrastructure, in sectors such as water, sanitation, electricity and public transport. The loathed bucket toilet system has yet to be eradicated. There are as yet no working solutions to failures to pay for services, by consumers, state entities and departments. These service delivery failures often affect remote and rural areas most. Service delivery challenges are becoming increasingly complicated by the appearance of organised crime and extortion networks. Unemployment and a stagnant economy make everything worse.
- **Civil society challenges:** Public participation is a crucial part of the parliamentary process, but this is too often set aside in the face of lack of time or resources, or lack of interest in public opinion. When public participation is sought, there are still instances where inputs are not thoughtfully considered, resulting in failed solutions or legislation over which disputes continue as soon as they are signed into law, such as the National Health Insurance Act. Parliament is still not as accessible and transparent as it should be.
- **Department and entity challenges:** Grand corruption, small corruption, mismanagement and governance issues remain entrenched across government departments and entities. The goals of the National Development Plan and the UN's Sustainable Development Goals are not front and central.

Failure of basic service delivery and collapse of essential infrastructure

Public participation is inadequate or ignored

Corruption and mismanagement remain entrenched across government

Efforts towards accountability are underway, but often meet significant resistance. There is insufficient funding for law-enforcement entities, particularly those focused on combating serious corruption and organised crime, and inadequate tough assessment and cutting of programmes that are ineffectual or not central to delivery. There are gaps in the integration and implementation of policies related to critical issues like gender-based violence, youth unemployment, and disability rights. Environmental issues frequently take lower priority, a failure seen in the lack of preparedness for disasters like floods.

- **Parliamentary challenges:** Parliament oversees a government with spending of R2.136 trillion in 2024/25. Oversight of those responsible for allocating and spending this is a tough job even when those responsible for it are all on the same team and well-resourced. In a Parliament fractured by political in-fighting, with inadequate resources, and faced by a public furious with ongoing looting and waste in departments and entities, it is a nightmare. Public participation is not sufficiently entrenched in the system, and there isn't enough funding for outreach like public hearings or considered assessment of public inputs. Oversight visits are valuable but insufficiently resourced. Training for parliamentarians appears to be inadequate or not having sufficient impact. Sub-standard bills are introduced to Parliament, and result in time-consuming problems. Parliament does not have enough money to fill critical vacancies, including researchers and legal advisors. Multiple layers of governance – including entities within entities – and government delays in producing required documents all reduce transparency and make oversight harder. Parliament is still unable – or unwilling – to address state capture networks decisively, with feeble action against

Gaps remain in the implementation of policies related to critical issues like gender-based violence, youth employment and disability rights

In a Parliament fractured by political in-fighting, with inadequate resources, and faced by a public furious with ongoing looting and waste in departments and entities, oversight is a nightmare

Parliament is still unable – or unwilling – to address state capture networks decisively

its own members who are implicated in wrongdoing. In the 7th Parliament, the presence of MPs strongly implicated in state capture will make these oversight challenges chaotic and harder.

- **The executive:** The retention of ministers implicated in state capture – or just years of incompetence – will make Parliament’s oversight job harder.

4.2. Key recommendations

- **Civil society:** Civil society and the wider public are still too often not heard by Parliament. Civil society has to continue to work towards better relations with Parliament, greater transparency by Parliament, and more effective oversight of government and the executive by Parliament.
- **Joint tagging mechanism:** Parliament should undertake a thorough appraisal of the joint tagging mechanism for processing bills, and possibly improve training for parliamentarians and/or staff, to ensure bills are appropriately tagged.
- **Parliamentarians:** Disagreements and arguments are expected, but the country needs legislation which ultimately is workable. Winning political point-scoring at the expense of effective legislation is not helpful.
- **Parliament’s budget:** Parliament should reassess its budget to ensure that priority work is funded, and enable it to fill key vacant posts. Parliament’s transfers to political parties are starting to match and overtake the spending on public participation, which should be reassessed.

Civil society and the wider public are still too often not heard by Parliament

Improve training of Parliamentary staff and MPs

Winning political point scoring at the expense of effective legislation is not helpful

Parliament should ensure that its priority work is funded

- **Public participation:** Parliament should improve public participation in the legislation process. Digital tools and platforms could help lower costs (for both Parliament and the public) while expanding Parliament's reach. This could include developing virtual public hearings, surveys and online consultations, combined with traditional methods.
- **Oversight and Accountability:** In terms of oversight of the Presidency, we want to see the PC on Planning, Monitoring and Evaluation start to hold the Presidency to account, as recommended by the National Assembly's Rules Committee. For stronger oversight over the budget, we suggest the portfolio committees push harder to cut wasteful and poorly performing programmes. The National Treasury's spending reviews should be helpful in this regard. And finally, Parliament should, as a matter of urgency, implement the Oversight and Accountability Model it adopted in 2009, including, crucially, systems for holding the executive to account.
- **Prioritising reforms:** We call on Parliament to deal with the endemic problem of failed governance at state-owned entities, and prioritise reforms. We also call for an assessment of some of the entity funding arrangements, and call for reassessments: an example here is the failure of the SABC Bill to address the need for a new funding model for the SABC.
- **Remember the national goals:** Departments and entities should remember the National Development Plan goals, build their performance indicators around these, and should be held to these by the portfolio committees.

Digital tools and platforms could help lower costs and expand Parliament's reach

Hold the President to account

Cut waste

Prioritise the full implementation of OVAC.

Prioritise reforms at state-owned entities

Prioritise the National Development Plan's goals meaningfully

- **State Capture Commission recommendations:** Parliament has a duty to stand up to state capture, and to implement the commission's recommendations.
- **Tracking and monitoring:** We suggest the portfolio committees jointly work on a system to track infrastructure spending themselves, rather than relying on departmental officials to do this for them. Perhaps a parliamentary database would help. Making this available to the public would increase transparency and enable the public to help watch over spending. We believe significant funds are lost and stolen due to mismanaged and badly tracked spending on the many infrastructure projects, particularly those which run over many years and multiple parliamentary administrations.

Parliament has a duty to stand up to state capture

Build a shared system to track infrastructure spending

5. OUTA's Parliamentary Oversight Reports

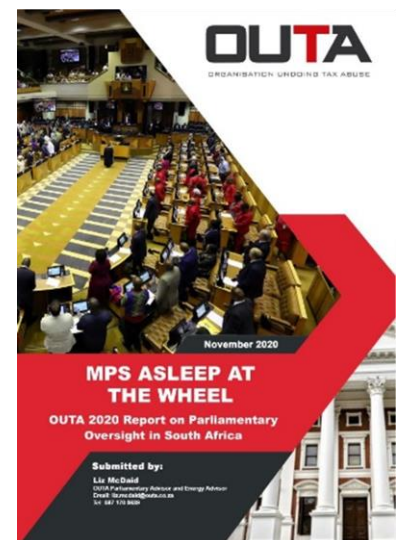
OUTA's *Parliamentary Oversight Report 2024* is OUTA's sixth annual report on parliamentary oversight. Each year, OUTA has attempted to provide a review of some of the detailed workings of Parliament, focusing on those aspects which would demonstrate whether Parliament is an accountable and robust institution. Below are brief details of previous reports.

Parliamentary Oversight Report 2019: OUTA Introductory Report on Parliamentary Oversight in South Africa, published in May 2019. Available [here](#).

This report revealed that MPs frequently did not effectively hold the executive accountable, whether due to incapacity or a lack of political will. Despite the inaction of various committees on issues of corruption and maladministration, there have been encouraging signs in the resolve of many individual MPs to uphold the rule of law in the public sector. This demonstrates that personal values of integrity, accountability, honesty, and justice can and must be evident in the daily conduct of influential public office bearers.

Parliamentary Oversight Report 2020: MPs asleep at the wheel, published in November 2020. Available [here](#).

This report underscored that public participation is fundamental to good governance, highlighting how Parliament largely only pays lip service to this principle. Parliament's own public participation policy, which



advocates for public verification of government department performance (such as confirming the construction of schools), is not being implemented. Additionally, it was found that portfolio committees are now using significantly fewer non-government sources compared to before. As a result, MPs are relying on the very departments they are supposed to oversee for the information that underpins their oversight efforts.

Parliamentary Oversight Report 2021: *MPs dragging their feet*, published in February 2022. Available [here](#).

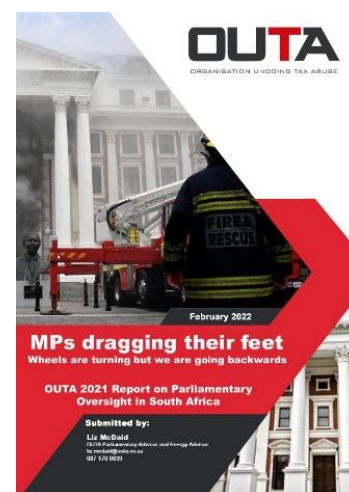
This report found that Parliament persistently fails to hold the executive accountable, allowing state capture and corruption to become entrenched. Parliament continues to fall short, including by protecting and promoting individuals deeply implicated in wrongdoing. Some MPs have failed to uphold their constitutional oath of office, public participation processes remain inadequate, even some MPs are not heard by Parliament, the party constituency offices funded by Parliament are nowhere to be seen, and structural reform is needed.

Parliamentary Oversight Report 2022: *Kicking the can down the road*, published in October 2022. Available [here](#).

This report identified some positive efforts but noted many disappointments. We found a Parliament entangled in the aftermath of state capture, either unable or unwilling to hold the executive accountable, routinely approving budgets despite blatant financial mismanagement, treating public participation as a mere formality, and resisting the implementation of electoral reform to protect party interests. Our report included recommendations for strengthening oversight.

Parliamentary Oversight Report 2023: *Parliament: The fairytale that became a nightmare*, published in October 2023. See [here](#).

This report is again strongly critical, as we are concerned that Parliament has failed to grasp the need to defend our democracy. This year, we voice our concern even more strongly, as Parliament's failure to hold the executive to account has become an entrenched position which threatens our democracy. This report includes a section



of case studies: a look at particular examples in 11 portfolio committees which illustrate aspects of oversight and accountability. The 6th Parliament has been characterised by the focus on state capture, the removal of President Jacob Zuma and his replacement by President Cyril Ramaphosa. The State Capture Commission handed over the final volume of its report in June 2022. OUTA's view is that implementing the commission's recommendations on Parliament was the bare minimum needed ahead of the elections in 2024.

6. Monitoring Parliament's work

Parliament plays a crucial role in upholding democracy by representing the will of the people through elected officials. MPs act as the voice of the citizens, ensuring accountability, enacting laws, overseeing the executive, and addressing national issues with transparency.

The programme of Parliament consists of two main components: parliamentary sessions and constituency periods. During parliamentary sessions, MPs work in plenary groups and committees, while during constituency periods, MPs have the responsibility to be available to the public, assist in solving problems and report back to their constituents on parliamentary developments. The aim of constituency periods is to ensure MPs stay connected with the people they represent. Political parties receive a monthly allowance for each MP to operate a constituency office with each party managing its own arrangements. Most offices employ an administrator to assist the public even when Parliament is in session.

Both the National Assembly and National Council of Provinces (NCOP) run committees, which have frequently been referred to as the “engine room” of Parliament's work. It is in these committees that MPs process legislation, carry out oversight and hold investigations.

OUTA's *Parliamentary Oversight Report* assesses how well 11 of the National Assembly's committees do their work on behalf of the public.

In 2009, Parliament's Joint Rules Committee produced an Oversight and Accountability Model¹ which was subsequently

The MPs' job:

Hold the executive to account

“The National Assembly is elected to represent the people and to ensure government by the people under the Constitution. It does this by choosing the President, by providing a national forum for public consideration of issues, by passing legislation and **by scrutinising and overseeing executive action.**”

**The Constitution, Chapter 4,
Section 42 (3)**

¹ Parliament of the Republic of South Africa. 2009. *Oversight and Accountability Model*. Available here: <https://www.parliament.gov.za/storage/app/media/oversight-reports/ovac-model.pdf>

adopted by both the National Assembly and the National Council of Provinces. This is the model which MPs are supposed to follow in carrying out their accountability duties. OUTA has commented on this model in our previous *Parliamentary Oversight Reports*², including raising concern that while Parliament adopted this model in 2009, it does not appear to have implemented key aspects.

MPs have two key jobs, which are set down in the Constitution: to pass legislation, and to oversee the executive.

MPs engage in a complex process of oversight and representation. They need to diligently scrutinise government actions, accurately review and monitor the decisions and initiatives of the government to ensure they are adhering to laws, policies, and the broader public interest. MPs oversee the allocation and utilisation of public funds, ensuring that budgeting is conducted with efficiency and that resources are directed toward their intended purposes. This financial oversight helps safeguard against waste and mismanagement, ensuring that taxpayer money is spent correctly. During parliamentary sessions and committee meetings, MPs have the authority to interrogate ministers and other key officials about their actions, decisions, and the rationale behind their policies. MPs are empowered to investigate specific issues through inquiries or parliamentary committees. These investigations delve into particular problems or controversies that aims to uncover facts, address concerns, and recommend solutions. MPs advocate for the needs and concerns of the people they represent, ensuring that their voices are heard and considered in parliamentary debates and decisions. MPs review and debate proposed legislation, scrutinising bills to ensure they are aligning with constitutional and legal standards and serve the public interest.

In OUTA's previous *Parliamentary Oversight Reports*, we have noted that there is no effective mechanism for holding ministers to account and that MPs never use their power to amend or block budgets as an oversight tool

"In order to implement the proposed model decisions are required on the following aspects:

[including]

"The adoption of a procedure for executive compliance"

– *Oversight and Accountability Model: Asserting Parliament's Oversight Role in Enhancing Democracy*, Parliament, 2009, p 45-46

MPs are empowered to investigate specific issues through inquiries or parliamentary committees

² See particularly OUTA's *Parliamentary Oversight Report 2023: Parliament: The fairytale that became a nightmare*. Available here: <https://www.oua.co.za/web/content/278405>

As mandated by the Constitution, Parliament, along with its committees, possesses the authority to summon any individual or institution to provide evidence, produce documents, and report on matters requiring scrutiny. This oversight function is essential for monitoring and evaluating the performance and actions of the government, ensuring that it adheres to the law and serves the public's best interests.

6.1 Holding the executive to account

The Constitution sets out the MPs' job:

The National Assembly is elected to represent the people and to ensure government by the people under the Constitution. It does this by choosing the President, by providing a national forum for public consideration of issues, by passing legislation and **by scrutinising and overseeing executive action.**³

The question then arises: how should MPs scrutinise and oversee executive action?

Our report explains key aspects of the complex process of oversight that MPs engage in and tools they can use⁴. Central to this is the structured system of documents available to the MPs, and which departments and entities are required to table in Parliament. The current system is outlined in Parliament's *Oversight and Accountability Model (OVAC)*, which was tabled in Parliament and adopted by Parliament in 2009.

However, that model recommended adding further aspects to oversight and accountability, to strengthen these systems. And, although this model was adopted by Parliament 15 years ago, key recommendations have not been implemented.

Powers of the National Assembly

55 (1) In exercising its legislative power, the National Assembly may—

- (a) consider, pass, amend or reject any legislation before the Assembly; and
- (b) initiate or prepare legislation, except money Bills.

(2) The National Assembly must provide for mechanisms—

- (a) to ensure that all executive organs of state in the national sphere of government are accountable to it; and
- (b) to maintain oversight of—
 - (i) the exercise of national executive authority, including the implementation of legislation; and
 - (ii) any organ of state.

**The Constitution, Chapter 4,
Section 55**

³ The Constitution, Chapter 4, Section 42 (3) (our emphasis)

⁴ See section 5, Monitoring Parliament's work.

A glaring omission is a system for holding the executive – the president, deputy president and cabinet ministers – to account.

There are now tentative moves to install oversight over the Presidency, and we will watch the 7th Parliament to see how this is implemented. We note also that Parliament in April 2024 improved the mechanism for petitions to Parliament, which was an OVAC recommendation.

But Parliament still lacks a formal means of holding to account ministers who do not work in the public interest or even do not regard themselves as accountable to Parliament.

The Constitution⁵ says that the National Assembly “must provide for mechanisms” to ensure the executive is accountable to it and to maintain oversight of the executive and any organ of state.

The OVAC recommendations include: “The adoption of a procedure for executive compliance”; and this: “It is recommended that Parliament develop rules to assist it further in sanctioning Cabinet members for non-compliance after all established existing avenues and protocols have been exhausted, for example naming the Cabinet member by the Speaker of the National Assembly or the Chairperson of the Council based on a full explanation”.

What OUTA’s report shows is that the portfolio committees struggle to hold the executive to account. This is what underlies our finding that almost all of the committees we assessed are lamentable, and thus our finding that Parliament, overall, is lamentable, as it has no real method of holding inept or dysfunctional ministers to account and thus fails to do so.

Portfolio committees struggle to hold the executive to account. This is what underlies our finding that almost all of the committees we assessed and Parliament overall are lamentable

⁵ The Constitution, Chapter 4, Section 55 (2)

6.2. How can MPs exercise real oversight?

For MPs to exercise real oversight effectively, they need to implement various strategies and approaches, such as:

- **Robust questioning:** MPs should actively engage in questioning government ministers and officials during parliamentary sessions and committee meetings. By asking well-researched questions, they can hold officials accountable and find important information about policies and decisions.
- **Committee work:** MPs should participate in and support committee investigations, inquiries, and hearings. These committees can look deeper into specific issues, scrutinise government actions, and produce detailed reports with recommendations.
- **Data and evidence gathering:** MPs should use evidence-based approaches to oversight. This involves analysing data, reviewing documents, and consulting experts to gain a comprehensive understanding of government activities and spending. Reliable and accurate evidence is important for informed questioning and reporting. A key aspect here is measuring the work of departments and entities against nationally agreed goals, such as the NDP and the UN's SDGs.
- **Public engagement:** MPs can improve their oversight by engaging with the public and stakeholders. Gathering feedback from constituents, advocacy groups, and experts helps MPs stay informed about the real-world impact of government policies and actions.
- **Collaboration:** MPs can work together on oversight issues to strengthen their efforts, share insights, and build unity on key issues.
- **Regular review of legislation and spending:** MPs should continually review and analyse proposed and existing legislation as well as government spending. This helps ensure

The Executive: Accountability & responsibility

92 (2) Members of the Cabinet are accountable collectively and individually to Parliament for the exercise of their powers and the performance of their functions.

The Constitution, Chapter 5, Section 92

that policies are implemented as intended and that public funds are used effectively.

- **Transparency and reporting:** MPs can promote transparency by making their findings and recommendations public. Publishing reports and summaries of their oversight activities helps keep the public informed and holds the government accountable.
- **Advocacy for reforms:** When MPs identify issues or weaknesses in government operations, they should advocate for reforms. Supporting legislative changes or policy adjustments can address various problems and improve governance.
- **Reviewing BRRRs:** By utilising the BRRRs, MPs can assess the performance of the relevant departments and ministers, making budgetary amendments where inefficiencies or wastage have occurred. MPs are equipped with mechanisms to request public input and provide feedback to the citizens.

In this report, which considers the period from 1 July 2023 to 30 June 2024, OUTA addresses a range of key issues, including an analysis of the challenges faced, a review of the oversight visits conducted by each PC, and a set of recommendations for Parliament to take into consideration. The report emphasises the importance of public participation, urging citizens to engage actively in these processes and to advocate for their inclusion in important matters.

6.3. The documents used

We considered 11 of the National Assembly committees which watch over the work of various national departments and their ministers. This is our focus: did the PCs – and the MPs who are the committee members – do their jobs?

Parliamentary documents

The Parliamentary Monitoring Group (PMG) runs an online collection of parliamentary documents.

www.pmg.org.za

See these pages:

Committees and Meetings
(for minutes)

<https://pmg.org.za/committees>

BRRRs

<https://pmg.org.za/page/BRRR>

Annual reports and Annual
Performance Plans

[https://pmg.org.za/page/Annual
Reports](https://pmg.org.za/page/AnnualReports)

The National Treasury website has the Estimates of National Expenditure documents in the annual budgets.

www.treasury.gov.za

The AGSA reports are in the departments' and entities' annual reports.

We used the most recent sets of documents available, but often these are for the previous year (for 2022/23 rather than 2023/24).

The content of this research analysis is sourced from the following documents:

- The PCs' own Budgetary Review and Recommendation Reports (BRRRs) 2023, which cover the 2022/23 financial year;
- The PC's own legacy reports on their work during the 6th Parliament;
- The national departments and entities' annual performance plans and audit outcomes reports for the financial year 2023/24;
- The Estimates of National Expenditure from Budget 2019 to 2024;
- Annual reports for the departments and entities for 2022/23;
- Reports of the Auditor-General of South Africa (AGSA) for 2023/24; and
- Minutes of meetings of 11 portfolio committees (PCs) as captured by the Parliamentary Monitoring Group (PMG)⁶.

This report identifies actions taken, gaps and issues not addressed during the 6th Parliament, as well as making recommendations for the 7th Parliament.

⁶ We are grateful to the Parliamentary Monitoring Group for its records, accessible at www.pmg.org.za

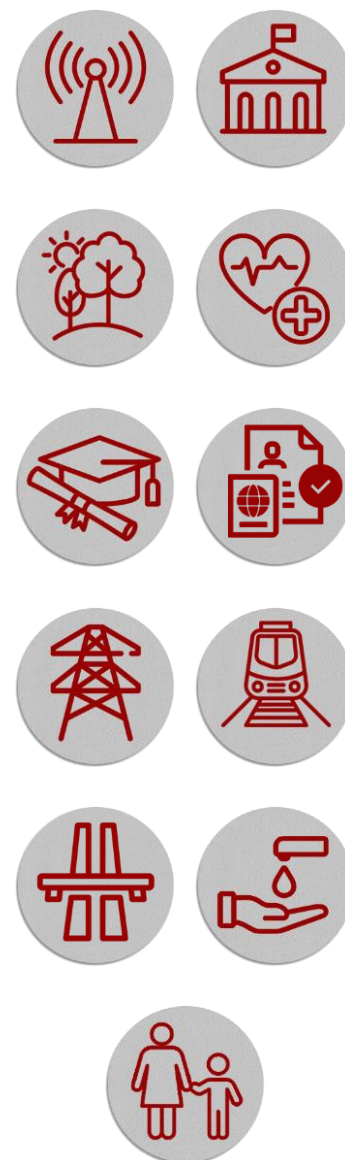
6.4. The 11 PCs assessed in this report

1. PC on Communications and Digital Technologies;
2. PC on Cooperative Governance and Traditional Affairs;
3. PC on Forestry, Fisheries and the Environment;
4. PC on Health;
5. PC on Higher Education, Science and Innovation;
6. PC on Home Affairs;
7. PC on Mineral Resources and Energy;
8. PC on Public Enterprises;
9. PC on Transport;
10. PC on Water and Sanitation; and
11. PC on Women, Youth and Persons with Disabilities.

This report includes a quantitative section, with an analysis of the number of meetings the PCs held, attendance at these PC meetings by the executive (ministers and deputy ministers), the promptness of ministers' replies to parliamentary questions, and the length of the constituency periods.

This report also includes a qualitative section, based on literature reviews and content analyses. We reflect on the code of conduct for MPs, the process of petitions, and benchmarking against external sources such as the NDP goals and the UN's SDGs. The processing of legislation within the year of review, for the 11 PCs, is considered, together with oversight visits conducted by the members of the PCs, and the PCs' use of public participation. Finally, we provide an analysis of performance and parliamentary oversight towards responding to the following three questions:

- What challenges and opportunities did the selected PCs deal with?
- How did they deal with these and were their attempts laudable or lamentable?
- What recommendations can be made for the 7th Parliament?



OUTA's three questions on each portfolio committee

We do so by looking at the highlights and observations found in the BRRRs, the challenges identified in the PCs' legacy reports, and OUTA's own project-related research. Ultimately, we ask whether each PC's performance is laudable or lamentable.

Recommendations are provided on how improvements can be implemented, contributing to more effective oversight. It is noted however that this research is from the perspective of a civil society organisation and is dependent on publicly available information. It is acknowledged that Parliament has much information that will be conducive to achieve more comprehensive overviews, but where such information is not published by Parliament, it cannot be expected to be represented in this report.

6.5. Parliament's budget

Parliament has its own vote in the national Budget (vote 2), with its own budget.

In 2023/24, Parliament's budget was R3.681 billion, including Members' remuneration of R472 million (this remuneration is a direct charge against the National Revenue Fund), leaving R3.209 billion to run both houses of Parliament.

Parliament transfers funds directly to the political parties represented in Parliament each year, through Programme 3: Associated Services. In 2023/24, this transfer was R545 million. The vote lists this as for political party support, constituency support, and party leadership support. This is in addition to the funding provided to those same parties through the Represented Political Parties' Fund, which runs through the Home Affairs vote. In 2023/24, that fund transferred R850 million to the parties (that was increased during the year from the original allocation of R350 million).

Parliament's budget
2023/24: R3.681 billion
2024/25: R3.264 billion

Transfer to represented political parties from Parliament
2023/24: R850 million

OUTA notes that Parliament's budget shows that its spending on public participation (part of Programme 2) is about to be overtaken by its spending on the political parties. At the start of the 6th Parliament, in 2019/20, Parliament transferred R463 million to political parties and spent R571 million on public participation; the budget for 2024/25 shows them almost equal at R572 million for political parties and R575 million for public participation. The budget also shows the huge increase in spending in the Office of the Secretary to Parliament: from R13 million in 2020/21 and 2021/22, dropping to R7 million in 2022/23, and up to R43 million in 2023/24 and R112 million in 2024/25. (Note that in 2023/24, the Office received R1.043 billion, but R1 billion of this was for rebuilding Parliament after the fire, leaving R43 million for the Office.)⁷

Many of the portfolio committees assessed in this report complained that they had insufficient funds to carry out their oversight role. This included reporting that they had insufficient support staff.

In 2019/20, Parliament had 1 389 staff. In 2022/23, this was up to 1 675 but dropped to 1 501 in 2024/25. It is worth noting the cost of some of these staff: in programme 3 (Associated Services – this is the transfer of funds to the political parties and managing of Members' Facilities), there are, in 2024/25, eight staff paid an *average* of R10.8 million *each*, according to the vote documents.⁸

The staff costs for this programme are astonishing. Budget 2021 is the first to give a breakdown of personnel per programme, and gives the historical spending back to 2019/20, when that programme (then Programme 5) budgets R62.0 million for staff but a staff count of zero. Subsequent budgets show that staff

OUTA suggests that Parliament's budget is reassessed, and that legislative and oversight work – the core of the MPs' mandate – is adequately funded

The Budget records that Parliament's Associated Services programme has eight staff paid an *average* of R10.8 million *each* in 2024/25

⁷ A huge expense in Parliament's budget now is rebuilding after the fire of January 2022. Parliament allocated R1 billion for this in 2023/24, and another R1 billion split over 2024/25 and 2025/26.

⁸ Table 2.4 *Vote personnel numbers and cost by salary level and programme*, sheet: Personnel, in *All ENE Excel Vote Tables* in Budget 2024, available here:

<https://www.treasury.gov.za/documents/national%20budget/2024/excelFormat.aspx>

costs on that programme then move from an *average* of R5.3 million for *each* of 16 staff in 2020/21, to R6.5 million each for 12 staff in 2021/22, to R7.6 million each for 10 staff in 2022/23, to R9.4 million each for nine staff in 2023/24, to R10.8 million each for eight staff in 2024/25. This looks like funding of ghost employees.

OUTA will continue its investigations on the budget allocations and actual expenditures on the identified line items.

OUTA suggests that Parliament's budget is reassessed, and that legislative and oversight work – the core of the MPs' mandate – is adequately funded.

Below: Extract from Parliament's vote in Budget 2024

In 2024/25, there are eight staff in Programme 3 paid an average of R10.8 million each.

Vote 2: Parliament

Table 2.4 Vote personnel numbers and cost by salary level and programme¹

Programmes		Number and cost ² of personnel posts filled/planned for on funded establishment												
1. Administration														
2. Legislation and Oversight														
3. Associated Services														
Parliament	Number of posts estimated for funded posts	Number of posts additional to the establishment	Actual			Revised estimate			Medium-term expenditure estimate					
			2022/23		2023/24		2024/25		2025/26					
Salary level			Number	Cost	Unit cost	Number	Cost	Unit cost	Number	Cost	Unit cost	Number	Cost	Unit cost
	1 693	–	1 675	1 534.5	0.9	1 528	1 436.8	0.9	1 501	1 500.2	1.0	1 479	1 566.3	1.1
1–6	116	–	84	12.8	0.2	110	18.7	0.2	107	19.3	0.2	107	20.5	0.2
7–10	683	–	735	370.7	0.5	646	338.6	0.5	632	351.6	0.6	621	365.1	0.6
11–12	242	–	264	212.5	0.8	239	196.1	0.8	238	206.9	0.9	232	213.7	0.9
13–16	245	–	247	324.5	1.3	248	334.6	1.4	243	347.8	1.4	242	366.8	1.5
Other	407	–	345	614.0	1.8	285	548.8	1.9	281	574.6	2.0	277	600.2	2.2
Programme	1 693	–	1 675	1 534.5	0.9	1 528	1 436.8	0.9	1 501	1 500.2	1.0	1 479	1 566.3	1.1
Programme 1	698	–	718	466.6	0.6	663	433.9	0.7	654	453.1	0.7	645	472.9	0.7
Programme 2	589	–	606	450.7	0.7	576	449.6	0.8	563	469.0	0.8	553	489.5	0.9
Programme 3	10	–	10	79.0	7.6	9	81.6	9.4	8	85.2	10.8	8	88.9	11.3
Direct charges	396	–	340	538.2	1.6	281	471.7	1.7	277	492.9	1.8	273	515.0	1.9

1. Data has been provided by the department and may not necessarily reconcile with official government personnel data.

2. Rand million.

The oaths of office

When public office bearers are elected to office, they must swear an oath or an affirmation to uphold the Constitution. These oaths or affirmations are set down in the Constitution.

These are their promises.

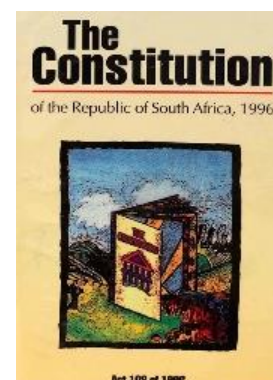
The MPs' oath of office

"I will be faithful to the Republic of South Africa, and will obey, respect and uphold the Constitution and all other law of the Republic; and I solemnly promise to perform my functions as a member of the National Assembly / permanent delegate to the National Council of Provinces to the best of my ability."

The ministers' and deputy ministers' oath of office

"I will be faithful to the Republic of South Africa and will obey, respect and uphold the Constitution and all other law of the Republic; and I undertake to hold my office as Minister/Deputy Minister with honour and dignity; to be a true and faithful counsellor; not to divulge directly or indirectly any secret matter entrusted to me; and to perform the functions of my office conscientiously and to the best of my ability."

The Constitution, Schedule 2



7. Quantitative indicators

OUTA uses four quantitative metrics to evaluate certain aspects of MPs' performance in the National Assembly committees. Firstly, the count of PC meetings held is a basic indicator of willingness to do oversight work. The second metric evaluates the effectiveness of a committee in holding the executive accountable by examining the attendance by the executive at these meetings, on the assumption that the ministers' attendance signifies apparent willingness to be accountable to Parliament. The third metric assesses the way ministers deal with replies to parliamentary questions, gauging the executive's engagement with MPs. The fourth metric looks at the length of the constituency periods each year, underlining the amount of time that MPs have to engage with the public.

7.1. Portfolio committee meetings

PCs started holding their meetings virtually during 2020 due to Covid-19 and, due to the parliamentary fire at the beginning of 2022, MPs largely continued to conduct their meetings virtually. Meetings are now largely in-person in Cape Town, but with many of the meetings retaining online access for the public. This has been a bonus for transparency, as most parliamentary meetings are accessible for live viewing and can also be found archived on the dedicated YouTube channel⁹, making it easy to monitor them. We do however note that not all meetings are being broadcast live, which might prove to be an obstacle in future, hindering the public's real time access to meetings. The majority of the meetings listed in Parliament's daily Z-list¹⁰ occurred as scheduled, however, there postponements or instances where

Online portfolio committee meetings are a bonus for transparency, as most of these are accessible to the public for live viewing

⁹ Parliament of the Republic of South Africa YouTube channel: <https://www.youtube.com/@ParliamentofRSA>

¹⁰ Parliament of the Republic of South Africa. *National Assembly and National Council of Provinces: Meetings of Committees*. Available online here: <https://www.parliament.gov.za/parliament-programme>

meetings were not recorded. Hybrid meetings became the norm in 2023 and 2024, where both in-person and online meetings occurred. Our research remains highly dependent on the meeting minutes as captured by PMG.

Table 1 below outlines the number of PC meetings held during the term of the 6th Parliament. These PCs held an average of 26 meetings each per year. It is noted that there is no prescribed number of meetings for PCs. OUTA, by way of monitoring this rate, seeks to establish a form of benchmark based on historical data.

Table 1: Number of portfolio committee meetings July 2019 to June 2024¹¹

Number of meetings	2019/20	2020/21	2021/22	2022/23	2023/24
Communications and Digital Technologies	45	46	37	39	32
Cooperative Governance and Traditional Affairs	51	99	39	45	27
Forestry, Fisheries and Environment	31	33	39	31	25
Health	23	53	44	36	17
Higher Education, Science & Innovation	52	53	42	49	28
Home Affairs	27	30	30	44	28
Mineral Resources and Energy	41	41	37	32	36
Public Enterprises	26	21	18	27	22
Transport	38	61	27	34	23
Water and Sanitation	47	52	25	25	17
Women, Youth & Persons with Disabilities	28	58	37	31	29
Average number of meetings per year	37	50	34	36	26

¹¹ Data table is compiled based on the meeting records captured by the Parliamentary Monitoring Group: <https://pmg.org.za/committees/>. Data is updated and verified as needed.

The data from the PCs over five years highlights a significant decline in the frequency of meetings, from a peak in 2020/21 back to lower levels in 2023/24. The PC on Mineral Resources and Energy was the only committee that had an increase in meetings, which is commendable as it would appear to indicate more work being undertaken. The PC on Cooperative Governance and Traditional Affairs spiked to 99 meetings in 2020/21, likely due to urgent pandemic-related governance issues (this was the department tasked with managing the Covid-19 lockdowns and related rules), but dropped to 27 meetings by 2023/24. Similarly, the PC on Water and Sanitation, crucial for addressing South Africa's water security challenges, decreased from 47 meetings in 2019/20 to 17 – less than half – in 2023/24. South Africa is facing a water crisis; so we would have expected that this PC would more actively attend to the pressing issues of water quality and resources.

The PC on Home Affairs also experienced a significant drop, which can be attributed to the finalisation of the Electoral Amendment Bill, which was signed into law on 13 April 2023. Looking at activities surrounding bills, it is concerning that the meeting count of the PC on Health dropped from 36 to 17, following the passing of the National Health Insurance (NHI) Bill, which was passed by the National Assembly in June 2023 and signed into law in May 2024. The NHI Act is a significant and controversial piece of legislation across the board, and it would have been heartening had the PC prioritised more meetings to come to grips with the disagreements around requirements for rolling it out.

This downward trend, visible across almost all committees from 2022/23 to 2023/24, can be attributed to a number of factors. It can suggest a stabilisation in governance after intense pandemic years, the complexity of scheduling in-person meetings following the parliamentary fire, the focus on the closing of Parliament prior to the May 2024 elections, or potentially a shift in priorities.

Parliament online

Watch portfolio committee meetings on TV or online:

DSTV Channel 408

or

[www.parliament.gov.za/
parliament-tv](http://www.parliament.gov.za/parliament-tv)

or

[www.youtube.com/
@ParliamentofRSA](http://www.youtube.com/@ParliamentofRSA)

Does the reduction in the number of portfolio committee meetings mean a change in priorities?

These patterns provide essential insights into parliamentary oversight dynamics, revealing both shifts in focus and potential areas of concern for stakeholders and civil society groups. It is noted with concern that reduced meetings lead to reduced opportunities for the public to scrutinise parliamentary activities.

7.2. Attendance by the executive: ministers and deputy ministers

Ministers and deputy ministers (referred to here as the executive¹²) play a vital role in PC meetings, ensuring government accountability, transparency, and effective decision-making. Their presence allows for open discussions where they can clarify decisions, explain initiatives, and review budget allocations, building public trust through transparency. By participating in these meetings, ministers contribute to oversight and scrutiny, helping ensure government operations are efficient, and funds are used appropriately.

Their involvement also enriches decision-making by incorporating diverse perspectives from committee members, including those from opposition parties. Furthermore, these meetings provide a platform for MPs to advocate for their constituents, making the decision-making process more inclusive and representative. The executive's input is crucial in developing and reviewing legislation, ensuring laws align with government objectives and address practical concerns. Additionally, direct dialogue during these meetings helps quickly identify and resolve departmental challenges, improving efficiency and service delivery. Overall, executive active engagement in PC meetings reinforces public

When ministers and deputy ministers attend portfolio committee meetings, this aids transparency and oversight

¹² The Constitution (section 85) sets out that executive authority is vested in the president, who exercises this authority together with other members of the cabinet (the deputy president and ministers). The deputy ministers are not part of the cabinet, and thus technically not part of the executive, but attend PC meetings as representatives of their ministers, and, like ministers, are accountable to Parliament.

confidence in the government's commitment to addressing national issues and upholding democratic principles.

Given the focus on executive accountability as a national priority, we have reviewed the frequency of ministerial and deputy ministerial attendance at PC meetings. **Table 2** below shows the percentage of PC meetings attended by the ministers or deputy ministers through the 6th Parliament to end of June 2024.

Table 2: Percentage of portfolio committee meetings attended by the minister or deputy minister, July 2019 to June 2024¹³

Committee meetings	2019/20	2020/21	2021/22	2022/23	2023/24
Communications & Digital Technologies	29%	40%	39%	36%	42%
Cooperative Governance and Traditional Affairs	59%	28%	38%	47%	52%
Forestry, Fisheries & Environment	58%	56%	67%	55%	44%
Health	29%	28%	39%	36%	29%
Higher Education, Science & Innovation	21%	28%	31%	29%	18%
Home Affairs	70%	50%	63%	66%	46%
Mineral Resources & Energy	11%	5%	7%	39%	11%
Public Enterprises	44%	52%	61%	48%	55%
Transport	25%	26%	33%	24%	43%
Water & Sanitation	46%	64%	76%	72%	41%
Women, Youth & Persons with Disabilities	29%	21%	18%	26%	24%
Average	34%	30%	43%	43%	37%

¹³ Data table is compiled based on the Ministers and Deputy Ministers attendance that is captured by the Parliamentary Monitoring Group: <https://pmg.org.za/committees/>. Data is updated and verified as needed.

The data on the attendance at PC meetings by the executive, from 2019/20 to 2023/24, illustrates distinct trends and variances in engagement, pointing to changes in priorities or operational challenges over this period. Committees such as Home Affairs and Water and Sanitation displayed the most pronounced fluctuations in attendance. Home Affairs¹⁴ started strong with a 70% attendance rate in 2019/20 but decreased to 46% by 2023/24. Water and Sanitation¹⁵ had an attendance rate of 72% in 2022/23, but then plummeted to 41% in 2023/24. Viewing this in light of our water crisis, and the related low PC meeting rate, OUTA is deeply concerned over the perceived lack of prioritisation.

The general trend across most committees shows a decline in attendance for 2023/24, with an average fall from 43% in the previous year to 37%. This drop is evident in committees like Forestry, Fisheries and the Environment¹⁶, which decreased from 55% to 44%, and Mineral Resources and Energy¹⁷, which peaked at 39% in 2022/23 only to plummet back to 11% in 2023/24. Certain committees, such as Higher Education, Science and Innovation, Mineral Resources and Energy, as well as Women, Youth and Persons with Disabilities, consistently recorded low attendance, suggesting ongoing challenges in these areas. The Department of Higher Education and Training came under the spotlight during this term with irregularities in NSFAS, as will be elaborated on in the PC discussion, and could have benefitted from better executive attendance.

It is also worth noting that, in some committees, the reduced percentage of meetings which the executive attended is calculated on a reduced number of meetings which that

The Ministry of Mineral Resources and Energy recorded the worst attendance rate by the executive at portfolio committee meetings during the 6th Parliament:

11% in 2019/20

5% in 2020/21

7% in 2021/22

39% in 2022/23

11% in 2023/24

¹⁴ Dr Aaron Motsoaledi was Minister of Home Affairs throughout the 6th Parliament.

¹⁵ Lindiwe Sisulu was Minister of Human Settlements, Water and Sanitation from 2019 to 2021. The department was split and Senzo Mchunu was Minister of Water and Sanitation from August 2021 until the end of the 6th Parliament.

¹⁶ Barbara Creecy was Minister of Forestry, Fisheries and the Environment throughout the 6th Parliament.

¹⁷ Gwede Mantashe was Minister of Mineral Resources and Energy throughout the 6th Parliament.

committee held. For example, the Health executive attendance dropped from going to 36% of 36 meetings in 2022/23 to going to 29% of 17 meetings in 2023/24, and the Water and Sanitation executive dropped from 72% attendance of 25 meetings to 41% attendance of 17 meetings. This is concerning.

The PC on Home Affairs has vested interests in the smooth running of the 2024 election since the Electoral Commission (IEC) reports to the PC. More frequent attendance of the executive in this period may have underscored this important period, especially in consideration of the challenges the IEC faced with the new ballot system, which for the first time included three ballot papers, reduced timelines and concerns over insufficient budget. It was Minister Aaron Motsoaledi who initially introduced the Electoral Amendment Bill (now Act), which caused this change, hence one would expect closer scrutiny of the IEC's preparations.

These fluctuations and the recent overall decline in committee attendance may reflect a combination of internal changes and external pressures that affect the operational efficacy and engagement levels of parliamentary committees. The data highlights potential areas for improvement, particularly in maintaining or enhancing engagement to ensure effective parliamentary oversight. The members of the executive are the face of the government departments they represent, and ultimately set the tone for the public's perception of their efficacy. When low attendance occurs at the same time as poor performance, questions are raised about the priorities of the executive.

When there is low attendance by ministers and deputy ministers at committee meetings, as well as a reduction in the number of committee meetings, questions are raised about the priorities of the executive

7.3. Questions and answers

One way Parliament holds ministers accountable is by MPs posing specific questions to them through the formal parliamentary question-and-reply system. Ministers who receive written or oral questions are required to respond within 10 days. A deputy minister may answer on behalf of the minister if authorised and if they can competently address any follow-up questions that may arise.

This report considered questions asked through the National Assembly, not the National Council of Provinces.

There are established timelines for responding to written questions. According to the National Assembly rules, a question requiring a written reply must be answered within 10 working days. However, the responsible minister may request an extension from the Speaker, not exceeding an additional 10 working days, if there is a valid reason.

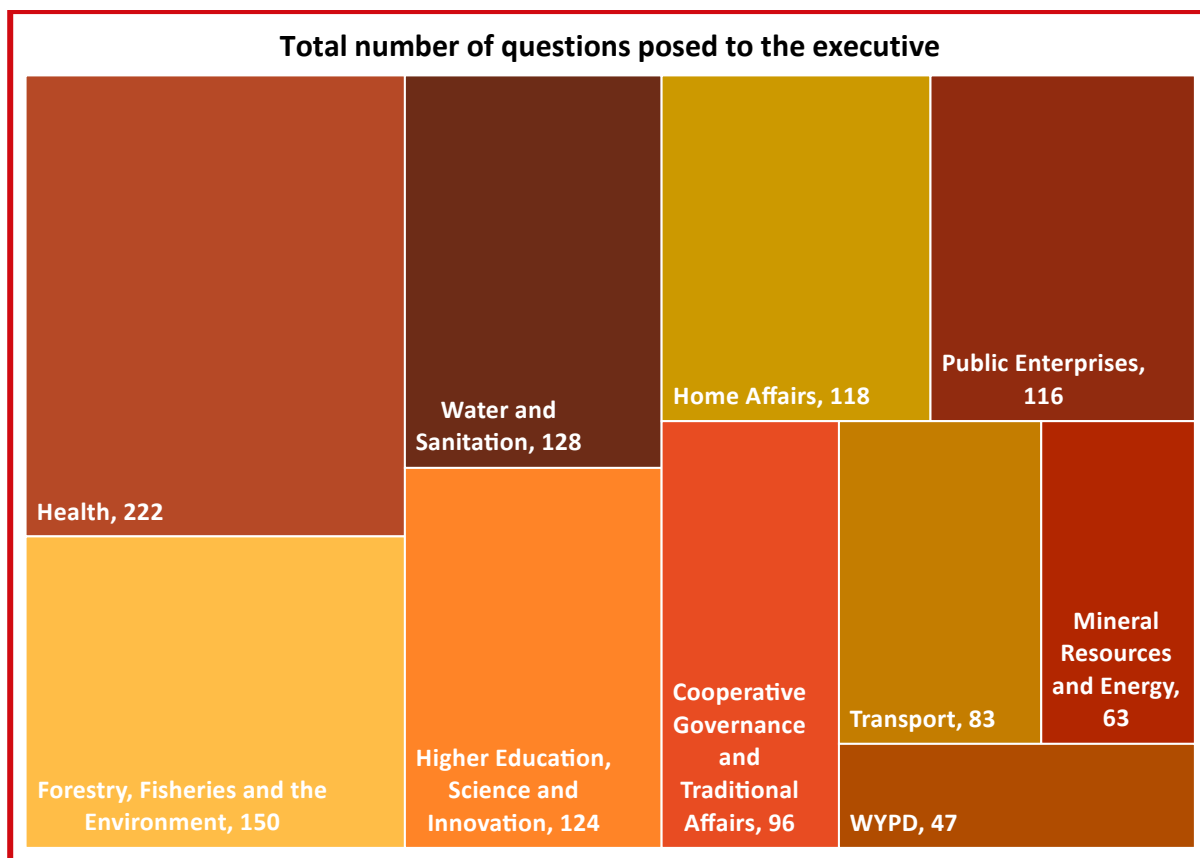
OUTA monitored written and oral questions submitted to the executive and the replies received, to assess response rates¹⁸. Based on our observations, the Minister of Health received the highest number of combined written and oral questions for the period¹⁹ with a total of 222 questions, whereas the Minister of Women, Youth and Persons with Disabilities received the least (47). See **Figure 1**, below.

Ministers have 10 working days to reply to questions in Parliament

¹⁸ We calculated response rates to questions in the National Assembly, based on statistics provided by the National Assembly's Table Procedural Advisor.

¹⁹ We considered questions asked from 1 July 2023 to the end of the 6th Parliament in May 2024.

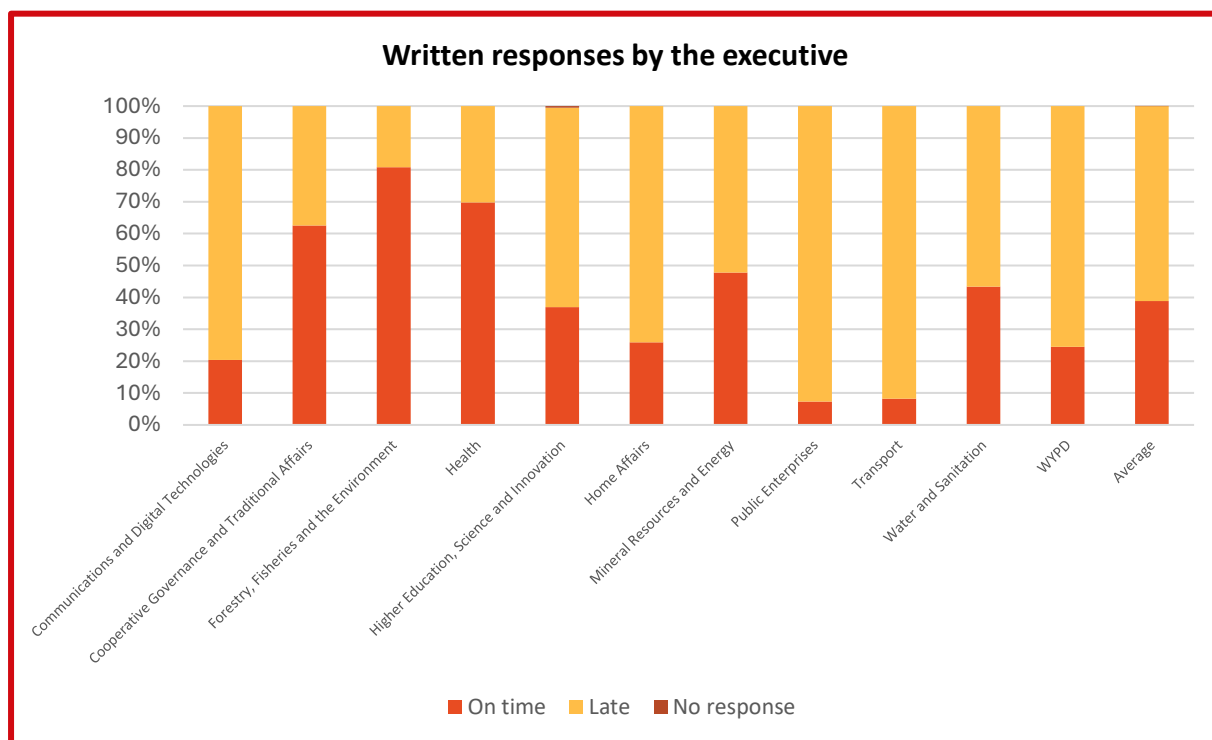
Figure 1: Total number of questions posed to the executive (written and oral)



Responses to the questions can be on time, late or left unanswered. We have found that most members of the executive respond late to written questions: see **Figure 2**, below. On average, 39% of questions were responded to on time and 61% were responded to late. The best response rate is again this year from Minister Barbara Creecy, from Forestry, Fisheries and the Environment, who responded on time to 81% of the questions.

The minister with the tardiest responses was the Minister of Public Enterprises, Pravin Gordhan, with 93% of replies late. He was followed shortly by the Minister of Transport, Sindisiwe Chikunga, with 92% of replies late.

Figure 2: Total number of written responses by the executive

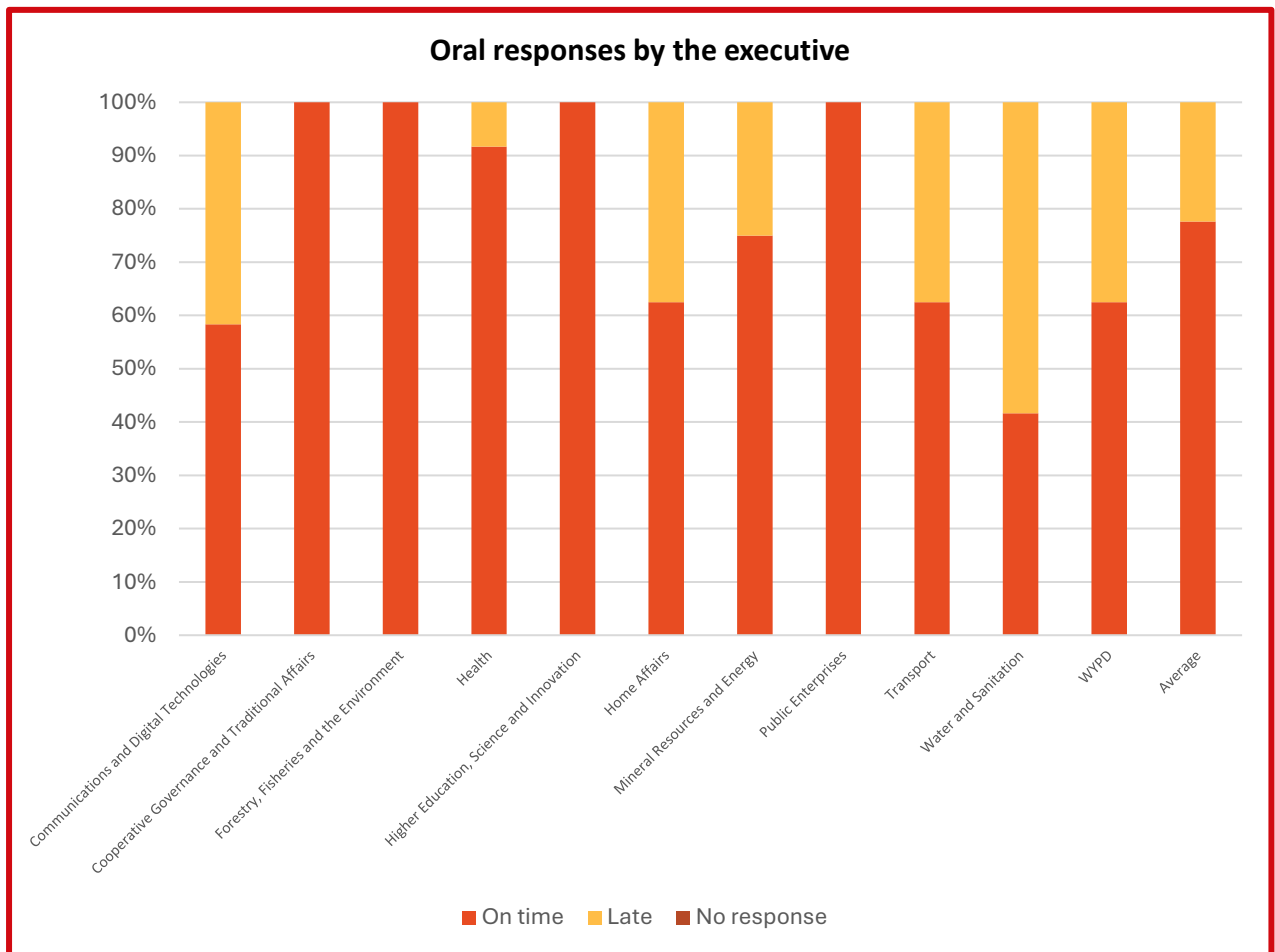


In the *Parliamentary Oversight Report 2023* we found that most members of the executive respond on time to oral questions. However, it was not the same in 2023/24: see **Figure 3**, below.

On average, 78% of replies were provided on time and 22% were late. It is laudable that four ministers responded to 100% of their questions on time: Minister of Cooperative Governance and Traditional Affairs Thembu Nkandimeng, Forestry, Fisheries and the Environment Minister Creecy, Higher Education, Science and Innovation Minister Blade Nzimande, and Public Enterprises Minister Gordhan. Following shortly on their heels was the Minister of Health Joe Phaahla, who responded to 92% of questions on time. The Minister of Water and Sanitation, Senzo Mchunu, had the tardiest response rate with only 42% of questions responded to on time.

It is at least commendable that none of the executive left questions unanswered. In all instances written and oral questions were responded to, albeit many late.

Figure 3: Total oral responses to questions by the executive



7.4. Constituency periods

MPs are supposed to have constituency offices, where the public may contact them. OUTA has previously found that although Parliament makes funds available to the represented political parties each year for running constituency offices, it is not clear that all these offices operate and there is no comprehensive list of them.

We understand that Parliament is in the process of designing a Google Map version, containing the locations and contact details of parliamentary constituency offices. The aim is to make this information publicly available, so that the public can visit these offices.

OUTA is still querying whether MPs actually attend to their assigned “constituencies” during these periods, and if not, how the assigned funds were used.

In addition, it is noted that many MPs make use of social media, such as WhatsApp, to directly engage with communities, which is a useful way to make direct contact. Unfortunately, no data is available on this, since constituency engagement is not captured in any official parliamentary reports. We recommend that this becomes a feature in the 7th Parliament, not only in terms of service delivery, but also for the transparent reporting on the use of taxpayers’ funds and general efficacy of MPs.

OUTA runs a count of the annual constituency periods. See this record in **Table 3** below. Note that these periods exclude the weekly constituency days (Parliament usually allocates Mondays to MPs for constituency work).

Although Parliament makes funds available to the represented political parties each year for running constituency offices, it is not clear that all these offices operate

Table 3: National Assembly mid-year constituency periods for 6th Parliament

Year	Constituency period starts	Constituency period ends	Constituency period length	Term	Total weeks for year
2019	5 August	19 August	2 weeks	1 st term	5 weeks
2019	23 September	7 October	2 weeks	2 nd term	
2019	9 December	13 December	1 week	3 rd term	
2020	13 January	27 January	2 weeks	1 st term	15 weeks
2020	23 March	13 April	3 weeks	1 st term	
2020	17 June	27 July	5 weeks	2 nd term	
2020	7 September	5 October	4 weeks	3 rd term	
2020	7 December	11 December	1 week	4 th term	
2021	11 January	25 January	2 weeks	1 st term	22 weeks
2021	23 March	3 May	6 weeks	1 st term	
2021	7 June	16 August	10 weeks	2 nd term	
2021	13 September	1 November	3 weeks	3 rd term	
2021	6 December	10 December	1 week	4 th term	
2022	10 January	24 January	2 weeks	1 st term	16 weeks
2022	4 April	14 April	2 weeks	1 st term	
2022	20 June	15 August	8 weeks	2 nd term	
2022	26 September	10 October	2 weeks	3 rd term	
2022	5 December	15 December	2 weeks	4 th term	
2023	9 January	23 January	2 weeks	1 st term	18 weeks
2023	3 April	17 April	2 weeks	1 st term	
2023	19 June	28 August	10 weeks	2 nd term	
2023	26 September	9 October	2 weeks	3 rd Term	
2023	4 December	15 December	2 weeks	4 th Term	
2024	8 January ²⁰	26 January	2.5 weeks	1 st term	9.5 weeks ²¹
	2 April	21 May	7 weeks	2 nd term	

²⁰ First term 2024 of the 6th Parliament.

²¹ Preceding the 7th Parliament, starting from June 2024, the 6th Parliament's calendar was amended on numerous occasions. Whereas some PCs worked to finalise bills, others went on constituency leave. Hence the constituency weeks in the final terms of the 6th Parliament in 2024 are not exact.

8. Conduct, petitions and benchmarking

8.1. Revised code of conduct

In May 2024, the Joint Committee on Ethics and Members' Interests affirmed its commitment to handle cases swiftly, impartially, and in line with the *Code of Ethical Conduct and Disclosure of Members' Interests*. Established under Joint Rule 121, the committee's primary role is to enforce the code and uphold ethical standards for National Assembly and National Council of Province members.

During the term of the 6th Parliament, the committee said it received 41 complaints of breaches of the code, and finalised 35 of them.²² Of the remaining six, only three involve current MPs. According to the committee, it also "processed cases" emanating from the State Capture Commission, making recommendations to the House as required. Under the leadership of Acting Registrar Advocate Anthea Gordon, the committee improved the timeliness of the members' declarations of interest and shortened the time needed to release the Register of Members' Interests²³, reinforcing its commitment to accountability.

Additionally, the committee updated the code²⁴ to address contemporary challenges, including setting ethical guidelines for social media use, strengthening penalties for breaches, and recommending lifestyle audits for certain members. The revised

During the 6th Parliament, the Joint Committee on Ethics and Members' Interests received 41 complaints about members breaching the code of conduct and finalised 35 of them

²² Co-Chairpersons of the Joint Committee on Ethics and Members' Interests. 13 May 2024: *Media Statement: Ethics Committee Has Met Commitment Made in 2019 to Process Complaints With Speed and Fairness*. Available here: <https://www.parliament.gov.za/press-releases/media-statement-ethics-committee-has-met-commitment-made-2019-process-complaints-speed-and-fairness>

²³ The register is available on Parliament's website here: <https://www.parliament.gov.za/register-members-interests>

²⁴ Parliament of the Republic of South Africa, 2024, *Code of Ethical Conduct and Disclosure of Members' Interests*, available here: <https://www.parliament.gov.za/code-conduct>

code also enhances collaboration with law enforcement for cases involving significant audit discrepancies, hopefully advancing Parliament's commitment to ethical conduct and accountability. OUTA will continue to scrutinise the work of the committee in the 7th Parliament.

The following changes, as captured by Fazela Mahomed in her *Legacy Report on the Code of Conduct for Members of Parliament*, written for PMG²⁵, include:

1. The Code does not apply to former Members.
2. The Code does not apply to Ministers and Deputy Ministers appointed by the President in terms of section 91(c) of the Constitution²⁶.
3. Additional disclosure requirements relating to rented property, and assets generating income.
4. Provisions on the verification of disclosures and the conducting of lifestyle audits. It also identifies categories of Members who may be subject to verification and lifestyle audits.
5. Complaints must now be in the form of a sworn affidavit.

Noteworthy is the exclusion of the ministers and deputy ministers, who in the past could be held accountable by Parliament. Although they are still bound by the Executive Members' Ethics Act, Mahomed notes that the executive record is less accessible than the Ethics and Members' Interests reports. Removing another layer of accountability for the executive is perhaps not a decision conducive to fostering the public's trust in the executive.

In April 2024, the Speaker of the National Assembly, Nosiviwe Mapisa-Nqakula, resigned from her positions as both the Speaker of the National Assembly and a Member of Parliament. This follows off the back of the bribery allegations – involving

Ministers and deputy ministers are excluded from the code of conduct as they are bound by the Executive Members' Ethics Act instead

²⁵ Mahomed, Fazela. (2024). *Legacy Report on the Code of Conduct for Members of Parliament*. Available: <https://pmg.org.za/6th-parliament-review/articles/fazela-mohamed>

²⁶ Section 91(3)(c) allows the President to appoint two members of cabinet who are not MPs.

approximately R4.5 million – levelled against her following the Investigating Directorate investigation into a defence contractor’s claims during her tenure as Minister of Defence. More than ever, it is imperative that Parliament holds its members to account and ensures that processes are transparent. In the past OUTA has bemoaned the fact that meetings of the Joint Committee on Ethics and Members’ Interest are held behind closed doors. As evidenced by the findings of the State Capture Commission, it is the lack of scrutiny by MPs that contributed to failures of oversight.

8.2. Amendment to the House’s Rules and Guidelines for Petitions

In April 2024, the National Assembly adopted a significant amendment to its *Rules and Guidelines for Petitions*²⁷, marking a transformative shift in public engagement with Parliament. Previously, only the National Council of Provinces allowed direct public petitions, with the National Assembly requiring an MP as an intermediary. Now, the public can submit petitions directly to the National Assembly, promoting greater transparency and accessibility.

This amendment introduces a new *Petitions Framework*²⁸ for both Houses of Parliament, setting a three-month processing period for petitions to ensure timely responses. This shows a welcome commitment by Parliament to enhancing oversight and accountability, addressing service delivery issues, and empowering citizens in the legislative process. The amendment

What is a petition?

A petition is a written request, complaint or representation to the Chairperson of the NCOP and Speaker of the National Assembly for intervention in a certain matter after having exhausted all other available avenues. Petitioning must therefore be used as a last resort.

Source: Parliament: How to petition Parliament

²⁷ Parliament of the Republic of South Africa. 12 April 2024. *Media statement: Members of the public can now directly petition the National Assembly*. Available here: <https://www.parliament.gov.za/press-releases/media-statement-members-public-can-now-directly-petition-national-assembly>

²⁸ 7 March 2024. *Petitions Framework for Parliament*. Available here: https://static.pmg.org.za/Annexure_A_4_2024.03.07_UPDATED_PETITIONS_FRAMEWORK_FOR_PARLIAMENT_7.3.2024.docx

also outlines the types of petitions – single, collective, multiple/group/mass, and associated – and establishes clear guidelines for submission. Petitions must be relevant to the House, government, or a minister’s responsibilities, and cannot repeat previously addressed issues or interfere with legal matters.

Overall, this change seeks to petition the National Assembly as a more activist, people-centered body, ensuring that public voices are promptly and effectively heard in the legislative process.



8.3. Benchmarking oversight against the NDP and SDGs

Comparing and benchmarking against best practices – local and globally – provides tools for PCs to improve their oversight of the executive. OUTA’s research of Parliament’s use of various sources, particularly in relation to PCs, presents a mixed picture of resource utilisation for oversight and policy alignment. The selected PCs demonstrate varying degrees of engagement with external benchmarks like the **National Development Plan 2030**²⁹ (NDP), the **Medium-Term Strategic Framework 2019-2024** (MTSF)³⁰ – both government plans but external to the departments themselves – and the United Nation’s **Sustainable Development Goals** (SDGs)³¹, and other non-governmental reports.



²⁹ National Planning Commission. 2014. *National Development Plan 2030: Our Future – Make it work*. Available here: https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf

³⁰ Department of Planning, Monitoring and Evaluation. No date. *Medium Term Strategic Framework 2019-2024*. Available here: https://www.dpme.gov.za/keyfocusareas/outcomesSite/MTSF_2019_2024/2019-2024%20MTSF%20Comprehensive%20Document.pdf

³¹ United Nations. 21 October 2015. Resolution 70/1. *Transforming our world: the 2030 Agenda for Sustainable Development*. Available here: <https://sdgs.un.org/2030agenda> More on the 17 goals is here: <https://sdgs.un.org/goals>

The **NDP** is the government's long-term strategic framework for addressing the triple challenges of unemployment, poverty and inequality. It was produced by the National Planning Commission, an independent think-tank for advising the president and cabinet, and was adopted by Parliament in August 2012.

See **Annexure A**, National Development Plan 2030, for a quick guide to key objectives and actions.

The **MTSF** is the five-year implementation plan for the NDP, and the 6th Parliament used the second of these, **MTSF 2019-2024**.

The MTSF encompasses seven priorities, 81 outcomes, 337 interventions and 561 indicators, and details the specific interventions to be undertaken by various government departments and institutions.

The inclusion of external sources, such as the NDP and SDGs is crucial for ensuring that parliamentary oversight is comprehensive and not merely self-referential.

We highlight that many portfolio committees rely heavily on government and parliamentary sources, potentially leading to an echo chamber effect. External benchmarks are necessary for comparing performance against best practices both locally and globally.

However, we have found insufficient evidence of consistent benchmarking across all committees, suggesting room for improvement in how these committees enhance their oversight capacities by incorporating a broader range of research and information sources.



Medium-Term Strategic Framework (MTSF) 2019-2024

7 priorities

Priority 1:

Building a capable, ethical and developmental state

Priority 2:

Economic transformation and job creation

Priority 3:

Education, skills and health

Priority 4:

Consolidating the social wage through reliable and quality basic services

Priority 5:

Spatial integration, human settlements and local government

Priority 6:

Social cohesion and safe communities

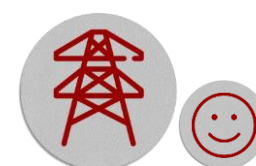
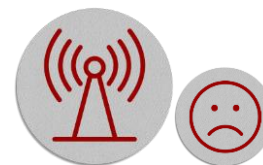
Priority 7:

A better Africa and world

8.4. Did the PCs use the NDP and SDGs?

PCs either effectively incorporated or neglected the use of external benchmarks:

- **The PC on Communications and Digital Technologies** demonstrated alignment with broader governmental policies like the NDP but focused heavily on internal government achievements, including the publication of newspapers and strategic communication efforts, rather than broader policy frameworks.
- **The PC on Cooperative Governance and Traditional Affairs** and the **PC on Forestry, Fisheries and the Environment** did not reference the screening areas listed in the NDP and SDGs, suggesting a lack of comprehensive benchmarking.
- **The PC on Health** extensively referenced the NDP, detailing how the department's initiatives align with its priorities, including addressing social determinants of health, improving health systems, and universal healthcare coverage.
- **The PC on Higher Education, Science and Innovation** discussed the expansion of the National System of Innovation in line with the NDP, emphasising investments in research and development and the need for improved collaboration between government and the private sector.
- **The PC on Home Affairs** referred to the NDP in relation to democracy, development and economic growth, focusing on efficient service delivery and border management.
- **The PC on Mineral Resources and Energy** aligned its goals with the NDP, highlighting its role in economic growth and sustainable development within the mining and energy sectors.



- **The PC on Public Enterprises** referenced the NDP in its strategy for providing strategic oversight to state-owned companies (SOCs), focusing on the alignment of national policy deliverables and improving accountability.
- **The PC on Transport** linked its mandate to the NDP and other governmental frameworks, focusing on the development and maintenance of transport infrastructure as a means to support economic growth.
- **The PC on Water and Sanitation** aligned its activities with SDG 6³², focusing on sustainable development, policy formulation, and the development of innovative technologies to address water and sanitation challenges.
- **The PC on Women, Youth, and Persons with Disabilities** referenced the NDP and SDG 5³³, highlighting the importance of integrating gender, youth, and disability considerations into all governmental programmes. However, it was noted that the committee's assessment of progress in these areas was lacking.

Overall, the PCs show varying levels of engagement with external benchmarks like the NDP and SDGs. While some committees demonstrate a strong alignment with these frameworks, others appear to rely heavily on internal assessments, potentially limiting their oversight effectiveness.

To enhance their oversight capacity, these committees should incorporate a broader range of sources, including non-governmental and international benchmarks, to ensure that their work is both comprehensive and aligned with global best practices.



³² SDG 6: Ensure availability and sustainable management of water and sanitation for all.

³³ SDG 5: Achieve gender equality and empower all women and girls.

8.5. Rules Committee study tour on Presidency Oversight Committee

Parliament does not have a committee which conducts oversight over the Presidency.

As the president holds executive power, and appoints the deputy president, ministers and deputy ministers, this is a glaring gap in Parliament's ability to hold the executive to account.

This gap is compounded by the moves over the years to locate additional responsibilities in the Presidency – for example, the scrapping of the Ministry of Intelligence and relocation of the State Security Agency under a minister in the Presidency.

In July 2023, a delegation from the National Assembly's Rules Committee went on a study tour to the United Kingdom, to learn how Parliament could enhance its oversight of the Presidency. This arose from one of the State Capture Commission recommendations that there must be some oversight committee over the president's office.

The study tour followed the Parliamentary Budget Office's desktop study which recommended further research on this issue. This study tour took place from 18 to 20 July 2023³⁴. The delegation visited the UK Parliament to observe the mechanisms employed there to conduct oversight over the Office of the Prime Minister.

This delegation's report recommended that the PC on Planning, Monitoring and Evaluation "be mandated to scrutinise the budget



The Presidency: Still not accountable to Parliament.

³⁴ Parliament of the Republic of South Africa. 16 July 2023. *Press release: National Assembly Rules Committee undertakes study tour on Presidency oversight committee*. Available here: <https://www.parliament.gov.za/press-releases/press-release-national-assembly-rules-committee-undertakes-study-tour-presidency-oversight-committee>

and spending of the vote on the Presidency”³⁵. This is a good start on formalising this oversight.

However, lacking an indication of the total costs of this tour, we question whether it was necessary to utilise the public’s taxes for the expedition, especially since the UK does not have a similar government system.

The National Assembly’s Rules Committee recommended that the Portfolio Committee on Planning, Monitoring and Evaluation “be mandated to scrutinise the budget and spending of the vote on the Presidency”

Who watches over the Presidency?

Deputy President Paul Mashatile, left, and President Cyril Ramaphosa.

Image: Flickr/GovZA



³⁵ National Assembly Rules Committee. 20 March 2024. *Report on study tour to the United Kingdom and Westminster by the National Assembly Rules Committee to investigate oversight mechanisms over the head of government and related matters*. Available here: https://static.pmg.org.za/240320_Draft_Study_Tour_on_UK_Report_1.pdf

9. State capture: a patchy response

The Commission of Inquiry into Allegations of State Capture exposed Parliament's crucial role in enabling state capture through its failure to hold the executive accountable.

Despite widespread public criticism and the damning findings of the commission's final report, many MPs continue to prioritise party loyalty over the public good. Some parliamentarians implicated in state capture remain in influential positions, and efforts to reform the electoral system are resisted. Additionally, there is inadequate oversight of compromised ministers whose actions violate the Constitution. Parliament has a responsibility to provide impartial and rigorous oversight of the executive to safeguard the Constitution and the public interest, yet it consistently fails in this duty.

In 2020, OUTA submitted evidence to the commission, highlighting how Parliament had failed to prevent state capture. The commission's final report in June 2022 confirmed this, outlining Parliament's shortcomings and recommending 16 reforms to improve oversight. While Parliament produced a 31-page implementation plan in November 2022, progress has been sluggish and unsatisfactory. OUTA, along with other watchdogs like the PMG, the Public Affairs Research Institute (PARI) and the Council for the Advancement of the South African Constitution (CASAC), has raised concerns that these reforms have become a mere procedural exercise, lacking genuine intent for meaningful change.

In the period of review, Parliament has made some steps toward addressing some of the concerns raised by the commission, especially pertaining to persons implicated in the commission's

Parliament has a responsibility to provide impartial and rigorous oversight of the executive to safeguard the Constitution and the public interest, yet it consistently fails in this duty



State Capture Commission report: waiting for Parliament to implement the recommendations.

Image: OUTA

reports. On 3 October 2023, Parliament's Joint Committee on Ethics and Members' Interests finalised several cases linked to recommendations from the commission. These cases involved allegations of unethical conduct by MPs, and the committee aimed to process them swiftly to rebuild public trust and uphold Parliament's integrity. Below follows an update on the cases of four implicated MPs.

Thulas Nxesi³⁶: The case concerning Nxesi, referred by the Speaker, related to the Free State asbestos project. Allegations suggested politically connected individuals received unjustified payments. Nxesi clarified the funds were part of a fundraising initiative to help two families in need. The committee found no breach of the Code of Ethical Conduct by Nxesi, confirming the payments aligned with his explanation.

Cedric Frolick³⁷: This involved allegations that Frolick received payments from the Bosasa company, which was a government contractor, to influence parliamentary oversight. The committee concluded that since the events occurred before the current Code of Ethical Conduct came into effect in 2014, it could not be applied retroactively. As a result, Frolick was found not to have breached the Code.

Mosebenzi Zwane³⁸: A complaint against Zwane alleged misconduct related to his involvement in the Vrede and Estina dairy farm scandal (while he was a Free State MEC) and his oversight failures at the state-owned Passenger Rail Agency of South Africa (Prasa). The committee ruled that it had no

Parliament's verdict on
Thulas Nxesi: No breach of
ethics.

Parliament's verdict on
Cedric Frolick: No breach
of ethics.

Parliament's verdict on
Mosebenzi Zwane: Trivial
sanction, kept his seat.

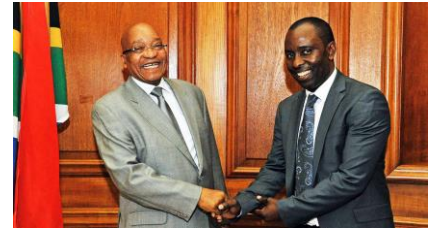
³⁶ See ATC23101003: Report of the Joint Committee on Ethics and Members' Interests on the Alleged Contravention of the Code of Ethical Conduct and Disclosure of Members' Interests: Honourable Thulas Nxesi, MP – Minister of Employment and Labour, available online at: <https://pmg.org.za/taled-committee-report/5487/>

³⁷ See ATC231003: Report of the Joint Committee on Ethics and Members' Interests on the Alleged Contravention of the Code of Ethical Conduct and Disclosure of Members' Interests: Honourable Cedric Thomas Frolick, MP, available online at: <https://pmg.org.za/taled-committee-report/5488/>

³⁸ See ATC231003: Report of the Joint Committee on Ethics and Members' Interests on the Alleged Contravention of the Code of Ethical Conduct and Disclosure of Members' Interests: Honourable Mosebenzi Zwane, MP, available online at <https://pmg.org.za/taled-committee-report/5489/>

jurisdiction over actions taken when Zwane was an MEC and accepted his explanation regarding Prasa oversight, finding the complaint unfounded. In May 2023 OUTA expressed its disappointment in the penalties' levelled against Zwane³⁹. Parliament continued meeting on the Zwane matter, but there was little critical follow-through or consequences for his failure to appear before the National Assembly to apologise for his conduct. The Powers and Privileges of Parliament Committee met on 30 January and 22 February 2024 to hold "a hearing on the allegation that Mr Mosebenzi Zwane failed on two occasions, 2 May 2023 and 6 September 2023, to present himself to the House to enter an apology as resolved by the Assembly". Accordingly, Zwane "pleaded not guilty to the charge of contempt of Parliament for failing to appear before the National Assembly for either sitting. He gave reasons for his failure to appear before the National Assembly on the two occasions. However, no evidence was presented to the Committee to that effect"⁴⁰. It was proposed as sanction that his salary be cut by 50%, effective from 1 March 2024 for a month, a calendar month's suspension without pay, and that he must once again apologise by 29 March 2024. It isn't evident whether he has done, after scrutinising media reports, National Assembly's published Hansards, and press statements by Parliament. The National Assembly Programme Committee meeting minutes also do not provide insights.

Winnie Ngwenya⁴¹: Ngwenya faced allegations of unethical conduct linked to Bosasa, based on testimony from witnesses. The committee ruled that since the alleged events occurred



Former President Jacob Zuma with Mosebenzi Zwane. Parliament told Zwane to apologise, but it seems he didn't, and Parliament didn't pursue this.

Image: GovZA/Flickr

Parliament's verdict on Winnie Ngwenya: Not covered by the code.

³⁹ OUTA. 3 May 2023. *No integrity, no problem for our MPs*. Available here:

<https://www.oua.co.za/blog/newsroom-1/post/no-integrity-no-problem-for-our-mps-1258>

⁴⁰ PMG, 30 January 2024, *Zwane Matter: Hearing*, available online at: <https://pmg.org.za/committee-meeting/38266/> and 22 February 2024, *Committee Reports: Zwane Matter; 30 August 2022 incident & Matters arising*, available online at: <https://pmg.org.za/committee-meeting/38402/>.

⁴¹ See ATC231003: *Report of the Joint Committee on Ethics and Members' Interests on the Alleged Contravention of the Code of Ethical Conduct and Disclosure of Members' Interests: Honourable Winnie Ngwenya, MP*, available online at <https://pmg.org.za/taled-committee-report/5490/>

before the 2014 Code was in force, they were not covered under current ethical guidelines. Ngwenya denied the allegations, and the committee accepted her explanation, finding no breach of the Code.

In summary, the committee cleared all four MPs of serious ethical breaches, citing either a lack of jurisdiction or insufficient evidence to support the allegations.

In terms of other committees attending to the commission's recommendations, it seems as though the Department of Public Enterprises most actively attempted to address these. Following an update to the PC, progress was reported on during a meeting on 13 March 2024⁴². The response indicated that the department had been collaborating with law enforcement, state-owned companies, and other government bodies to take actions related to state capture. These efforts include:

- Pursuing legal action against former directors of state-owned companies involved in state capture;
- Referring civil and criminal cases for investigation and possible prosecution;
- Ensuring professional bodies discipline individuals who neglect their fiduciary duties;
- Red-flagging individuals implicated in state capture to prevent them from working in government;
- Implementing reforms to strengthen governance in state-owned companies; and
- Regarding director delinquency, the department is working on 94 cases against 73 former directors, with specific cases across Eskom (13), Transnet (25), South African Airways (SAA) (25), Denel (9), and Alexkor (22).

Parliament cleared all four
MPs, citing lack of
jurisdiction or insufficient
evidence

⁴² PMG, 13 March 2024, *Committee Legacy Report; Progress report on implementation of the Zondo Commission recommendations: Hearing*, available online at: <https://pmg.org.za/committee-meeting/38602/>

In addition to matters addressed and issues raised in the PC on Public Enterprises, MPs also posed questions to Minister Pravin Gordhan during the regular question-and-answer opportunities. On 23 November 2023⁴³ Farhat Essack posed a question regarding SOEs and their governance as well as the concerning occurrence of cadre deployment. Another question posed by Essack on 30 April 2024: “What total amount has (a)(i) Eskom, (ii) the SA Airways and (iii) Transnet lost due to (aa) corruption, (bb) fraud and (cc) bribery in the past five years and (b) been recovered in each case?⁴⁴”. The answer, together with providing a breakdown of amounts lost and recovered, was that “In addressing the recommendations of the State Capture Commission, the department formed working groups with Special Investigating Unit (‘SIU’), state organs and other enforcement agencies to implement proclamations relating to maladministration concerning the affairs of SOCs. This initiative resulted in the employment of a civil litigation strategy to recover funds associated with SOC losses sustained during the state capture era and other forms of administrative corruption.”

On 9 October 2023, Kavilan Pillay queried the Minister in the Presidency for Planning, Monitoring and Evaluation: “*What (a) measures are being undertaken to assess the impact of the implementation of the Medium-Term Strategic Framework and (b) progress can be highlighted as it is the last financial year of the Medium-Term Strategic Framework?*⁴⁵” The answer includes a reference to the commission, by indicating that the National Anti-Corruption Advisory Council was established, and that there are ongoing efforts to implement the recommendations of the commission and the SIU.

⁴³ PGM, 23 November 2023, *Question NW3631*, available online at: <https://pmg.org.za/committee-question/24131/>.

⁴⁴ PMG, 30 April 2024, *Question NW852*, available online at: <https://pmg.org.za/committee-question/25553/>

⁴⁵ PMG, 9 October 2024, *Question NW2796*, available online at: <https://pmg.org.za/committee-question/23679/>

On 2 August 2023, Adv Glynnis Breytenbach queried the Minister of Justice and Correctional Services, referring “to the strengthening of prosecutorial authority requiring specialised training and with state capture and white-collar crimes requiring such specialisation, what steps has his department taken to strengthen the work of the National Prosecuting Authority in state capture crimes?⁴⁶”. The extended response contained more detail, but in direct reference to state capture, the response indicated that the Investigating Directorate (ID) has expanded its capacity and is being integrated into the National Prosecuting Authority (NPA). Over the past four years, the ID has enrolled 34 cases with 203 accused and authorised 97 investigations. A major success this year was helping recover R2.5 billion, which was deposited into the Criminal Asset Recovery Account. While there is more work ahead, this progress marks a significant step in reclaiming assets lost through state capture.

John Steenhuisen, on 5 January 2024, also questioned the Minister of Justice and Correctional Services regarding the increase and/or supplantation of the NPA and by extension the ID, to fight against corruption⁴⁷. It is further noted that Steenhuisen asked the president on 30 November 2023⁴⁸ what progress has been made on the finalisation of the State Capture Commission’s report, as well as the implementation plan to deal with the findings, especially against members of cabinet and other office bearers. The response was rather lacklustre, indicating that all recommendations were referred to criminal investigations and/or prosecution, and that relevant entities “may act on the recommendations in line with their respective mandates”. Further actions taken against these office bearers will be guided by outcomes from investigations.

Over the past four years, the ID has enrolled 34 cases with 203 accused and authorised 97 investigations

⁴⁶ PMG, 2 August 2024, *Question NW2296*, available online at: <https://pmg.org.za/committee-question/23242/>

⁴⁷ 5 January 2024, *NW3796*, available online at: <https://pmg.org.za/committee-question/24763/>

⁴⁸ 30 November 2024, *Question NW3659*, available online at: <https://pmg.org.za/committee-question/24223/>

Other MPs, such as Prof Christian Msimang, questioned the Minister of Justice and Correctional Services on the NPA and ID in July 2023⁴⁹, and Dr Leon Schreiber questioned the Minister of Public Service and Administration regarding the protection of whistleblowers in December 2023⁵⁰. It is heartening that MPs, not limited to the mandates of their respective PCs, question the executive on other matters, especially on the State Capture Commission's findings. However, when looking at the vast number of questions posed in the period of review (July 2023 to May 2024, totalling 1 227), it is disappointing to see how few really deal with the recommendations and their subsequent implementation. It is of utmost importance that the 7th Parliament visibly and earnestly actions the implementation of these recommendations so as to continue the fight against state capture.

Despite Chief Justice Raymond Zondo's stark warning in June 2023 that Parliament remains vulnerable to future state capture, insufficient progress has been made. Parliament's true commitment to reform will be measured by its actions, not its promises. It must act urgently to implement the commission's recommendations, pass new legislation, and create strong oversight mechanisms. OUTA will continue to monitor Parliament's progress, holding MPs accountable for their role in addressing state capture. Parliament's approach to the commission's recommendations will either restore public trust or further weaken the democratic institutions undermined by state capture.

“Parliament remains fully committed to implementing the State Capture Commission's recommendations”
 – Parliament's presiding officers, June 2023, in response to Chief Justice Raymond Zondo's warning that Parliament remains vulnerable to state capture

⁴⁹ 17 July 2023, *Question NW2145*, available online at: <https://pmg.org.za/committee-question/23132/>

⁵⁰ 6 December 2023, *Question NW3848*, available online at: <https://pmg.org.za/committee-question/24304/>

10. The passing of legislation

Lawmaking is a crucial function of Parliament because it is the process through which the rules and principles that govern the country are established, amended, or repealed. These laws form the foundation of the legal system, shaping the rights, duties, and responsibilities of individuals, institutions, and the government itself. Through the legislative process, Parliament ensures that laws reflect the will of the people, address societal needs, and adapt to changing circumstances. According to Parliament⁵¹:

Both Houses of Parliament, the National Assembly (NA) and the National Council of Provinces (NCOP), play a role in the process of making laws. A Bill or draft law can only be introduced in Parliament by a Minister, a Deputy Minister, a Parliamentary committee, or an individual Member of Parliament (MP). About 90% of Bills are initiated by the Executive.

Lawmaking is essential for maintaining order, protecting citizens' rights, and promoting justice and equity. By enacting laws, Parliament provides the legal framework necessary for enforcing policies, regulating conduct, and resolving disputes. Additionally, the lawmaking process allows for public participation and debate, ensuring that different perspectives are considered before laws are passed. In this way, lawmaking serves as a key mechanism for upholding democratic principles and ensuring that government actions are aligned with the values and needs of the society it serves.

The majority of legislation is passed into law without concern. However, there have been notable instances when Parliament appears to have bulldozed legislation through without ensuring sufficient consensus on the resulting law, the costs associated with it, or how it will be applied. These incidences are significant

⁵¹ Parliament of South Africa, *How a Law is Made*, available here: <https://www.parliament.gov.za/how-law-made>

Making laws: types of bills

Section 74 bills: Amend the Constitution.

Section 75 bills: Do not affect the provinces.

Section 76 bills: Affect provinces so require a more inclusive process involving the National Assembly and the National Council of Provinces.

Section 77 bills: Money bills, including budget bills.

**The Constitution, Chapter 4,
Parliament: National
Legislative Process**

failures for Parliament: scoring political points for parties does not result in laws which the country can unite around. We point to the National Health Insurance Act and the Basic Education Laws Amendment Act as examples here, where political and public disagreement over the final law remains so fierce that Parliament can only be said to have failed in its role.

The 6th Parliament passed a total of 145 bills.⁵²

Table 4, below, shows the number and type of bills passed by Parliament from 1994 to the end of the 6th Parliament in May 2024, according to PMG's *Bills passed by democratic Parliament (1994-2024)*.

Table 4: Breakdown of number of Bills per year

Year	Bills introduced	Bills passed	S74 bills	S75 bills	S76 bills	S77 bills	Bills assented to by the President
2019	22	35	0	18	10	7	33 ⁵³
2020	34	24	0	13	5	5	23 ⁵⁴
2021	25	23	0	11	6	6	23
2022	34	23	0	8	8	7	23
2023	42	24	1	9	8	6	22
2024	11	39	0	19	16	4	4
Totals	168	168	1	78	53	35	128

The bills passed by each PC reviewed in this report for the period 2023/2024 are:

- Communications and Digital Technologies: three bills;
- Cooperative Governance and Traditional Affairs: one bill;
- Forestry, Fisheries and the Environment: two bills;

⁵² Parliamentary Monitoring Group. 21 May 2024. *Bills passed by democratic Parliament (1994-2024)*.

⁵³ Two bills returned by the president to Parliament, subsequently passed as Acts 2 and 3 of 2024.

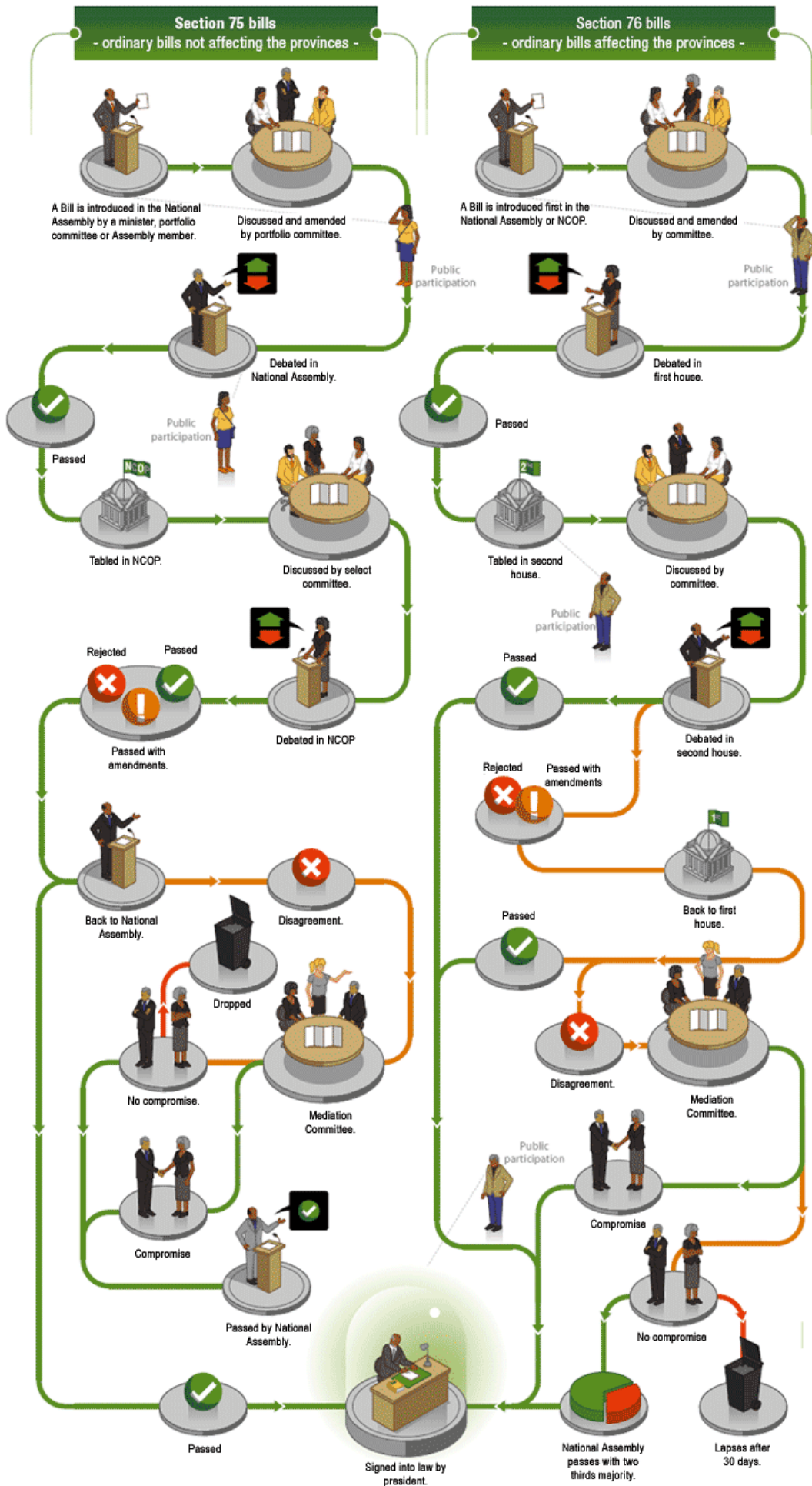
⁵⁴ One bill returned by the president, subsequently passed as Act 23 of 2023.

- Health: two bills;
- Higher Education, Science and Innovation: no bills;
- Home Affairs: six bills;
- Mineral Resources and Energy: two bills;
- Public Enterprises: no bills;
- Transport: five bills;
- Water and Sanitation: one bill; and
- Women, Youth and Persons with Disabilities: two bills.

Annexure B highlights some of the key pieces of legislation handled in the period of review, and also notes which bills have been stood over to the 7th Parliament.

On the following page, see a graphic from Parliament on the process of passing legislation in Parliament.⁵⁵

⁵⁵ Parliament of the Republic of South Africa. *How a law is made*. Available here: <https://www.parliament.gov.za/how-law-made>



11. Oversight visits conducted by selected portfolio committees

Parliament's oversight role is crucial for several reasons. It enables the detection and prevention of abuse within the government, thereby protecting the rights and liberties of citizens. Oversight ensures that the government is held accountable for how it spends taxpayers' money, promoting transparency and fostering public trust in government operations.

In line with its oversight mandate, Parliament ought to conduct regular oversight visits to various locations requiring government intervention and follow-up. These visits are crucial for MPs to engage directly with local communities, assess the effectiveness of government programmes, and ensure that service delivery is taking place as intended.

Conducting oversight visits is one of the key responsibilities of portfolio committees. Even though there are public participation activities organised and performed by Parliament's Public Education Office, these alone are insufficient, predominantly due to the scope of Parliament's mandate. In the Public Participation Framework for the South African Legislative Sector, the function of "Taking Committees to the People" requires that the "Committees of Parliament must hold some of their meetings in community venues which are more accessible to more rural parts of the country"⁵⁶, which they do to encourage and facilitate

Oversight visits are crucial for MPs to engage directly with local communities

⁵⁶ June 2013. *Public Participation Framework for the South African Legislative Sector*. Available at: https://www.parliament.gov.za/storage/app/media/Pages/2019/august/19-08-2019_ncop_planning_session/docs/Public_Participation_Framework_for_the_South_African_Legislative_Sector.pdf See page 27.

meaningful participation, thereby deepening democracy. The framework indicates this must occur at least once year, by each committee, although joint visits can be more impactful, and save on resources.

In this report we reflect on the oversight visits conducted by each identified PC, as also captured within their individual legacy reports. We do however note that, according to the ladder of participation, there must be several levels of engagement. These range from informing the public, consulting with the public for input, providing opportunities for dialogue, as well as providing opportunities for collaboration. In our analyses it remains unclear whether these oversight visits had a substantial impact on the target communities, and whether follow-up visits were conducted to ensure proper implementation of interventions. We recommend that the 7th Parliament puts more concerted efforts into engaging, and following-up with, communities and other interest groups.

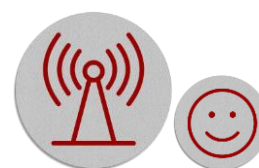
The following is an analysis of oversight visits conducted by various PCs during 2023/24. Each PC undertook these visits with specific objectives in mind, often focused on evaluating the implementation of government programmes, assessing the functionality of institutions, and following up on previous recommendations. The visits reveal a pattern of recurring issues such as funding, infrastructure, governance, and the efficiency of public services.

PC on Communications and Digital Technologies

This PC conducted two significant oversight visits in 2023. The first visit, on 29 to 30 March 2023, focused on assessing the implementation of the digital terrestrial television programmes and the SA Connect programme in Gauteng and Free State. The committee's recommendations highlighted the need for a review

It remains unclear whether these oversight visits had a substantial impact on the target communities, and whether follow-up visits were conducted to ensure proper implementation of interventions

The visits reveal a pattern of recurring issues such as funding, infrastructure, governance, and the efficiency of public services



of the funding model of the Independent Communications Authority of South Africa (Icasa) and emphasised sustainable collaborations between various entities like the Government Communication and Information System (GCIS), SABC, and the State Information Technology Agency. The ongoing engagement with these entities points to a continued struggle in harmonising efforts and ensuring financial stability, particularly concerning the mounting debt of the SABC. The second visit, from 19 to 21 April 2023, extended the committee's focus to the Northern Cape, with an emphasis on the SA Connect broadband policy and direct-to-home broadcasting. The committee underscored the need for collaboration among state entities such as the National Electronic Media Institute of South Africa, the SA Domain Name Authority, Broadband Infracore, and the Universal Service and Access Agency of South Africa to optimise the use of installed infrastructure. The repeated call for better communication and relations between different levels of government suggests persistent coordination challenges, with the committee pushing for concrete results before the end of the 6th Parliament. At the time of writing, the reports were not available.

PC on Cooperative Governance and Traditional Affairs

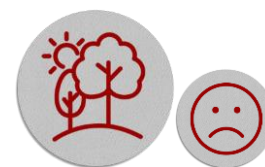
This PC conducted oversight visits to the Western Cape and Northern Cape, focusing on the dysfunctionality of municipalities. These visits, occurring in January-February and March-April 2023 respectively, targeted the 64 municipalities identified as dysfunctional by the Cooperative Governance Department. The follow-up meetings aimed to gauge whether previous recommendations were being implemented, signalling a critical need to address systemic issues within local governance. However, it isn't clear whether this been taken up as a priority.

The repeated call for better communication and relations between different levels of government suggests persistent coordination challenges



PC on Forestry, Fisheries and the Environment

Notably, this PC did not conduct any oversight visits during the 2023/24 period. This absence of action raises concerns about the committee's engagement with its mandate, particularly in a context where environmental issues and natural resource management are critical to South Africa's development agenda.



PC on Health

This PC undertook a visit to the Eastern Cape from 2 to 4 June 2023, to review the progress on recommendations made to the provincial Department of Health. The visit focused on several health facilities, where the committee identified ongoing issues related to staffing, infrastructure, and equipment maintenance. The recommendations included filling both clinical and non-clinical vacancies, prioritising infrastructure projects, and upgrading essential medical equipment. The repeated emphasis on communication between provincial and national departments indicates a persistent gap in coordination, while the call for quarterly reports suggests a need for tighter monitoring to ensure that improvements are being made.



PC on Higher Education, Science and Innovation

This PC was highly active, with oversight visits spanning January to February 2023 in KwaZulu-Natal, Limpopo, and Mpumalanga, and a subsequent visit in February 2024 to the Eastern Cape. The visits aimed to assess the readiness of institutions for the academic year and monitor the enrolment of first-year students. The PC's recommendations focused on addressing the impact of load shedding, water shortages, and infrastructure spending, particularly in Technical and Vocational Education and Training (TVET) and Community Education and Training (CET) colleges. The



need for additional funding and improved oversight by the Department of Higher Education and Training reflects systemic challenges in ensuring that institutions are adequately prepared and supported.

PC on Home Affairs

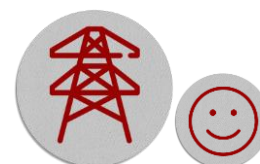
This PC conducted an oversight visit on 30 March 2023, to the Department of Home Affairs's permit section at Menlyn Mall in Gauteng. This visit was part of the follow-up on the Lubisi Ministerial Committee recommendations⁵⁷ concerning permit backlogs and delays. The PC's recommendations expressed the need for upgrading the visa adjudication system and increasing personnel to align with national economic and tourism objectives. The focus on addressing permit bottlenecks and implementing measures to combat fraud reflects ongoing challenges in the department. The follow-up in August 2023 highlighted progress in implementing the Lubisi report's recommendations, although the need for continued oversight and the resolution of outstanding issues suggests that the department is still grappling with significant operational challenges.



This PC conducted a follow-up to its oversight visit, to check on progress

PC on Mineral Resources and Energy

This PC conducted a significant oversight visit from 23 to 28 August 2023 in Gauteng and North West provinces, primarily addressing illegal mining. The visit highlighted severe challenges such as the double granting of licences, the safety of Department of Mineral Resources and Energy inspectors, and the socio-economic impact of illegal mining on communities. The



⁵⁷ Ministry of Home Affairs. 10 June 2022. *Report of the Review by Ministerial Committee on the Issuance of Permits and Visas*. Available here: https://static.pmg.org.za/Review-Issuance_of_visas_permits.pdf

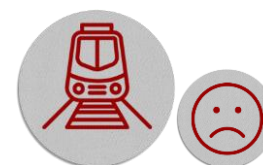
committee's recommendations include treating illegal mining as a dedicated project, enhancing the licencing process, and strengthening collaboration with regional offices. The emphasis on accelerating small-scale mining projects indicates a recognition of the economic potential within artisanal mining, but the PC's findings also stress the need for rigorous oversight and immediate government intervention, particularly concerning community safety and environmental restoration.

PC on Public Enterprises

No oversight visits were conducted during the 2023/24 period. The absence of oversight could raise questions about the PC's responsiveness to issues within its purview, particularly given the ongoing challenges in state-owned entities, which require continuous monitoring, especially in the wake of state capture.

PC on Transport

This PC did not conduct any oversight visits during the 2023/24 period. This lack of engagement is concerning, especially in light of the persistent challenges in the transport sector, including road infrastructure and public transport systems. The committee's inactivity may indicate a need for more proactive oversight to address these ongoing issues.



PC on Water and Sanitation

This PC carried out two crucial oversight visits, one to the Free State in March 2023 and another to Limpopo in April 2023. Both visits focused on assessing critical infrastructure projects, such as the Bucket Eradication Programme (BEP) and the Giyani bulk water project. The committee's findings reveal systemic issues, including inadequate contractor performance, security threats from the so-called "construction mafia", and challenges in municipal capacity.

The recommendations, which include enforcing consequences for non-compliance, securing infrastructure, and enhancing municipal skills, reflect a comprehensive strategy to address both the immediate and long-term challenges in water and sanitation service delivery. However, the committee's call for rigorous consequence management and its focus on modern technological solutions underscore the severity of the issues at hand and the urgent need for effective government intervention.

PC on Women, Youth and Persons with Disabilities

This committee conducted oversight visits to KwaZulu-Natal and Mpumalanga in early 2023, focusing on gender-based violence (GBV), youth unemployment, and the impact of government programmes in these areas. The visits revealed significant challenges, particularly in the response to GBV and the living conditions of flood victims in Durban. The committee's recommendations were extensive, addressing safety concerns, service delivery failures, and the need for improved coordination among government entities.



Notably, the committee's critique of the rapid response teams⁵⁸ and the lack of follow-through on previous recommendations highlight a gap between policy intentions and on-the-ground realities.

The oversight visits by these portfolio committees reflect an effort to monitor and improve the implementation of government policies across various sectors. However, the recurring themes of funding, infrastructure, and governance challenges suggest that many of these challenges are deeply entrenched and require sustained attention. A glaring concern is whether there has been adequate follow-through on the recommendations, addressing the issues and actually ensuring improvements occur. We have seen time and again how Parliament and the government excel in writing policies and reports but fail on delivery. Essentially it will all boil down to political will.

A glaring concern is whether there has been adequate follow-through on the recommendations, ensuring improvements occur

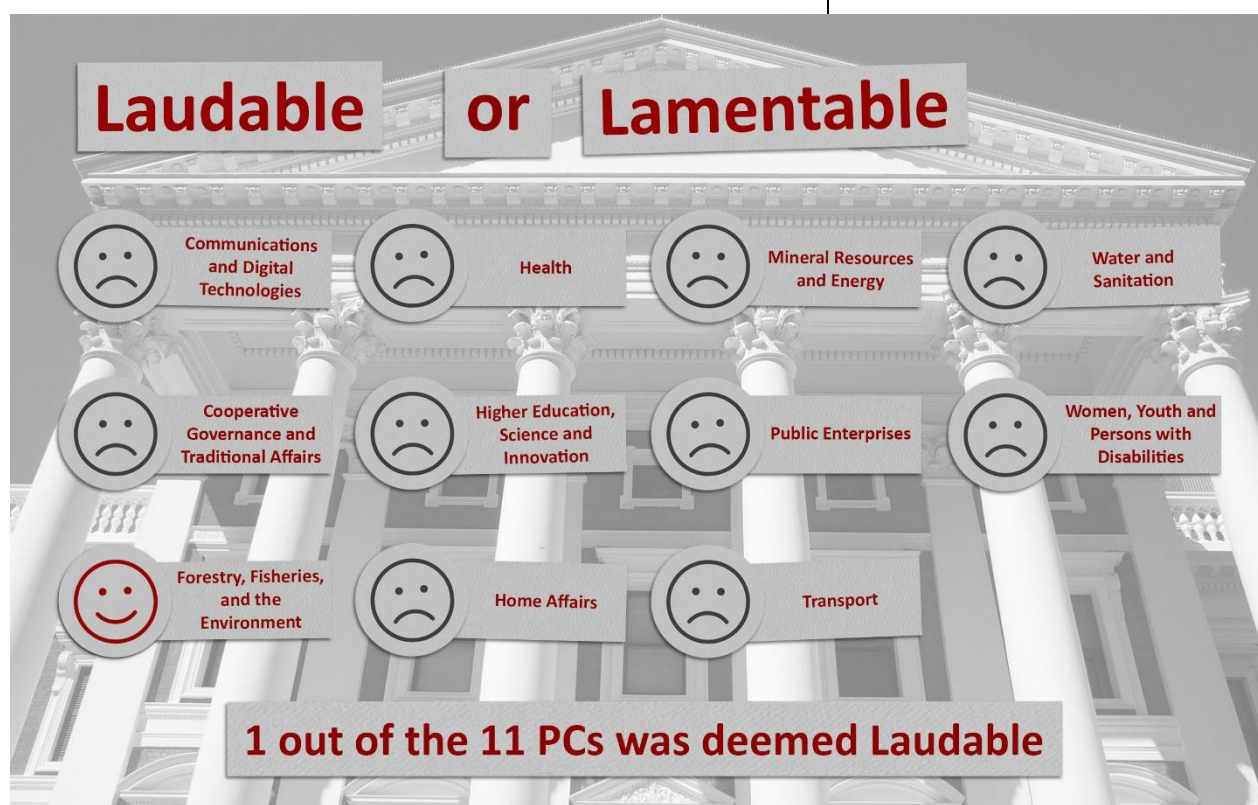
⁵⁸ This critique included: the department is required to provide a detailed explanation regarding its failure to actively coordinate GBV interventions in relation to Rapid Response Teams (RRTs) and to address why it has not facilitated the formal integration of RRTs into government structures; the department must clarify the discrepancy in the reported number of RRTs, explaining why the oversight visit indicated the establishment of only four RRTs, while the department's 2021/22 annual report claimed that 11 RRTs were operational across all districts. It was recommended that the RRTs expand their preventative efforts by extending initiatives to institutions of higher learning and actively engaging with student representative councils (SRCs).

12. Portfolio committee analyses

The section reflects on the 11 portfolio committees (PCs) in the National Assembly that we assessed. In this section we attend to the following three guiding questions:

1. What challenges and opportunities did the selected PCs deal with?
2. How did they deal with these challenges, and were their efforts laudable, or lamentable?
3. What recommendations can be made for the 7th Parliament?

The insights draw on the BRRRs, the various legacy reports, as well as projects taken on by OUTA during the period of review.



12.1. PC on Communications and Digital Technologies

SUMMARY

Our verdict: Lamentable.

The PC's main challenge: The committee faced difficulty resolving ongoing governance issues in the department and its entities, irregular expenditure, and ensuring accountability, with a failure to meet crucial objectives like the Broadcasting Digital Migration (BDM) programme, and the mismanagement of SABC and the Post Office. Persistent leadership changes also hampered long-term planning and progress.

OUTA's main criticism: OUTA criticised the committee's failure to effectively oversee and address the BDM delays, the mismanagement of state entities like the Post Office and SABC as well as the lack of a sustainable funding model for the SABC in the law processed by this committee, resulting in public broadcaster instability and potential service exclusion for poorer viewers. The committee's efforts in addressing these long-standing issues were insufficient.

What this portfolio committee does

This committee conducts oversight over the Department of Communications and Digital Technologies (Vote 30) on behalf of the National Assembly. Entities of particular interest are the SABC and the South African Post Office.

The ministers

- May 2019 to August 2021: Stella Ndabeni-Abrahams
- August 2021 to March 2023: Khumbudzo Ntshavheni
- March 2023 to June 2024: Mondli Gungubele
- 7th Parliament, June 2024: Solly Malatsi



Department of Communications & Digital Technologies

Budget

2022/23: R5.221 billion

2023/24: R3.312 billion

2024/25: R3.969 billion

(Source: Budget 2024)

The entities

1. Broadband Infracore
2. Film & Publications Board
3. Independent Communications Authority of SA (Icasa)
4. National Electronic Media Institute of SA
5. Sentech
6. SA Broadcasting Corp (SABC)
7. SA Domain Name Authority (.ZADNA)
8. SA Post Office
9. State Information Technology Agency
10. Universal Service and Access Agency of South Africa
11. Universal Service and Access Fund

Highlights and observations from the BRRR⁵⁹

The department received an unqualified audit with material findings on predetermined objectives and non-compliance and achieved only 77% of its planned targets for the financial year. There were concerns over the instability at SABC, the Post Office, and Postbank as there are significant challenges, although action plans have been agreed upon to improve their situations. Concern was raised over the repeated audit findings of the department and its entities that remain unresolved. Issues of irregular expenditure, poor governance, and lack of accountability in entities persist, with current irregular expenditure nearing R1 billion and historical irregularities totalling R9 billion. Another concern was the late submission of complex legislation to the committee, with an expectation for adoption before the end of the 6th Parliament, thus creating uncertainty and anxiety in the sector. Furthermore, some entities have executive management who are under investigation for suspected wrongdoing or embezzling state funds. There is a lack of internal controls to collect and verify data necessary for monitoring the implementation of the broadcasting digital migration policy.

In regard to **SABC**, the PC welcomed the appointment of the new board and commended the entity for implementing 92% of the turnaround strategy activities. There remains significant concern about the SABC's ability to maintain its going concern status, resulting in an audit disclaimer opinion. The committee expressed concern about the challenges faced by the new board and the regression in SABC's performance and whether it will fulfil its constitutional mandate given the financial constraints and lack of maintenance for buildings and facilities. It also highlighted



Legislation was submitted late to the committee, with the expectation of adoption before the end of the 6th Parliament

There is a lack of internal controls to collect and verify data necessary for monitoring the implementation of the BDM policy

⁵⁹ Portfolio Committee on Communications and Digital Technologies. 24 October 2023. *Budgetary Review and Recommendations Report (BRRR) of the Portfolio Committee on Communications and Digital Technologies*. Available here: <https://static.pmg.org.za/231025pccommbrrr2.pdf>

ongoing issues with irregular expenditure, poor governance, and inadequate consequence management.

The **Post Office** received an audit disclaimer with findings, despite a bailout intended to stabilise this entity. The committee acknowledged the agreement with the government to support the Post Office's resuscitation, including the additional funding of R2.4 billion to aid in the business rescue process. There has been serious concern raised over the Post Office's continued losses due to fraudulent activities and weaknesses in internal controls, which resulted in a loss of over R1 billion.

Challenges identified from PC legacy report⁶⁰

The challenges identified include following up on previous years' outstanding issues, budget analysis quality and monitoring that has been compromised owing to key staff vacancies including a researcher and legal advisor the committee. The failure to complete the Broadcasting Digital Migration (BDM) programme and switch-off analogue TV signal remained a major concern, with the SABC indicating this could impact financial sustainability. The rollout of broadband and universal access remains a challenge as a number of government facilities raised issues on the network uptime and reliability. There were also concerns over the sustainability of the funding model for Icasa and lack of skilled staff, and the need to finalise the acquisition of Broadband Infracore by Sentech, which is intended to create a more robust and efficient entity capable of driving digital transformation.

Fraudulent activities and weakness in internal controls resulted in a loss of over R1 billion in the Post Office

PC legacy report to 7th Parliament

⁶⁰⁶⁰ Portfolio Committee on Communications and Digital Technologies. 7 May 2024. *Report of the Portfolio Committee on Communications and Digital Technologies on activities during the 6th Parliament (May 2019 – March 2024)*. Available here: <https://static.pmg.org.za/240507pccommreport.pdf>

The PC's recommendations made to the 7th Parliament

The recommendations include: conducting an international study tour for committee members to learn best practices from BRICS-plus countries; developing a five-year strategic plan; appointing a committee researcher, communications officer, and legal advisor; monitoring SIU investigations and cases referred to the NPA; overseeing the BDM implementation; monitoring the business rescue plan for the Post Office; overseeing financial performance improvements for SABC and the State Information Technology Agency; finalising the Audio-Visual Policy White Paper; reconsidering the Draft SABC Bill in the 7th Parliament and monitoring SA Connect policy implementation.

OUTA's perspective

The BDM process relates to the migration of the broadcasting services from analogue to digital technologies and started in 2008 with an international deadline for completion of June 2015. The aim was to enable the provisions for wireless mobile broadband services. The migration has been implemented worldwide, however, South Africa has fallen short in this regard by failing to implement this migration successfully and at a significant cost to taxpayers, due to the wasted costs of dual (analogue and digital) illumination. Although there have been a lot of feedback sessions by the department to the PC over the last decade, the project has still not been successfully concluded. Parliament has been unable to exercise effective oversight and hold those responsible for the project accountable. See more on this case study [here](#).

In January 2023, OUTA commented on the SABC Bill. OUTA emphasises the important need for strong legislation and policies governing the SABC to rebuild public trust and ensure editorial independence. SABC has faced constant financial instability and management challenges, which have undermined confidence in

The 7th Parliament should reconsider the SABC Bill

The logo for OUTA, consisting of the letters 'OUTA' in a bold, sans-serif font. The letter 'O' is black, 'U' is black, 'T' is black, 'A' is black, and the letter 'A' is red.

the public broadcaster. Although SABC has a significant role as a public broadcaster, OUTA criticised the bill for failing to address the need for a new funding model for the SABC. The bill proposed a three-year delay in developing a new funding model which could worsen the SABC's financial situation, underlined by a R1.1 billion net loss for the 2023 financial year. OUTA called for a regular annual state grant for the SABC's public broadcasting services. See more on this case study [here](#).

Is the PC lamentable or laudable? OUTA verdict: **Lamentable**

The PC has faced many challenges that contributed to its underperformance: constant change in leadership creating instability and disruption of long-term planning and progress; delay in policy implementation slowing down important projects, specifically the migration from analogue to digital broadcasting; expansion of infrastructure and networks remain a struggle in many rural communities; mismanagement of SOEs like the Post Office and SABC that led to financial troubles and governance issues; and a gap in digital skills due to the absence of a cohesive and effective strategy.

There is no funding strategy for the SABC, which is battling to survive. The BDM limps on, years late, and now likely blocking poorer viewers from SABC. The Post Office, a crucial service particularly for those in rural areas, has collapsed. OUTA would have expected the PC to have made a greater effort to address these issues.

OUTA criticised the SABC Bill for failing to address the need for a new funding model for the SABC



12.2. PC on Cooperative Governance and Traditional Affairs

SUMMARY

Our verdict: Lamentable.

The PC's main challenge: The committee is faced with a department which provides significant financial support to a sector – local government – which is massively failing. There are financial irregularities in the department and the programmes do not achieve what they should.

OUTA's main criticism: The financial collapse and dysfunction of so many municipalities and departmental programmes such as the Community Work Programme require urgent reforms for better accountability. We want the committee to push for much stronger accountability systems and, if necessary, to consider amending or writing legislation to ensure this.

What this portfolio committee does

This committee conducts oversight over the Department of Cooperative Governance (Vote 3) and the Department of Traditional Affairs (Vote 15) on behalf of the National Assembly. This report looks only at the Department of Cooperative Governance side.

The ministers

- May 2019 to March 2023: Nkosazana Dlamini-Zuma
- March 2023 to June 2024: Thembi Simelane-Nkadimeng
- 7th Parliament, June 2024: Velenkosi Hlabisa



Department of Cooperative Governance

Budget

2022/23: R110.709 billion

2023/24: R119.974 billion

2024/25: R125.183 billion

(Source: Budget 2024)

Department of Cooperative Governance

Entities

1. SA Local Government Association (Salga)
2. Municipal Demarcation Board
3. Municipal Infrastructure Support Agent
4. National Disaster Management Centre
5. SA Cities Network

Highlights and observations from the BRRR⁶¹

The department concluded the financial year with a closing balance of R3.4 billion in irregular expenditure. Of this amount, R475.1 million was incurred in 2023 due to an invalid contract entered into with a **Community Work Programme (CWP)** implementing agent. There was progress made in addressing material irregularities in the CWP, however it was disappointingly prolonged, primarily due to the department's slow implementation of the AGSA recommendations. While there have been efforts to expedite the process, there were concerning delays. There is a lack of site managers for the CWP. For example, some supervisors are required to travel long distances to only deliver attendance registers, a task that municipalities should be able to assist with.

The BRRR highlighted underspending by municipalities on disaster management conditional grants. Of the R516.7 million in disaster response grants transferred between July and September 2022 to address infrastructural damage caused by the floods of April to May 2022, only R324.4 million had been spent by 18 April 2023, approximately two months before the end of the municipal financial year. These financial discrepancies underscore the need for enhanced oversight and more effective management of public funds to ensure timely and appropriate expenditure, particularly in critical areas such as disaster response and community support programmes. The department's failure to address the low expenditure on conditional grants by municipalities emphasises a lack of effective use and analysis of the municipal financial reports as required by Section 71 of the Municipal Finance Management Act. It is concerning that the **Municipal Infrastructure Support Agent** provided technical assistance to only five water services authorities (WSAs) during the review period, while there are at



Of the R516.7 million in **disaster response grants** transferred between July and September 2022 to address infrastructural damage caused by the floods of April to May 2022, only R324.4 million had been spent by mid-April 2023, two months before the end of the municipal financial year

⁶¹ Portfolio Committee on Cooperative Governance and Traditional Affairs. 19 October 2023. *Budgetary Review and Recommendations Report of the Portfolio Committee on Cooperative Governance and Traditional Affairs*. Available here: <https://static.pmg.org.za/231019pccoopbrrr.pdf>

least 22 dysfunctional WSAs struggling to use more than 50% of their conditional grant allocations.

The department failed to advance from its stagnant position on qualified audit outcomes. This stagnation prevents the department from offering credible recommendations that could improve municipal audit results. Furthermore, the department's municipal intervention and support packages were not achieving the desired impact. There is lack of consequence management for municipalities that do not implement these packages, increasing the problem.

Challenges identified from PC's legacy report⁶²

The committee reviewed petitions concerning various regions, including: Emalahleni Local Municipality; JB Marks Local Municipality; Mpame residents in the Eastern Cape; Bredell, Pomona, Brentwood Park, and Glen Marais (ward 25) in the City of Ekurhuleni; Benoni (wards 23, 24, 27, and 28) in Ekurhuleni; the farming community of Tzaneen Local Municipality, Limpopo (represented by Agri-Letaba); Alphen Park, Farrarmere and surrounding suburbs in Ekurhuleni; Bonaero Park in Ekurhuleni; and the Spekboom community in Thaba Chweu Local Municipality in Mpumalanga.

The failure of municipalities to submit District Development Model (DDM) One Plans to provincial authorities, including the misunderstanding of the DDM concept by some stakeholders, was identified as a major challenge to its effective implementation.

The department has constantly received disclaimed and qualified audit opinions during this time, mainly due to the ineffective

**PC legacy
report
to 7th
Parliament**

The department has constantly received disclaimed and qualified audit opinions, mainly due to the ineffective management of the Community Work Programme

⁶² Portfolio Committee on Cooperative Governance and Traditional Affairs. 27 March 2024. *Report of the Portfolio Committee on Cooperative Governance and Traditional Affairs on activities undertaken during the 6th Parliament (May 2019 – March 2024)*. Available here: <https://static.pmg.org.za/240327pccoopreport.pdf>

management of the CWP. The audit opinions reflect ongoing issues in financial management and oversight within the department, requiring urgent reforms to enhance accountability and efficiency. The emergence of municipal coalition governments has introduced a new era of political instability in some localities, with a negative effect on service delivery, as political disagreements and power struggles within coalition governments often leads to delays and disruptions in municipal operations.

The PC's recommendations made to the 7th Parliament

The PC's recommendations include: follow up on recovering the R98 million Municipal Infrastructure Grant paid to an incorrect beneficiary; monitor Municipal Disaster Response Grant expenditure by municipalities affected by flood disasters; follow up on the tabling of the Interventions Support and Monitoring Bill, pending since the fourth Parliament; maintain oversight over the 66 dysfunctional municipalities identified in the 2021 State of Local Government Report; and follow up on the outcome of the forensic investigation into irregularities in the CWP.

OUTA's perspective

Both of the ministers during the 6th Parliament – Nkosazana Dlamini-Zuma and Thembi Simelane-Nkadimeng – failed to address the ongoing decline in local government performance. Municipalities, which are supposed to provide the essential foundation for local economic development, have regressed with many failing to adequately serve their residents.

The PC's reports do not refer to the goals of the NDP or the UN's SDGs. However, both the NDP and SDGs are relevant to the assessment of the department's role in disaster management,

The logo for OUTA (Organisation of University Teachers and Academics) features the letters 'OUTA' in a bold, sans-serif font. The 'O', 'U', and 'A' are black, while the 'T' is red.

and the need to improve government capacity to respond to climate change-related disasters such as floods and droughts. Oversight on governance, service delivery, and accountability in disaster management strengthens institutional integrity. Addressing water supply issues, sewer infrastructure failures, and raw sewage in wetlands promotes access to clean water.

The department's failure to improve on its disclaimed and qualified audit outcomes prevents it from providing credible recommendations for improving municipal audit results. There is also a lack of impact due to inadequate implementation and absence of consequences for non-compliance by municipalities. We note the problem of municipalities failing to submit DDM One Plans and the concerns over misunderstandings about the DDM concept among stakeholders; we note that there is very little information publicly available about the DDM concept, and the department's website information on this is inadequate. Clearly better communication and training is needed. The state of local government is disastrous, as was underlined in the AGSA report on 2022/23 outcomes.⁶³ The decline in clean audits in municipalities (the AGSA report showed 43% of municipalities (110) received unqualified audits with findings, 33% (85) qualified with findings, 2% (6) adverse with findings, and 5% (12) disclaimed findings) is a clear indication of systemic failures, weak political oversight and a lack of consequence management. Such disastrous results emphasise the need for the Department of Cooperative Governance, backed by the portfolio committee, to be making every effort to find solutions to the collapse of municipalities.

With regards to the CWP, OUTA believes there is ineffective management which is a significant contributor to poor audit outcomes, requiring urgent reforms for better accountability and

The department's failure to improve on its disclaimed and qualified audit outcomes prevents it from providing credible recommendations for improving municipal audit results

⁶³ Auditor-General of South Africa. 27 August 2024. *Consolidated General Report on Local Government Audit Outcomes 2022-2023*. Available here: <https://www.agsa.co.za/Reporting/MFMAReports/MFMA2022-2023.aspx>

efficiency. We raised concern about the CWP in our *Parliamentary Oversight Report 2023*, including concern over looting from the fund and called on the PC to insist on better reporting by the department on this.

There is significant funding flowing through the Department of Cooperative Governance to the municipalities, but the public does not see the appropriate results. This is one of the biggest failures in government. Dozens of municipalities remain dysfunctional.

We recommend that the 7th Parliament pushes for much stronger accountability systems. The era of handing over tens of billions of rands to municipalities which continue to fail should be over. We want to see accountability for these failures, and systems which will ensure that funds handed over to local government from national are well spent and properly accounted for.

The department's indicators show that it aims in 2024/25 to have 85% of municipalities which receive the municipal infrastructure grant spend a minimum of 60% of their grant allocation. This bar is too low. We would like to see the PC reassessing such indicators.

Is the PC lamentable or laudable? OUTA's verdict: **Lamentable**

In 2022/23, the Department of Cooperative Development had a budget of more than R110 billion, and has reached R125 billion for 2024/25. The bulk of this goes to municipalities in grants (R101 billion of the 2024/25 budget is the Local Government Equitable Share transfer). South Africa is not seeing value for money here. We want to see the PC demanding better use of these funds and, if necessary, consider amending or writing legislation to ensure accountability and responsible spending.



12.3. PC on Forestry, Fisheries and the Environment



SUMMARY

Our verdict: Laudable.

The PC's main challenge: The department has difficulties addressing key deliverables, such as improving air quality, enhancing disaster preparedness and issues related to landfill site management and waste diversion. Budget constraints, slow implementation of audit action plans, and interdepartmental cooperation, especially for the One Environmental System, remained significant challenges.

OUTA's main criticism: OUTA recognised the committee's commitment to improving environmental governance. OUTA emphasised the need for greater efforts on air quality, disaster preparedness and waste management.

Department of Environment, Forestry & Fisheries

Budget

2022/23: R8.827 billion

2023/24: R9.539 billion

2024/25: R8.741 billion

(Source: Budget 2024)

What this portfolio committee does

This committee provides oversight over the Department of Environment, Forestry and Fisheries (Vote 32) on behalf of the National Assembly.

The ministers

- May 2019 to June 2024: Barbara Creecy
- 7th Parliament, June 2024: Dion George

Department of Environment, Forestry & Fisheries

Entities

1. iSimangaliso Wetland Authority
2. Marine Living Resources Fund
3. SA National Biodiversity Institute (Sanbi)
4. SA National Parks (SANParks)
5. SA Weather Service

Highlights and observations from the BRRR⁶⁴

The PC stated that the performance of the department has improved since the start of the new administration in the 2019/20 financial year. The department still needs to achieve a clean audit outcome, and the committee is encouraged by the progress that has been made. The performance of the entities was excellent. Most of the entities exceeded the 80% minimum performance target and achieved clean audit outcomes, which, when compared with other departments, is a more positive indicator.

The committee noted the improvements in compliance with legislation by the department, **South African Weather Service, Marine Living Resources Fund, South African National Biodiversity Institute** and **iSimangaliso Wetland Authority** by reducing the number of non-compliance issues, while at **SANParks** non-compliance that could potentially be fraud was noted as an issue. The committee was concerned that the lack of people with the skills to manage plantations and disagreements about how to collect money were impeding the implementation of community forestry agreements.

The committee raised concern about the inability to achieve key deliverables such as improving air quality and enhancing disaster preparedness. The committee also identified capacity constraints in inspecting landfill sites across provinces and noted a low rate of waste diversion from these sites. There were also concerns regarding the pollution and inadequate protection of Ramsar sites (wetlands). The failure to implement audit action plans, consequence management, and post-audit action plan outcomes remain a concern. Other issues include ongoing disciplinary processes, irregular expenditure, and procurement and contract



The committee raised concern about the inability to achieve key deliverables such as improving air quality and enhancing disaster preparedness

⁶⁴ Portfolio Committee on Forestry, Fisheries and the Environment. 31 October 2023. *Budgetary Review and Recommendations Report (BRRR) of the Portfolio Committee on Forestry, Fisheries and the Environment and its Five Entities, namely: the South African National Parks, iSimangaliso Wetland Park Authority, South African Weather Service, the South African National Biodiversity Institute as well as the Marine Living Resources Fund for the 2022/23 Financial Year*. Available here: <https://static.pmg.org.za/231031pcenvirobrrr.pdf>

management. The delay in implementation of the Industry Waste Tyre Management Plan despite the numerous discussions held remained a concern.

The committee also expressed concerns about the department's delayed submission of presentations, which impacted the proper analysis and review before meetings. Although there were improvements in target achievement and audit outcomes for 2022/23, the committee was concerned that spending did not align with the targets achieved. The committee was troubled by the practice of selling confiscated fisheries products to raise funds, rather than using them for moral and public good. There has been slow progress in implementing the audit action plan remedial actions with only 50% of actions achieved. The department was criticised for insufficient support to municipalities with regards to managing landfill sites and aiding waste pickers to sustain their livelihoods and reduce pollution. The committee was disappointed with the poor performance of environmental programmes, which were supposed to create jobs through the Expanded Public Works Programme and improve lives.

There were concerns regarding SANParks' reasoning that natural mortality was a major factor in the decline of the rhino population, as poaching was identified as the primary cause. The committee expressed concern that internal corruption, fraud, lack of trust, difficult working relationships, and worsening organised crime posed a greater threat than poaching. The committee acknowledged that the delayed implementation of the Working for Fisheries programme has had a negative impact on job creation and poverty alleviation efforts.

The department's delayed submission of presentations impacted the proper analysis and review before meetings

The committee was disappointed with the poor performance of environmental programmes, which were supposed to create jobs through the Expanded Public Works Programme and improve lives

Challenges identified by the PC's legacy report⁶⁵

There are many challenges that remain a constant battle for the department, including: budget constraints; climate change; pollution; biodiversity loss; and land degradation; which demand ongoing observation and proactive interventions. These issues need to be addressed more effectively during the 7th Parliament's term.

One of the key areas that requires continued attention is the One Environmental System for mining. This system has faced ongoing challenges, requiring a renewed focus on interdepartmental cooperation. The 7th Parliament should prioritise this issue and ensure that this department and the Department of Mineral Resources and Energy start a comprehensive review of current operations. The aim should be to enhance efficiencies, enforce environmental laws more effectively, and strengthen collaborative governance. To facilitate this, the committee needs to consider organising a conference to assess the progress and identify unresolved issues, thus enabling the system to achieve its intended objectives.

Some government departments and stakeholders failed to submit their briefing documents and presentations on time, or did not submit them at all, which affected the committee's ability to engage effectively. The absence of senior officials from provincial departments and municipalities at public hearings compromised the committee's capacity to address service delivery issues effectively. Additional challenges include the inability to conduct planned oversight visits to key areas due to funding constraints or the prioritisation of legislative processing over oversight applications. These visits were essential for finding permanent solutions to persistent environmental and community issues,



The PC called for the 7th Parliament to ensure that the Department of Forestry, Fisheries and the Environment and the Department of Mineral Resources and Energy work together on the One Environmental System for mining

⁶⁵ the Portfolio Committee on Forestry, Fisheries and the Environment. 27 March 2024. *Report of the Portfolio Committee on Forestry, Fisheries and the Environment on its activities undertaken during the 6th Parliament (May 2019 – March 2024)*. Available here: https://static.pmg.org.za/240724_Legacy_Report_for_the_6th_parliament_2019-2024.pdf

such as the theft of rhino horns at the North West Parks Board, air pollution affecting communities in Durban South and Mpumalanga, and the failure of the SA Weather Service to fulfil its core mandate of maintaining functional air quality.

In Durban South, the constant industrial-residential zoning conflicts, where communities live close to high-emission industrial areas, remain unresolved. The 7th Parliament should focus on finding permanent solutions to these zoning issues. The committee should ensure that the Land Claims Commission and the Department of Agriculture, Land Reform, and Rural Development facilitate a process for SANParks to implement its beneficiation scheme effectively and oversee the rehabilitation of the environment affected by the UPL chemical spillage. Furthermore, the repair and protection of natural resources in the Emfuleni Local Municipality, particularly the Vaal River, should be a top priority. The municipality needs to start educational campaigns to raise awareness among residents about proper waste disposal practices and allocate funds to the repair and maintenance of the sewage infrastructure. Parliament should follow up to ensure that these repairs and upgrades are implemented efficiently.

The PC's recommendations to the 7th Parliament

These recommendations include:

- **Environmental management and protection:** Enhance cooperation between this department and the Department of Mineral Resources and Energy to improve environmental law enforcement; oversee pollution reduction efforts and enforce emission standards; monitor mechanisms for supporting and implementing the Climate Change Act; review and develop management plans for protected areas; and combat land invasion.

In Durban South, the constant industrial-residential zoning conflicts remain unresolved

The repair and protection of natural resources in Emfuleni, particularly the Vaal River, should be a top priority, says the PC

- **Community and economic development:** Address community issues near parks and monitor conflict resolution and scheme effectiveness; and assess infrastructure upgrades and their effectiveness for weather monitoring.
- **Security and risk management:** Improve rhino horn storage security measures following recent break-ins.
- **Waste and resource management:** Oversee implementation of waste management plans and address issues like tyre waste and extended producer responsibility; finalise and implement plans related to wildlife, biodiversity, circular economy, and fisheries.

OUTA's perspective

OUTA would like to see more work on key deliverables such as improving air quality and disaster preparedness, and innovative solutions regarded waste. We look forward to seeing how the new Climate Change Act will be implemented, and how the department and the portfolio committee will ensure the coordination across departments and policies, and the development of required regulations.

Is the PC lamentable or laudable? OUTA's verdict: **Laudable**

The PC on Forestry, Fisheries and the Environment has shown a commitment to improving environmental governance and to enhance the performance of the department and its entities since the 2019/20 financial year. Significant progress has been made in the department and entities in achieving clean audit outcomes and exceeding its performance targets, specifically among the entities that fall under the department. However, many challenges remain as mentioned in the challenges section.

OUTA



12.4. PC on Health

SUMMARY

Our verdict: Lamentable.

The PC's main challenge: The committee faced a department that underspent by R1.7 billion, with rising irregular expenditures, and failure to implement recommendations effectively. The department faced huge challenges during Covid-19. The committee's lack of resources for processing public submissions for the NHI Bill also posed major challenges.

OUTA's main criticism: OUTA criticised the committee's handling of the National Health Insurance Bill public consultation process, as the final bill was not reconsidered to take into account the thoughtful and insightful public comment. Now the country has a law that crucial stakeholders don't support, which symbolises Parliament's pretence at meaningful public participation: the PC was at the centre of that failure.

What this portfolio committee does

This committee conducts oversight over the Department of Health (Vote 18) on behalf of the National Assembly.

The ministers

- May 2019 – June 2021: Zweli Mkhize
- June 2021 – Aug 2021: Mmamoloko Kubayi (acting)
- Aug 2021 – June 2024: Joe Phaahla
- 7th Parliament, June 2024: Aaron Motsoaledi



Department of Health

Budget

2022/23: R62.896 billion

2023/24: R58.550 billion

2024/25: R62.219 billion

(Source: Budget 2024)

Department of Health

Entities

1. Allied Health Professions Council
2. Compensation Commissioner for Occupational Diseases
3. Council for Medical Schemes
4. Dental Technicians Council
5. Health Professions Council of SA
6. Interim Traditional Health Practitioners Council
7. National Health Laboratory Service
8. Office of Health Standards Compliance
9. SA Health Products Regulatory Authority
10. SA Medical Research Council
11. SA Nursing Council
12. SA Pharmacy Council

Highlights and observations from the BRRR⁶⁶

The committee acknowledged the department has improved its audit outcomes, achieving an unqualified audit opinion after a qualification in the 2021/22 financial year, but there were concerns with some of the entities. The committee flagged major concerns over the department's underspending of nearly R1.7 billion, especially given the significant challenges facing the country's healthcare facilities, and the rise in irregular expenditure from R4.5 billion in 2021/22 to R5.2 billion in 2022/23, with the **National Health Laboratory Service** being the main contributor at R4 billion. The committee was concerned about unauthorised expenditure flagged by the AGSA and emphasised the need for disciplinary hearings, investigations, and consequences.

Challenges identified in the PC's legacy report⁶⁷

During the 6th Parliament, the PC's key work revolved around monitoring and oversight of the government response to the Covid-19 pandemic, and the acquisition and rollout of vaccine. Another area of significant work was the passing on the National Health Insurance (NHI) Bill. A lack of dedicated resources led to significant delays in processing the large volume of public submissions related to the NHI Bill.

The PC raised concerns over the department's tardiness in responding to committee recommendations within a specific time period as well as presenting the various progress reports including on consequence management arising from



⁶⁶ Portfolio Committee on Health. 18 October 2023. *The Budgetary Review and Recommendations Report (BRRR) of the Portfolio Committee on Health, on the Performance of the National Department of Health and its entities (2022/23)*. Available here: <https://static.pmg.org.za/231018pchealthbrrr.pdf>

⁶⁷ Portfolio Committee on Health. 27 March 2024. *Report of the Portfolio Committee on Health on its activities undertaken during the 6th Parliament (May 2019 – March 2024)*, Available here: <https://static.pmg.org.za/240327pchealthreport2.pdf>

noncompliance with legislation and on the implementation of the Mental Health Policy Framework.

The PC's recommendations made to the 7th Parliament

These recommendations include: enhancing ties with other parliamentary committees for joint oversight visits; prioritising training programmes for committee members and staff to improve oversight skills; and implementing a structured approach to ensure comprehensive resolution of concerns, incorporating thorough responses into committee reports.

OUTA's perspective

In August 2021, Zweli Mkhize resigned as Minister of Health after he was implicated in the kickbacks scandal surrounding the Digital Vibes contract for Covid-19 communications work with the Department of Health. In September 2021, the SIU report on this was released, finding that the Digital Vibes contract had been improperly awarded and resulted in irregular expenditure of R150 million. The PC discussed the report at the time. While the minister lost his job over this – one of the major scandals relating to Covid-19 spending – the PC's legacy report fails to mention this or any other concerns over Covid-19 spending. This is an astonishing omission.

The committee conducted huge public participation in connection with the NHI Bill, organising in-person public hearings across all nine provinces from 26 October 2019 to 24 February 2020 with 11 564 participants and reaching over 33 district municipalities. During this time, the committee heard 961 oral submissions. Furthermore, the committee conducted virtual public hearings from 18 May 2021 to 23 February 2022, in which 114 stakeholders participated. The committee received oral



Minister Zweli Mkhize lost his job over the Digital Vibes scandal, but the committee's BRRR and legacy report fail to mention this or any concerns over problems with Covid-19 spending

presentations from a diverse range of entities, including professional associations, civil society organisations, religious-based organisations, researchers, lobby groups, academics, traditional healers, public health entities, statutory bodies, government departments, sector experts, healthcare funders, medical aid schemes, healthcare administrators, hospital groups, political organisations, labour unions as well as other interested parties. In addition to the public hearings, the committee received approximately 338 891 written submissions from the public, submitted both electronic and hard copy. The department responded to the issues raised during the public hearings in March 2022 and in November 2022. The committee adopted its report on 26 May 2023 (see [here](#)).

The public participation process run by the committee was massive and impressive. Strong support for the ideal of universal healthcare was indicated by many participants, but significant concerns about the workability and fundability of the NHI were raised in many of the public inputs, including by health experts. Unfortunately, the committee failed to produce a bill which properly considered the seriousness of the criticisms, which OUTA regards as a significant failure of the public participation process.

On 12 June 2023, the National Assembly passed the NHI Bill.

On 15 May 2024, less than two weeks before the elections, the president signed the NHI Act into law, while there is still considerable dispute over how to fund it or implement it. OUTA regarded the bulldozing through of this law as an electioneering stunt (see more [here](#)) and we expect that this act will end up in court. Legislation which is disputed in this way points to Parliament's failure.

The public participation process run by the committee on the NHI Bill was massive and impressive, but unfortunately the committee failed to produce a bill which properly considered the seriousness of the criticisms, which OUTA regards as a significant failure of the public participation process

Is the PC lamentable or laudable? OUTA's verdict: Lamentable

The PC on Health has an important role to play in the advancement of South Africa's health sector by overseeing the implementation of strategic goals aligned with the NDP and the MTSF for 2019-2024. The NHI Act should have been one of the most significant pieces of legislation to go through the 6th Parliament and should have heralded the start of systemic improvements to the health system and a move to universal health care. Many experts submitted thoughtful comment during the public participation process. Instead, comment was not thoughtfully considered. Now the country has a law that crucial stakeholders don't support, and that symbolises Parliament's pretence at meaningful public consultation. The PC on Health was at the centre of that failure. OUTA fully supports the right of all South Africans to proper healthcare, but there is a big disconnect between the dream of universal healthcare envisioned in the NHI Act and the reality of implementing it. A functional universal healthcare system needs sound management and adequate funding, but these are missing. Our healthcare system is already in crisis: infrastructure is collapsing, there aren't enough staff and management of health facilities is often dire. We hope the 7th Parliament learns from the NHI Act failure, and works with the Department of Health to come up with a better solution.



12.5. PC on Higher Education, Science and Innovation



SUMMARY

Our verdict: Lamentable.

The PC's main challenge: The committee was faced with a department with a huge budget, a crucial mandate and a huge number of entities for oversight. It had budget cuts, and inadequate time for assessing reports. The most problematic entity, NSFAS, failed to submit annual reports for two consecutive years, further hindering effective oversight.

OUTA's main criticism: OUTA criticised the lack of accountability and oversight regarding NSFAS's corruption and irregularities. NSFAS has been dysfunctional for too long. Despite the significant chaos in the higher education sector, Minister Blade Nzimande was able to hold onto his position as minister throughout the 6th Parliament and suffered no consequences. OUTA would have liked the committee to have made a much greater effort to exercise oversight over this problematic minister.

What this portfolio committee does

This committee conducts oversight over the Department of Higher Education and Training (DHET, Vote 17) and the Department of Science and Innovation (Vote 35) This report considers the DHET aspects.

The ministers

- May 2019 to June 2024: Blade Nzimande
- 7th Parliament, June 2024: Nobuhle Nkabane

Department of Higher Education & Training

Budget

2022/23: R130.084 billion

2023/24: R130.543 billion

2024/25: R137.516 billion

(Source: Budget 2024)

Department of Higher Education & Training

Entities

1. 20 Sector Education & Training Authorities (SETAs)
2. Council on Higher Education
3. Mining Qualifications Authority
4. National Skills Fund (NSF)
5. National Student Financial Aid Scheme (NSFAS)
6. Quality Council for Trades & Occupations
7. SA Qualifications Authority

Highlights and observations from the BRRR⁶⁸

For the 2022/23 financial year, the DHET had a final budget appropriation of R130.543 billion, with 99.6% of this amount spent, resulting in an underspending of R462.9 million, primarily in the Technical and Vocational Education and Training (TVET) and Administration programmes. The department applied budget virements totalling R82.8 million across various programmes. Performance outcomes showed a regression, with only 53% of the planned targets achieved, emphasising the inconsistency between budget expenditure and performance outcomes. The department received an unqualified audit opinion with findings for 2022/23. Despite a clean audit on financial statements, the AGSA identified concerns related to the programmes on University Education, TVET, Skills Development, and Community Education and Training. There were outstanding audits for several universities and TVET colleges and regression in the audit outcomes of several Sector Education and Training Authorities (SETAs). Irregular expenditure in the DHET portfolio remained high (R1.7 billion), with five SETAs being major contributors.

The committee was very concerned about the repeated failure of NSFAS to table its annual reports for two consecutive financial years (2021/22 and 2022/23). The committee stressed that these reports are critical for accountability and provide valuable insights into the entity's operations and governance. NSFAS's failure to comply with this legal requirement hinders the committee's ability to conduct effective oversight and undermines good governance.



NSFAS failed to table its annual reports for two consecutive financial years, which hindered the committee's ability to conduct effective oversight

⁶⁸ BRRR: Portfolio Committee on Higher Education, Science and Innovation. 3 November 2023. *Budgetary Review and Recommendation Report of the Portfolio Committee on Higher Education, Science And Innovation On the Assessment of the 2022/23 Annual Reports of the Department Of Higher Education and Training And Entities*. <https://static.pmg.org.za/231106pchigherbrrr.pdf>

Challenges identified in the PC legacy report⁶⁹

The department and its entities were subjected to extensive budget cuts and had to continuously reprioritise the allocation of available funds. Where increased allocations were realised, these were well below inflation.

Physical oversight was largely limited to the start of the year as the programme was dominated by the needs of higher education. The reduction of oversight site visits from four to one annually impacted the committee's ability to engage with post-school education and training institutions. Inadequate time was allocated to consider legislated matters, with only two weeks given for the consideration of strategic plans, annual performance plans, and budgets, including annual reports. Due to these time constraints, the committee was unable to review all the tabled plans and annual reports of all entities within one financial year. The late submission of presentations by the department limited the committee staff's ability to scrutinise the presentations and prepare briefs to support committee members, thereby hindering the committee's ability to conduct its oversight effectively and efficiently. The department or minister did not table responses to the budget vote reports and BRRR, making it difficult for the committee to systematically monitor progress in the implementation of its recommendations.

The PC's recommendations to the 7th Parliament

The recommendations include:

- **The PC** should allocate more time to oversight and visits, including special oversight visits in response to student unrest, and should conduct oversight visits to critical



The committee did not have enough time to review all the tabled plans and annual reports of all the entities within the financial year

The department submitted documents late, and neither the department nor the minister tabled responses to budget vote reports or the BRRR

⁶⁹ Portfolio Committee on Higher Education, Science and Innovation. 20 May 2024. *Legacy report of the Portfolio Committee on Higher Education, Science and Innovation on its activities undertaken during the 6th Parliament May 2019 – March 2024*. Available here: <https://static.pmg.org.za/240520pchigherreport.pdf>

locations like the SETAs, the National Skills Fund projects, new TVET colleges, and universities.

- **The DHET** should ensure timely submission of presentations, reports and written responses, for adequate committee engagement, expedite the relocation of department offices to the Council for Scientific and Industrial Research site and coordinate with the Department of Basic Education for timely release of matric results for a smooth academic year commencement.
- **Universities** should expedite the student enrolment data submission to NSFAS. The committee should guide universities in managing students with historical debt and revisit withholding certificates as a debt recovery method. Universities should submit comprehensive responses to the NSFAS accommodation cap.
- **Universities** should blacklist service providers with incomplete infrastructure projects and protect infrastructure projects from criminal disruptions.
- **TVET colleges** should have zero certification backlog, and the funding model should be revisited to enhance TVETs as preferred institutions.
- **Student stipends** should be equalised for TVET and university students.
- In the **skills development entities**, the SETA cash surplus reserves should be analysed and used efficiently, and the ministerial task team recommendations for the National Skills Fund (NSF) should be expedited. Audit action plans should be implemented, and consequence management enforced. Material irregularities with the NSF and Construction Education and Training Authority should be resolved. An integrated database should be developed for SETA beneficiaries, poor audit outcomes in struggling SETAs should be addressed, disciplinary and criminal cases against SETA employees should be completed, non-compliant service

TVET colleges should have zero certification backlog

SETA cash surplus reserves should be analysed and used efficiently

NSFAS should implement the Werksmans' report recommendations

providers should be blacklisted, and a database to track employees guilty of misconduct should be developed.

- **NSFAS** should submit its 2022/23 annual report, expedite payment of outstanding funding and allowances to students, review and investigate the student accommodation pilot project, publish updated bursary guidelines promptly, implement the Werksmans' report recommendations, fill the CEO position, decentralise NSFAS services, investigate collusion in private student accommodation provision, conclude SIU investigations and submit reports to Parliament, and amend the NSFAS Act to align with its current mandate and financial needs.

OUTA's perspective

In early 2023, OUTA raised concerns about NSFAS's hiring of device providers without the necessary banking licences to distribute student allowances at exorbitant rates. By June 2023, OUTA had filed a criminal complaint against NSFAS CEO Andile Nongogo, alleging corruption related to a 2016 over-inflated tender to contractor Five Stars. OUTA further reported that Nongogo approved a R37 million branding campaign, involving excessive spending on promotional materials. Despite NSFAS's refusal to share tender information under the Promotion of Access to Information Act (PAIA), OUTA uncovered discrepancies between recent and cancelled tenders, noting that requirements for bidders had been significantly reduced, potentially allowing non-licensed providers to submit bids. See more [here](#).

At the start of the 2023 academic year, a crisis erupted when NSFAS capped student accommodation at R45 000 per student, down from R60 000. This left thousands of students without proper accommodation, some resorting to sleeping in public spaces and attending classes without food. Accommodation


 The logo for OUTA, consisting of the letters 'OUTA' in a bold, sans-serif font. The 'O', 'U', and 'A' are dark grey, while the 'T' is red.

Due to NSFAS bungles, thousands of students were left without proper accommodation at the start of the 2023 academic year

providers now had to register their facilities on the NSFAS portal, incurring fees and undergoing inspections before receiving NSFAS funding. Additionally, NSFAS deducted 5% of rent as a “licence fee”. An investigation by Werksmans revealed irregularities during Nongogo’s tenure, including his inappropriate involvement in tender evaluations. OUTA shared these findings with authorities for further investigation. See more on this case study [here](#).

In October 2023, OUTA welcomed the NSFAS board’s decision to dismiss Nongogo following investigations confirming misconduct during his time at NSFAS and the Services SETA. These included flawed payment systems, improper tender awards, and a lavish lease agreement for the NSFAS head office. The lease was supposed to be for two years but was signed for five years, with a cost over that period of R167 million. OUTA had long warned of these issues, which caused significant financial losses and disruptions for students. See more on the case study [here](#).

By December 2023, OUTA had also exposed irregularities at Gert Sibande TVET College, where an inflated tender of R83.1 million was awarded for an e-learning platform. The tender, prepared in violation of procurement policies, was awarded despite the college already having a functioning online platform at a fraction of the cost. OUTA’s investigation highlighted serious breaches in supply chain management and the unjustified payment of R9.1 million to Student Hub, raising further concerns about mismanagement in the higher education sector. See more on this case study [here](#).

Is the PC lamentable or laudable? OUTA verdict: **Lamentable**

The PC on Higher Education, Science and Innovation has handled significant challenges in its oversight of the DHET and its associated entities. However, despite budgetary constraints, administrative problems, and limited oversight capacity, the

The NSFAS head office lease which OUTA exposed would have cost R167 million



committee has continued to pursue its mandate of ensuring effective governance, legislative oversight, and public accountability.

The committee's recommendations to the 7th Parliament highlight the need for increased oversight, enhanced governance, and improved collaboration across the post-school education and training sector. The committee's recommendations on entities such as NSFAS and the SETAs are crucial and should be prioritised by the new committee.

After OUTA's exposes on NSFAS, the committee queried the excessively expensive NSFAS head office lease that OUTA had exposed. In mid-September, NSFAS announced plans to terminate that lease.⁷⁰

The committee faces a difficult oversight role over a sector with a long list of entities, with crucial entities affected by mismanagement and allegations of corruption. Despite the significant chaos in the higher education sector, Blade Nzimande was able to hold onto his position as minister throughout the 6th Parliament and suffered no consequences. OUTA would have liked the committee to have made a much greater effort to exercise oversight over this problematic minister.



⁷⁰ Alpha Ramushwana. 16 September 2024. *NSFAS to end lease for CT building that houses its head office.* Eyewitness News. Available here: <https://www.ewn.co.za/2024/09/16/nsfas-to-end-lease-for-ct-building-that-houses-its-head-office>

12.6. PC on Home Affairs

SUMMARY

Our verdict: Lamentable.

The PC's main challenge: The committee faced a department with significant internal management issues, and battling corruption internally and queues at the counters, years of IT problems at the Government Printing Works, underfunding for critical entities like the Electoral Commission and Border Management Authority.

OUTA's main criticism: OUTA criticised the committee for not pushing Minister Aaron Motsoaledi to get the Electoral Amendment Bill into Parliament faster, as this significantly delayed and complicated the electoral reform process. The delay in the Electoral Reform Consultation Panel was also problematic. OUTA also would have like to have seen more effective intervention in the crucial Government Printing Works over its ongoing IT crisis.

What this portfolio committee does

This committee conducts oversight over the Department of Home Affairs (Vote 5) on behalf of the National Assembly.

The ministers

- May 2019 to June 2024: Aaron Motsoaledi
- 7th Parliament, June 2024: Leon Schreiber



Department of Home Affairs

Budget

2022/23: R10.398 billion

2023/24: R12.380 billion

2024/25: R10.496 billion

(Source: Budget 2024)

Department of Home Affairs

Entities

1. Border Management Authority
2. Electoral Commission
3. Government Printing Works
4. Represented Political Parties' Fund

Highlights and observations from the BRRR⁷¹

The department developed a Fraud and Corruption Prevention Strategy and Plan, to ensure that corrupt activities by officials are prevented, detected, investigated and disciplinary action is taken. Where there are criminal elements involved, the cases are reported to law enforcement, for the criminal prosecution of officials, citizens and foreign nationals. During 2022/23, 134 officials were reported for various acts of misconduct, resulting in 20 arrests and five officials reported to the SAPS.

To enhance the operational capacity of the Branch Counter Corruption and Security Services, the department has appointed an additional 12 officials tasked with investigating and analysing corruption trends. This includes the recruitment of 10 investigators and two analysts.

The department improved its audit outcome to an unqualified audit opinion without findings and the department achieved 71% of its planned targets for 2022/23. It was also noted that the department incurred irregular expenditure totalled at R32.707 million for the financial year. There were operational issues experiences such as network connectivity issues that continue to disrupt the live-capture system, affecting service delivery. Despite prioritising the “War on Queues”, long queues persist at frontline offices. The department faces challenges with its limited and poorly located offices, as many do not meet modernised standards. There is a significant risk due to inadequate human resource capacity and capability in critical specialist and management areas.

The **Electoral Commission** (IEC) achieved its third successive clean audit outcome for 2022/23.



Long queues persist in Home Affairs offices, many offices do not meet modern standards and the department needs more staff with critical skills

⁷¹ Portfolio Committee on Home Affairs. 20 October 2023. *Portfolio Committee on Home Affairs 2022/23 Budgetary Review and Recommendation Report*. Available here: <https://static.pmg.org.za/231020pchomebrrr.pdf>

Challenges identified by the PC's legacy report⁷²

The PC commented that the department's management and organised labour should dedicate more energy towards resolving some of the internal challenges. The committee urged the Government Printing Works (GPW) to strengthen its engagements with the Department of Public Works and Infrastructure (DPWI) to expedite the repair of the IT system to meet operational requirements, and advised the GPW to develop a strategy to increase IT skills and capacity. Consequence management must be implemented against anyone found to have committed acts of misconduct. The GPW experienced significant management and labour issues, as well as a data loss, which resulted in delays in the tabling of its annual reports and audits.

The committee's approach to work shifted from predominantly in-person meetings and oversight trips to primarily online meetings. This transition improved efficiency in expenditure amid decreased budget allocations and a constrained economic environment, as the cost and time associated with traveling to Cape Town were significantly reduced. This change allowed for greater focus on constituency work and facilitated easier access to committee meetings by interested members of the public. The broader international perspective required for the committee's work on electoral legislative and systems reform will need to be further considered by the 7th Parliament. Furthermore, the committee had a dedicated researcher for only half of its term, an issue that has now been addressed.

PC legacy
report
to 7th
Parliament

The Government Printing Works experienced significant management and labour issues, as well as a data loss, which resulted in delays in the tabling of its annual reports and audits

⁷² Portfolio Committee on Home Affairs. 14 May 2024. *Legacy report of the Portfolio Committee on Home Affairs on activities during the 6th Parliament*. Available here: <https://static.pmg.org.za/240514pchomereport3.pdf>

The PC's recommendations to the 7th Parliament

The recommendations include:

- **Home Affairs:** Modernising the Home Affairs systems; getting systematic report-backs from the department and the State Information Technology Agency on the network issues; implementing recommendations from the Lubisi Ministerial Committee review; finalising the White Paper on citizenship, immigration and refugees; and expanding services through mobile offices and banks.
- **Electoral reform:** Ensure appointments of electoral commissioners ahead of term expirations; and monitor the progress of the Electoral Reform Consultation Panel and necessary reforms before the 2029 national election.
- **GPW:** Consider the ongoing issues with key financial data loss impacting annual reports.
- **Border Management Authority:** Address underfunding and outstanding budget transfers; monitor full roll-out to naval ports by 2029 and evaluate effectiveness compared to former departmental functions.
- **Portfolio committee:** Consider increasing the frequency of meetings.

OUTA's perspective

OUTA has been actively lobbying for electoral reform since joining a Constitutional Court case in July 2019 as a friend of the court (see [here](#)). That case resulted in Parliament being required to rewrite the Electoral Act to bring it in line with the Constitution and allow independent candidates.

By January 2023, OUTA had made four submissions to Parliament criticising the Electoral Amendment Bill as inadequate,

The logo for OUTA, consisting of the letters 'OUTA' in a bold, sans-serif font. The 'O', 'U', and 'A' are black, while the 'T' is red.

highlighting the need for a well-defined and inclusive Electoral Reform Consultation Panel, insisting the importance of fairness for independent candidates and warning that the bill could face legal challenges if it failed to meet constitutional standards. By 23 February 2023, the National Assembly had passed the Electoral Amendment Bill, which the president formally approved on 13 April. The bill was then gazetted as the Electoral Amendment Act on 17 April, and it officially came into effect on 19 June 2023. As the year progressed, OUTA continued to voice its concerns and perspectives. The Minister of Home Affairs missed the October 2023 deadline to establish the Electoral Reform Consultation Panel, as required by the Electoral Amendment Act. In response to this, in November 2023, OUTA wrote to the minister, the Chairperson of the Portfolio Committee on Home Affairs, and the PC Secretary, urging action. The PC then invited the minister to brief the committee. Despite some progress, challenges persisted. On 1 December 2023, nominations for the Electoral Reform Consultation Panel were presented to the portfolio committee. However, concerns over gender and age representation led to the decision to reopen the nomination process. Aspects of the new law were challenged in the Concourt; some changes were made to the law. Finally, on 14 May 2024, the committee adopted a report recommending names for the panel, and the National Assembly approved the panel in August 2024.

The amended law meant that independent candidates were able to stand in the May 2024 national and provincial elections, which OUTA welcomed but also noted that the way this inclusion was arranged was not wholly fair. In addition, whilst facing budget cuts, the IEC had to introduce and successfully roll out the third ballot, which caused confusion amongst voters.

OUTA made four submissions to Parliament criticising the Electoral Amendment Bill as inadequate

Is the PC lamentable or laudable? OUTA's verdict: Lamentable

The Electoral Amendment Act was unreasonably delayed going through Parliament. While the main cause of the delay was the minister's tardiness on this, OUTA believes the committee could have intervened more effectively to speed up the process or, failing that, written the bill themselves. The delay and the disputes over the bill did not reflect well on the committee. The IEC did not seem to be sufficiently funded for the election, particularly given the need for additional voter education about the new ballot papers. OUTA also notes with concern that the GPW is still struggling with critical IT issues, and it is not clear if anyone has been held to account over this situation.



12.7. PC on Mineral Resources and Energy



SUMMARY

Our verdict: Lamentable.

The PC's main challenge: This committee oversees the minister with the lowest rate of attending committee meetings. It faced delays in the introduction and processing of crucial legislation such as the Electricity Regulation Amendment Bill and also received sub-standard bills. The committee had staff shortages and procedural inefficiencies which hindered effective oversight and public engagement. There are 11 entities, making oversight challenging. The Central Energy Fund's late tabling of its annual report hindered oversight.

OUTA's main criticism: OUTA criticised the committee for not holding Minister Gwede Mantashe accountable for the lack of progress in renewable energy procurement, particularly through the Risk Mitigation Independent Power Producer Procurement Programme (RMIPPPP). OUTA also expressed concern over delays in legislation and a lack of consequence management related to failed programmes like the National Solar Water Heater Programme.

What this portfolio committee does

This committee oversees the Department of Mineral Resources and Energy (Vote 34) on behalf of the National Assembly.

The ministers

- May 2019 to June 2024: Gwede Mantashe
- 7th Parliament, June 2024: Ministry split. Minister of Mineral and Petroleum Resources: Gwede Mantashe. Minister of Electricity and Energy: Kgosientso Ramokgopa

Department of Mineral Resources and Energy

Budget

2022/23: R10.119 billion

2023/24: R10.271 billion

2024/25: R8.839 billion

(Source: Budget 2024)

Department of Mineral Resources and Energy

Entities

1. Central Energy Fund group (CEF)
2. Council for Geosciences
3. Mintek
4. Mine Health and Safety Council
5. National Energy Regulator of SA (Nersa)
6. National Nuclear Regulator (NNR)
7. National Radioactive Waste Disposal Institute
8. SA Diamond and Precious Metals Regulator
9. SA National Energy Development Institute (Sanedi)
10. SA Nuclear Energy Corporation group (Necsa)
11. State Diamond Trader

Highlights and observations from the BRRR⁷³

The department achieved an unqualified audit with findings, the same as the year before. The AGSA found that the department had a “misalignment” between the mandated policy objectives and the key performance indicators (KPIs), in that there was “no KPI that effectively measures progress made in introducing more capacity to the grid (renewables)”, and the department instead measures itself on the issuing of requests for proposals. The department did not agree with this audit finding. Six of the entities achieved clean audits, three received unqualified with findings audits and one, the **Nuclear Energy Corporation of South Africa** (Necsa) received a qualified audit. Necsa has improved from four consecutive disclaimers to obtaining a qualified opinion; however, the committee expressed concern over the poor performance of Necsa subsidiary Pelchem.

The committee expressed concern over the recurring issue of the **Central Energy Fund** (CEF) Group’s late tabling of its annual report, which meant there was no audit report available on the CEF. The reason provided for the late submission of audit information to the AGSA suggests a lack of commitment from the entity to submit financial statements on time. The committee recognised the ongoing challenges in the National Solar Water Heater Programme (NSWHP), with regards to the fruitless and wasteful expenditure related to storage fees. The committee emphasised that the department should install systems rather than pay for storage. The lack of consequence management concerning the NSWHP was also noted as a concern. However, the committee found some comfort in the finalisation of the forensic report by KPMG and the impending appointment of a disciplinary hearings’ chairperson. The committee further emphasised that funding remains a significant challenge for the



The Auditor-General found that the department’s performance indicators did not measure progress on introducing more renewable energy to the grid, but rather measured the issuing of requests for proposals

The committee emphasised that the department should install the solar water heating systems it had bought rather than paying for storage

⁷³ Portfolio Committee on Mineral Resources and Energy. 17 October 2023. *Budgetary Review and Recommendations Report of the Portfolio Committee on Mineral Resources and Energy*. Available here: <https://static.pmg.org.za/231017pcmibrreport.pdf>

implementation of the diamonds and other precious stones programme, especially given the issue of illegal mining in the country. There is an urgent need to address this funding gap. The committee expressed concern over delays by the department in tabling legislation in Parliament. While some delays were due to factors outside the department's control, the committee noted that certain pieces of legislation, such as the National Radioactive Waste Fund Bill, have been on the department's Annual Performance Plan since 2014, with deadlines often being moved to subsequent financial years or administrations.

The committee raised concern over the delays in transferring the Pebble Bed Modular Reactor (PBMR) intellectual property from Eskom to Necs. The committee suggested that this process should be expedited, especially since both entities are state-owned.

Challenges identified by the PC's legacy report⁷⁴

This report noted the delays in the introduction of bills and the time required for the committee to process them, particularly the Electricity Regulation Amendment Bill. The quality of introduced legislation was often substandard. For example, the Gas Amendment Bill had to be withdrawn from Parliament just as the committee was about to deliberate on it. Poor support was provided to the committee during public hearings. The committee had to postpone three public hearings on the Electricity Regulation Amendment Bill due to inadequate education and mobilisation efforts by the relevant parliamentary units, resulting in fruitless and wasteful expenditure. The Parliamentary Legal Services Unit is inadequately staffed, which affects the processing of bills. There were instances where the



**PC legacy
report
to 7th
Parliament**

**The Parliamentary Legal
Services Unit is
inadequately staffed, which
affects the processing of
bills**

⁷⁴ Portfolio Committee on Mineral Resources and Energy. 26 March 2024. *Report of the Portfolio Committee on Mineral Resources and Energy on its activities undertaken during the 6th Parliament (June 2019 – March 2024)*. Available here: <https://static.pmg.org.za/240326pcminreport.pdf>

assigned legal advisor could not attend committee meetings because they were assisting another committee, forcing the committee to rely on the State Law Advisor. The time allocated for oversight during committee weeks is insufficient, especially for committees overseeing dual sectors like Mineral Resources and Energy. Ideally, two weeks per quarter should be dedicated to this without interruptions from House sittings and caucuses.

The committee oversees 11 entities within the DMRE, making it challenging to conduct thorough oversight for every budget vote, annual report cycle, and quarterly monitoring. During the annual reporting period, the committee had all entities present their annual reports over two days, which was overwhelming and did not allow for effective oversight. A more systematic approach, such as grouping entities for review, is needed. Parliamentary administrative processes for oversight, meetings, study tours, and public hearings are problematic. The approval of political applications for these activities took too long, negatively impacting the committee's work and delaying public education and mobilisation efforts. Approvals were sometimes granted just a week before public hearings, putting pressure on the relevant units, the Secretariat, and administration responsible for travel arrangements. The committee was understaffed over the five years. At the start of the 6th Parliament, the committee lacked a content advisor for energy and a researcher for mineral resources. Later, the content advisor for mineral resources resigned, leaving only one person to provide content support. While a researcher for energy was appointed as a content advisor in 2022, and a researcher for mineral resources in February 2023, by the end of the 6th Parliament, the committee still had a vacancy for the energy researcher.

This staff shortage put excessive pressure on the existing staff and hindered the committee from receiving full support. The committee was allocated two activity slots, on Tuesdays and

The committee oversees 11 entities within the DMRE, making it challenging to conduct thorough oversight for every budget vote, annual report cycle, and quarterly monitoring

Parliamentary administrative processes for oversight, meetings, study tours, and public hearings are problematic, and approval of political applications for these activities took too long

Fridays. Considering the importance of the economic sectors it oversees, this time was insufficient for effectively executing its oversight mandate. The committee received a high volume of correspondence, some of which it could not address due to the workload. Petitions referred to the committee were handled under significant pressure. There were delays from the AGSA in the conclusion of the audit reports and, as a result, some entities submitted their annual reports late.

The PC's recommendations to the 7th Parliament

The recommendations include:

- **Coordination and efficiency:** Encourage joint meetings between relevant portfolio and select committees to avoid duplication, and ensure legislation is tabled in Parliament on time; facilitate improved coordination of committees on cross-cutting matters and realign resource allocation to reflect committee workloads; and fully capacitate the Parliamentary Legal Services and Public Education Unit.
- **Public participation and accountability:** Strengthen the mandate for public participation in bills. Establish clear policies for public participation; address policy gaps; ensure greater accountability from the department's entities with timely report submissions; and impose consequences for not meeting legislative requirements.
- **Committee operations and oversight:** Improve the turnaround time for political approvals for committee activities; conduct post-legislative scrutiny on bills with annual status reports from the department; refer petitions to the responsible committee, allowing for main committee intervention if necessary; develop a

The committee recommended that the 7th Parliament encourage joint meetings between relevant portfolio and select committees to avoid duplication

The committee recommended that the Parliamentary Legal Services and Public Education Unit be fully capacitated

mechanism for handling public correspondence; and ensure the minister attends all committee meetings.

- **International relations and tracking:** Schedule international study tours at the start of the parliamentary term; ensure timely preparations; and develop a tracking system for committee recommendations.

OUTA's perspective

In October 2023, OUTA submitted comments on the National Nuclear Regulator (NNR) Amendment Bill to the portfolio committee, arguing that the bill missed an opportunity to enhance the NNR's independence by ensuring a clearer separation between the regulatory functions and the promotional activities associated with nuclear energy, as the current regulatory framework does not adequately separate the roles of promoting and regulating nuclear energy. To address this, OUTA proposed transferring these powers to a ministry not biased towards any particular technology, such as the Ministry of Forestry, Fisheries and the Environment (see more on this [here.](#)) The ministry and department's tendency to regard the NNR role as promoting nuclear energy was illustrated previously in the minister's attempts to remove Peter Becker of Koeberg Alert Alliance from the NNR board, claiming he could not be on the board as an anti-nuclear activist. Becker had been on the board as the legally required civil society representative. In January 2023, the Western Cape High Court upheld Becker's challenge to his removal, in a significant victory for civil society.

OUTA is dismayed that the failure to install solar water heaters through the NSWHP continues. OUTA has raised concern over this failure, and the associated wasted costs of storage, in previous *Parliamentary Oversight Reports*. There is also a lack of consequence management regarding NSWHP which OUTA

The committee recommended ensuring the minister attends all committee meetings

OUTA



OUTA made a submission to this committee on the NNR Amendment Bill

believes should be investigated and action taken against entities that are not compliant. The delays in introducing bills, such as the Electricity Regulation Amendment Bill, was problematic.

The department was responsible for running the largely failed Risk Mitigation Independent Power Producer Procurement Programme (RMIPPPP), which aimed to produce 2000MW of “emergency” power. The Karpowerships were among those awarded preferred bidder status, which OUTA opposed due to the secrecy, the failure to obtain necessary environmental and other authorisations, and concern over the reported cost of the intended 20-year contract. The National Energy Regulator of South Africa (Nersa), which reports to this department, granted Karpowership generation licences. In April 2022, OUTA applied to the high court to overturn the Nersa-awarded licences. As part of this case, Nersa was required to provide OUTA with a full copy of its record of decisions on the licences. This case is pending, but as Eskom cancelled the Karpowership grid access due to non-compliance after the extended deadline of 31 December 2023, it seems unlikely the Karpowership contracts will go ahead. (See more [here](#).) This committee’s legacy report has a few brief mentions on the RMIPPPP, while the BRRR has nothing on it.

Is the PC lamentable or laudable? OUTA’s verdict: **Lamentable**

The department has failed substantially to prioritise the procurement of renewable energy (both the National Development Plan and the Integrated Resource Plan call for a significant increase in renewables). OUTA would have expected the committee to push harder for this implementation. The committee has made some efforts to start addressing illegal mining issues but faced delays in legislative processes as well as difficulties in maintaining effective oversight due to staff shortages and procedural inefficiencies. Not only could this



committee not hold the minister to account, it could barely get him to attend its meetings (the minister had the worst ministerial attendance rate of the 11 committees assessed, attending 11% of meetings in 2019/20, 5% in 2020/21, 7% in 2021/22, 39% in 2022/23 and 11% in 2023/24).



12.8. PC on Public Enterprises

SUMMARY

Our verdict: Lamentable.

The PC's main challenge: This committee faced significant challenges in financial oversight, with Eskom, SAA, Denel and Alexkor all failing to table annual reports and financials on time, hampering oversight. The committee was not consulted over the disposal of state-owned assets. Finally, the department, ministry and thus this committee were shut down.

OUTA's main criticism: OUTA notes the massive drain on the fiscus that bailouts for these entities have – and still are – causing. We hope the closure of the department will not end the efforts it had initiated to take action against state capture wrongdoers, such as delinquent director actions. This committee made considerable efforts on oversight. However, ultimately, the minister was not held to account over key issues such as the SAA debacle.

What this portfolio committee does

This committee oversees the Department of Public Enterprises (Vote 10), on behalf of the National Assembly. This department – and thus this committee – was disbanded at the end of the 6th Parliament, and the Department of Planning, Monitoring and Evaluation (based in the Presidency) was tasked with coordinating the entities and processing the National State Enterprises Bill which will set up a state-owned holding company for them. The entities are expected to be moved to different departments.

The ministers

- May 2019 to June 2024: Pravin Gordhan
- 7th Parliament, June 2024: Ministry and department closed down.



Department of Public Enterprises

Budget

2022/23: R33.889 billion

2023/24: R0.275 billion

2024/25: R0.297 billion

(Source: Budget 2024)

Department of Public Enterprises

Entities

1. Alexkor
2. Denel
3. Eskom
4. SA Airways (SAA)
5. SA Forestry Co Ltd (Safcol)
6. Transnet

Highlights and observations from the BRRR⁷⁵

Transnet achieved only 26.32% of its annual targets in the current year, decreasing from 38.64% in the previous year. This represents a significant 12.32 percentage point decrease in performance. This decline has had a negative effect on Transnet's core mandate, which includes enhancing the cost-effectiveness of business operations in South Africa and supporting economic growth through the provision of efficient ports, rail, and pipeline infrastructure. The drop in performance highlights significant challenges for Transnet in meeting its objectives and emphasises the need for improved strategies and operations to address the issues. Transnet's failure to achieve these targets has led to an increased reliance on road transportation, resulting in higher costs, road congestion, damage to road infrastructure, and negative environmental impacts. The committee also identified several root causes for the failure to meet targets, including operational challenges related to the non-availability of rolling stock, security incidents, strike action, power outages, customer cancellations, adverse weather conditions, equipment challenges, and delays in concluding requests for proposals with private partnerships.

The committee expressed concern that four entities—**Alexkor**, **Denel**, **SAA** and **Eskom** – had not submitted their annual reports and financial statements by the time the BRRR was being processed. The committee observed the poor performance against targets by the department as well as Transnet. It acknowledged the **South African Forestry Company Ltd (Safcol)** for its excellent work and achieving an unqualified audit and good performance against its targets.



Alexkor, Denel, SAA and Eskom did not meet the legal deadline for submitting their annual reports, hindering oversight by the committee

⁷⁵ Portfolio Committee on Public Enterprises. 25 October 2023. *Budgetary Review and Recommendations Report of the Portfolio Committee on Public Enterprises*. Available here: <https://static.pmg.org.za/231101pcpubentbrrr.pdf>

The committee stated that it was neither involved in nor consulted over the strategic decisions to dispose of state-owned assets or shares and only learned of these decisions after they were made. It emphasised the need to strengthen its oversight role to prevent such adverse decisions in the future.

Challenges identified by the PC's legacy report⁷⁶

This report outlined the efforts over recent years to turn around and restructure the big state-owned companies, including the establishment of the Presidential State-Owned Enterprises Council and the drafting of three bills which were not submitted due to further consultations. The SAA deal was not finalised by the end of the 6th Parliament. A *Handbook of Governance*, anchored on ethical leadership and good corporate governance, was developed to assist the SOCs, and the Risk and Integrity Management Framework (RIMF) was rolled out across all SOCs to prohibit the awarding of procurement contracts to SOC board members or employees. Eskom decommissioned Komati. An Energy Availability Factor recovery plan was developed for Eskom. The SOC boards were working to implement the State Capture Commission's recommendations.

The PC's recommendations to the 7th Parliament

These recommendations include:

- **State capture:** "The report into the investigations and recommendations from the State Capture Inquiry should be followed up in conjunction with the Portfolio

The committee was not consulted over the strategic decisions to dispose of state-owned assets

PC legacy report to 7th Parliament

This committee called on the 7th Parliament to continue following up on the investigations and recommendations from the State Capture Commission

⁷⁶ Portfolio Committee on Public Enterprises. 27 March 2024. *Report of the Portfolio Committee on Public Enterprises on its activities undertaken during the 6th Parliament (May 2019 – March 2024)*. Available here: https://static.pmg.org.za/240830Legacy_Report_6th_Parliament_2019_-_2024_002_PCoPE.docx

Committees on Justice and Constitutional Development and Police.”

- **Financial oversight and performance:** Ensure timely submission of SOC financial statements to the AGSA; implement BRRR and AGSA recommendations promptly; improve submission processes for Shareholder’s Compacts; facilitate meetings with internal and external auditors to address SOC issues; monitor financial aspects; and curb the use of government guarantees in SOCs.
- **Restructuring and governance:** Oversee SOC restructuring and turnaround plans, including state asset rationalisation; build capacity in financial and economic governance for new SOC roles; provide guidance on Eskom’s entity formation and SOC performance; and engage with the government on SOC turnaround plans and rationalisation.
- **Training and capacity building:** Encourage basic training in economics and financial analysis for members; provide orientation on the SOCs; and build capacity in financial and economic governance.
- **Oversight and coordination:** Increase joint meetings with economic cluster committees; collaborate with Justice, Constitutional Development, and Police committees on inquiries; expedite Transnet’s road-to-rail strategy; report on cable theft; monitor Transnet’s 4.0 strategy; address future roles of Alexkor and Safcol; and monitor the work of the Presidential Task Team on Eskom.
- **Strategic planning and sustainability:** Prioritise international oversight and adopt best practices; focus on rationalisation and sale of non-core strategic assets; provide guidance on competitive advantage, efficiency, and performance of SOCs; prioritise corporate social investment and sustainability issues; invite the department to outline guidelines for selecting strategic

equity partners; and design assessment frameworks based on macro-environmental factors.

OUTA's perspective

The SOCs have been a disastrous drain on the fiscus. The department's standard budget is less than R300 million a year, but the bailouts for some of the SOCs massively increased this: an additional R56.660 billion in 2019/20, R77.348 billion in 2020/21, R35.809 billion in 2021/2 and R33.917 billion in 2022/23 is loaded on the department's budget as unspecified "payments for financial assets" under the "Energy Resources" and "Transport and Defence" programmes. The BRRR notes that in the 2022/23 budget, allocations were for Eskom (R21.9 billion), Transnet (R5.8 billion), Denel (R3.4 billion) and SAA (R2.8 billion). The Eskom and SAA amounts were for debt repayments, Transnet's was for repairs of infrastructure and locomotives, and Denel's for implementing the turnaround plan.

Eskom and Transnet are critical to the country's economic recovery. The collapse of these – and other SOCs – has caused significant damage to South Africa's finances. OUTA wants to see those responsible for these criminal activities held to account.

We noted the SIU interim report presented to the Standing Committee on Public Accounts (Scopa) on 21 November 2023, discussing the severe corruption and mismanagement at SAA. The investigation, initiated in January 2020, covered all activities starting from 2002 and provided an insight into the extensive looting and state capture that led to the airline's collapse. The report included new allegations concerning the Takatso deal thus suggesting ongoing corruption at SAA. The AGSA's update to Scopa emphasised the significant financial irregularities over the past four years, with all audits resulting in disclaimers due to material misstatements and poor record-keeping. Irregular

The logo for OUTA, consisting of the letters 'OUTA' in a bold, sans-serif font. The 'O', 'U', and 'T' are black, while the 'A' is red.

expenditure increased dramatically from R22 billion to R44.5 billion during this period. A pervasive lack of governance and a culture of non-compliance with procurement and contract laws was evident as well as inadequate consequence management. The SIU's findings implicate former and current SAA officials, directors, lawyers, and businesses in a network of corruption that involved fraudulent contracts and significant financial losses. The report also noted the gross mismanagement under the late Dudu Myeni, who chaired SAA from January 2015 to November 2017, during which extensive looting occurred. SAA required R38.1 billion in taxpayer-funded bailouts since April 2018 due to these corrupt practices. OUTA successfully had Myeni declared a delinquent director. Despite the vast amount of evidence regarding misconduct, including findings from the State Capture Commission and OUTA's legal action against Myeni, individuals implicated in the corruption remain unpunished. (See more on this [here](#)).

The country cannot afford these disasters with SOCs.

Is the PC lamentable or laudable? OUTA's verdict: **Lamentable**

The committee's work highlighted the need for more effective financial oversight, improved governance, and strategic restructuring of SOCs. The committee's role in monitoring and enhancing the financial and operational performance of SOCs was critical and faced numerous challenges, including delays in legislative processing, and inadequate oversight mechanisms. The entities still face challenges of corruption, lack of accountability, poor governance and resistance to new technologies and practices.

The committee's legacy report sets out an impressive programme of efforts to get SOCs back on track, measure performance against NDP and other goals, improve governance and monitor the



implementation of the State Capture Commission's recommendations.

OUTA finds it astonishing that the portfolio committee was not consulted at all over the disposal of SOEs or shares. This shows an extraordinary disregard for Parliament and its oversight and undermines the committee.

This committee made considerable efforts on oversight. However, ultimately, the minister was not held to account over key issues such as the SAA debacle.

OUTA is concerned that the department's moves to bring 73 cases of delinquent director proceedings against SOE directors or former directors may be lost now that the department is closing down. These relate to Alexkor, Denel, SAA, Transnet and Eskom. The department also supported moves towards criminal prosecutions, which must continue. We trust that the closure of the department is not an attempt to torpedo these proceedings.

This committee left a list of useful recommendations for the 7th Parliament. As this committee no longer exists, we hope these recommendations on oversight of difficult but crucial entities will be taken up by other relevant committees.

OUTA is concerned that the Department of Public Enterprise's moves to bring 73 cases of delinquent director proceedings against SOE directors or former directors may be lost now that the department is closing down. We trust that the closure of the department is not an attempt to torpedo these proceedings.

12.9. PC on Transport



SUMMARY

Our verdict: Lamentable.

The PC's main challenge: The committee faced significant hurdles, including the delayed submission of annual reports by four entities including Prasa and the RTIA; this was the fourth year the RTIA report was late. SOE audit outcomes continued to regress. Oversight efforts were hindered by the failure of entities like Prasa and the Road Accident Fund (RAF) to meet targets or address deep-rooted issues.

OUTA's main criticism: OUTA criticised the failure to enforce accountability, especially for ongoing mismanagement and financial irregularities in entities, and the lack of leadership in the SA Maritime Safety Authority.

What this portfolio committee does

This committee conducts oversight over the Department of Transport (Vote 40) on behalf of the National Assembly.

The ministers

- May 2019 to March 2023: Fikile Mbalula
- March 2023 to June 2024: Sindisiwe Chikunga
- 7th Parliament, June 2024: Barbara Creecy

Highlights and observations from the BRRR⁷⁷

The BRRR noted that the department had a budget of R94.5 billion for 2022/23, and spent 99% of this. It achieved 54 of the 70 targets it set for itself (77%).

Department of Transport

Budget

2022/23: R94.545 billion

2023/24: R78.295 billion

2024/25: R80.643 billion

(Source: Budget 2024)

BRRR

Budgetary Review & Recommendation Report

⁷⁷ Portfolio Committee on Transport. 16 November 2023. *Budgetary Review and (BRRR) of the Portfolio Committee on Transport*. Available here: <https://static.pmg.org.za/231120pctransportbrrr.pdf>

The **Passenger Rail Agency (Prasa)**, **Road Traffic Infringement Agency (RTIA)**, **Railway Safety Regulator (RSR)** and the **SA Maritime Safety Authority (Samsa)** did not submit their annual reports and financials in time for the committee to consider them in the BRRR. This was the fourth year the RTIA report was late. Four entities received unqualified (clean audits): the **Cross-Border Road Transport Agency**, the **SA Civil Aviation Authority (SACAA)**, the **Road Traffic Management Corporation (RTMC)** and the **Ports Regulator of SA (PRSA)**. The department itself and four more entities – **Airports Company SA (ACSA)**, the **SA National Roads Agency (Sanral)**, the **Air Traffic and Navigation Services (ATNS)** and the **Driving Licence Card Account (DLCA)** – received unqualified audits with findings. The **Road Accident Fund (RAF)**, whose annual report was late, received an adverse audit report with finding. The committee noted that the audit outcomes of SOEs “continued to regress – most often as a result of inadequate controls, monitoring and oversight”, along with instability at board and executive level.

ACSA achieved 82% of its annual targets and was recognised for its management of several airports. In spite of these achievements, ACSA remains a significant contributor to irregular expenditure. The entity has made some progress in expenditure management by implementing controls to detect and disclose unauthorised, irregular, and wasteful spending. The Covid-19 pandemic severely impacted ACSA’s financial sustainability and revenue generation, particularly due to the disruption of its ability to collect debts from tenants and the exit of two low-cost airlines. However, there has been a recovery in passenger numbers and flight frequencies, with passenger throughput reaching 76% of pre-pandemic levels by March 2023. ACSA’s compliance with legislation remains an issue, as it failed to prevent irregular expenditure totalling R59.1 million in the 2022/23 financial year,

Department of Transport

Entities

1. Air Traffic & Navigation Services (ATNS)
2. Airports Company SA (ACSA)
3. Cross-Border Road Transport Agency (C-BRTA)
4. Driving Licence Card Account (DLCA)
5. Passenger Rail Agency of SA (Prasa)
6. Ports Regulator of SA (PRSA)
7. Railway Safety Regulator (RSR)
8. Road Accident Fund (RAF)
9. Road Traffic Infringement Agency (RTIA)
10. Road Traffic Management Corporation (RTMC)
11. SA Civil Aviation Authority (SACAA)
12. SA Maritime Safety Authority (Samsa)
13. SA National Roads Agency (Sanral)
14. SA Search & Rescue Organisation

up from R36.7 million the previous year. The cumulative irregular expenditure by March 2023 was R285 million. Management has put controls in place to regularly monitor and report such expenditures to the relevant committees. Financially, ACSA showed improvement with a 55% increase in revenue to R6 billion which was largely driven by increased air traffic and passenger numbers.

The **SACAA** met 96% of its annual targets. The entity once again achieved an unqualified audit with no material findings, had no fruitless and wasteful expenditure and ensured that all undisputed invoices were paid within 30 days. However, there was a single incident of irregular expenditure amounting to R254 000 due to non-compliance with supply chain management policies, which prevented SACAA from achieving 100% of its targets. SACAA, a self-funded public entity, saw its total revenue increase by 14.2% to R885.6 million, surpassing the budget due to higher-than-expected passenger numbers. Income from the fuel levy decreased slightly, and financial support from the department dropped significantly. The SACAA underwent two major international safety and security audits and retained its Category 1 status in the Federal Aviation Administration (FAA) assessment.

The committee reported that the **PRSA** maintained its clean audit and was the only entity to achieve all its annual targets. PRSA is positioned to be the central entity for the Single Transport Economic Regulator. The successful implementation of the regulator is regarded as critical for enhancing competitiveness in the transport sector and facilitating private sector participation.

The **RAF** adverse audit opinion was primarily due to the ongoing disagreement with the AGSA regarding the accounting treatment of claims liabilities and expenditure. The RAF continues to have significant financial and operational challenges, including a growth in requested but unpaid claims from R17 billion to a

projected R51 billion by March 2023 and a claims backlog exceeding 300 000 most of which were already in litigation. The plan aimed to implement a turnaround strategy to achieve financial and operational sustainability. RAF met its target of settling claims within 120 days which is a significant improvement from the previous target of 1 400 days. Although progress was made, the claims backlog remains a challenge, specifically in reducing three-year-old claims.

Sanral achieved only 64% of its annual targets. The committee noted this underperformance has direct implications on the condition and development of national roads, including missed opportunities for resurfacing, strengthening, and building new roads. Sanral continued to be a significant contributor to irregular expenditure within the transport sector, with irregular expenditure increasing from R3.9 billion in 2022 to R6.7 billion in 2023. This was due to non-compliance with proper tender processes, including a specific incident where a bidder was incorrectly disqualified during the tender evaluation process. Sanral failed to spend R3.295 billion of its R22.895 billion allocation for non-toll national roads and this was rolled over. The committee also noted that National Treasury gave Sanral a special grant of R23.7 billion to repay debt specifically related to the toll portfolio, arising from revenue shortfall from Gauteng Freeway Improvement Project (GFIP) e-toll collections. The committee urged the minister to urgently seek finality regarding the GFIP funding model.⁷⁸ The department was working on a Draft Road Infrastructure Funding Policy, but this was not submitted to the cabinet as targeted, due to directives issued by the Minister of Finance on GFIP.

The **RTMC** maintained an unqualified audit opinion with no material findings and achieved 95% of its annual targets. The

Sanral achieved only 64% of its annual targets, and irregular expenditure increased from R3.9 billion in 2022 to R6.7 billion in 2023 due to non-compliance with tender procedures

In 2022/23 Sanral failed to spend R3.295 billion of its R22.895 billion allocation for non-toll national roads and this was rolled over

⁷⁸ In October 2022, Minister of Finance Enoch Godongwana announced in the Medium-Term Budget Policy Statement in Parliament that alternative funding was being found for the GFIP, effectively ending e-tolls. On 28 March 2024, the notice was gazetted which formally ended the e-tolls from midnight on 11 April 2024.

RTMC investigated 444 cases of fraud and corruption in road traffic services, leading to the arrest of 96 suspects.

The **DLCA** received an unqualified audit opinion with findings and was the poorest performer in the transport portfolio by achieving only 46% of its annual targets. This entity produces all the driving licence cards, and the committee raised concern over the ongoing problems with the existing machine and the entity's failure to finalise procurement of a new machine. The DLCA saw an increase in operational surplus, which doubled from the previous year due to rising sales of driver's licence cards and strict cost containment. DLCA surrendered R175 million in excess funds to the National Revenue Fund but remains in a strong liquidity position and plans to use the excess for buying the new card production machines and smart enrolment units, with an estimated budget of R819 million over two years. The DLCA produces 94 000 cards a week, falling short of the 111 000 cards required. The committee recommended considering the procurement of additional card production machines to improve turnaround times and potentially increase revenue.

Challenges identified by the PC legacy report⁷⁹

The 6th Parliament's term was heavily affected by the Covid-19 pandemic, which restricted physical oversight visits and led to meetings being held primarily online. When travel was possible, only small delegations could conduct physical oversight. By the 2022/23 financial year, in-person meetings resumed but were limited by the fire at Parliament in January 2022. The committee faced further disruptions due to unexpected requests and unplanned referrals. Late tabling of legislation congested the committee's programme, leading to prioritisation of legislation

The Driving Licence Card Account was the poorest performer in the transport portfolio as it achieved only 46% of its annual targets

The committee raised concern over the entity's failure to finalise procurement of a new driving licence card production machine

PC legacy
report
to 7th
Parliament

⁷⁹ Portfolio Committee on Transport. 22 March 2024. *Report of the Portfolio Committee on Transport on its activities undertaken during the 6th Parliament (July 2019 – March 2024)*. Available here: <https://static.pmg.org.za/1/240322pctransportreport.pdf>

and preventing oversight on specific projects like the Bus Rapid Transit (BRT) projects. Additionally, budget constraints and scheduling issues hindered the execution of planned study tours and oversight missions. The committee also noted that the use of a pooled budget did not ensure fair distribution, affecting access to training and oversight opportunities.

The PC's recommendations made to the 7th Parliament

The recommendations include:

- **Regular oversight and meetings:** Consider joint meetings with other committees to address mutual issues.
- **Programme and budget monitoring:** Monitor the Operation Vala Zonke programme for road maintenance and its impact on budgets as well as ensuring the appropriate budget is applied for national, provincial, or municipal road maintenance.
- **Compliance and congestion monitoring:** Monitor congestion at land-based, airside, and maritime border posts, track compliance of aviation entities with international inspection recommendations and audits, and continue observing SACAA, ACSA, and ATNS for audit and assessment recommendations.
- **Legislative and budgetary balancing:** Balance time-sensitive work, including budget reports, the BRRR, processing legislation, and statutory appointments expected to be required related to the Civil Aviation Amendment Act and the Transport Economic Regulator Bill.

The committee recommended that the 7th Parliament balance time-sensitive work, including budget reports, the BRRR, processing legislation, and statutory appointments

OUTA's perspective

OUTA is concerned that so many of the transport entities failed to hand over their annual reports and financials in time for the committee to scrutinise them.

OUTA again raises concern that Samsa has been without a permanent CEO since 2016. In May 2023, OUTA wrote to the portfolio committee to raise concern over this and other issues at Samsa. There are also questions about the fitness for office of the Chief Operating Officer Sobantu Tilayi, who was suspended over two years ago due to a pending internal inquiry and disciplinary hearing. In August 2024, OUTA wrote to the new portfolio committee, again asking for this matter to be addressed. We note that the committee raised concern in its legacy report about the absence of a CEO and hope that the 7th Parliament will address this issue. More information can be found on this [here](#).

OUTA has repeatedly raised concern over the failure of the DLCA and department to procure a new driving licence card machine, or to be transparent about this procurement. We provided substantial information on concerns about manipulation of this tender to Minister of Transport Barbara Creecy and hope the new portfolio committee will keep watch over this matter. More information on OUTA's investigation is [here](#).

OUTA welcomes the committee's calls for the minister to finalise a new road infrastructure funding policy, after the ending of the Gauteng e-tolls. We would also like to see this.

Is the PC lamentable or laudable? OUTA verdict: **Lamentable**

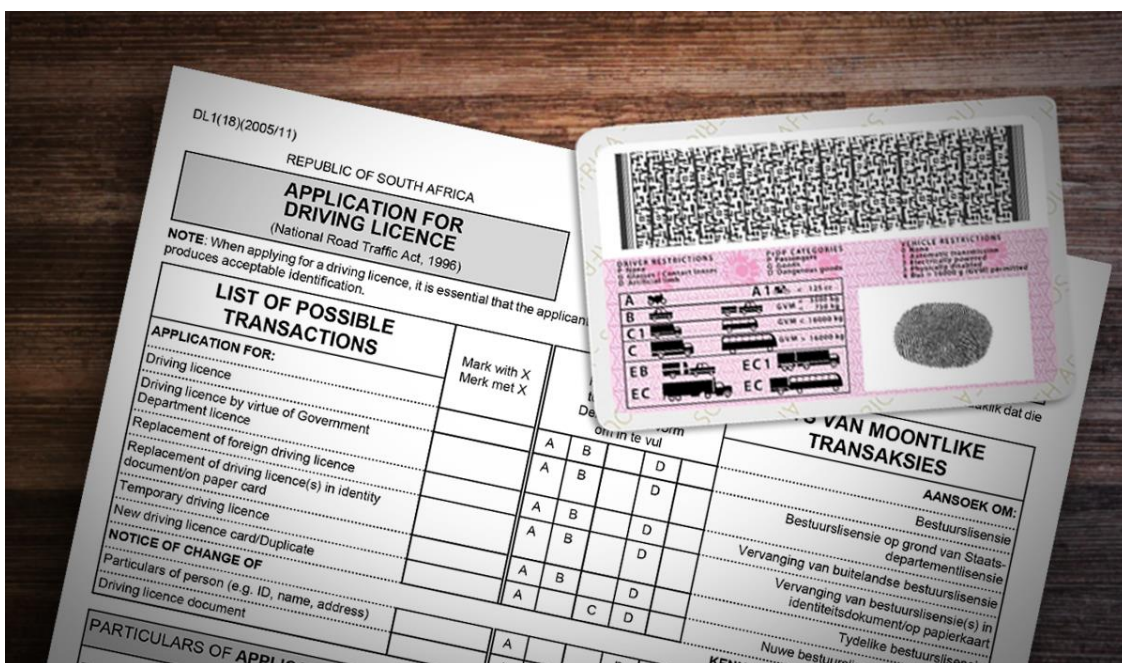
The 6th Parliament faced significant challenges in performing its oversight and legislative responsibilities for the transport sector, primarily due to the impacts of the Covid-19 pandemic, budget constraints, and logistical disruptions. This was a busy committee,

OUTA



with oversight over a department with a huge budget and 14 entities, with some of those entities also badly affected by pandemic lockdowns, economic downturn and state capture. The committee worked on seven bills during the year, and had to deal with entities which failed to provide essential documents like annual reports on time, making oversight more difficult.

This was a hard-working committee, but we wanted to see more accountability in key areas: some of these entities (eg Prasa) were targets of state capture and huge bailouts (eg Sanral), ongoing massive financial and managerial failures and legal disputes (RAF), and failure to deliver (DLCA and RTMC) but where is the accountability?



12.10. PC on Water and Sanitation



SUMMARY

Our verdict: Lamentable.

The PC's main challenge: The main challenge for the committee was the failure by the department and entities to manage infrastructure sustainably, with 42% of bulk infrastructure in poor condition. The department has funding shortfalls, a maintenance backlog, and faces the impact of poor financial governance at the municipal level.

OUTA's main criticism: OUTA criticised the failure to ensure accountability for financial losses, or work with other committees to find political and innovative solutions to the municipal financial collapse which affects crucial services like water and sanitation. OUTA raised concern about the failure to finalise the eradication of bucket toilets.

Department of Water & Sanitation

Budget

2022/23: R17.693 billion

2023/24: R21.376 billion

2024/25: R24.075 billion

(Source: Budget 2024)

What this committee does

This committee conducts oversight over the Department of Water and Sanitation (DWS) (Vote 41) on behalf of the National Assembly⁸⁰.

The ministers

- May 2019 to August 2021: Lindiwe Sisulu
- August 2021 to June 2024: Senzo Mchunu
- 7th Parliament, June 2024: Pemmy Majodina

Department of Water & Sanitation

Entities

1. Breede-Olifants CMA
2. Inkomati-Usuthu CMA
3. Trans-Caledon Tunnel Authority (TCTA)
4. Water Research Commission
5. Water Trading Entity (WTE)

Water boards

1. Amatola Water
2. Bloem Water
3. Lepelle Northern Water
4. Magalies Water
5. Mhlathuze Water
6. Overberg Water
7. Rand Water
8. Umgeni Water

⁸⁰ Under the 5th Parliament, water fell under the Department of Water Affairs and Forestry. From July 2019, under the 6th Parliament, the departments split and water fell under the Department of Human Settlements, Water and Sanitation. In August 2021, the department split into the Department of Water and Sanitation, and the Department of Human Settlements, and have remained in that form. The committee similarly re-formed as the departments did.

Highlights and observations from the BRRR⁸¹

In 2022/23, the department's budget was R18.555 billion and the department spent 95% of it, leaving R861.594 million unspent and expected to be rolled over to 2023/24.

The department has two accounts: the Main Account and Water Trading Entity (WTE). Both received unqualified audit outcomes, but the AGSA raised concerns regarding performance-reporting controls, monitoring of audit actions, and the annual review of performance reports. There were delays in investigating the irregular expenditure and allegations, which slowed down the consequence management process. The committee emphasised the need for efficient operations and maintenance of water and sanitation infrastructure, stating that the country was already facing challenges of a "lack of focus on sustainable asset management". However, owing to funding constraints, the department's Operations and Maintenance Unit received only R2.1 billion of the R2.2 billion required. The funding gap has worsened due to inadequate ring-fencing of the budget, contributing to a maintenance and refurbishment backlog of R36 billion. This backlog threatens national economic and strategic water users.

The committee recommended that the department and stakeholders ensure effective operations plans for sustainable management of water schemes. Short-term measures include enforcing water conservation, integrating asset and operations management, and ensuring service level choices are appropriate to prevent irregular expenditure. There is a need to review mandates and policies related to water infrastructure management. The committee raised concerns over the condition of bulk infrastructure assets, with 42% in poor condition. Despite



The department's Operations and Maintenance Unit received only R2.1 billion of the R2.2 billion required, and there is a maintenance and refurbishment backlog of R36 billion

⁸¹ Portfolio Committee on Water and Sanitation. 24 October 2023. *Budgetary Review and Recommendation Report (BRRR) of the Portfolio Committee on Water and Sanitation on the Annual Reports and Financial Statements of the Department of Water and Sanitation and its Entities for the 2022/23 Financial Year*. Available here: <https://static.pmg.org.za/231025pcwaterbrrr.pdf>

this, the WTE spent only 2.13% of its total infrastructure costs on repairs and maintenance, far below the National Treasury's recommended 8%. The lack of a maintenance policy for infrastructure assets further worsens the issue, leading to high water losses and revenue loss. The department acknowledged the challenges with wastewater treatment plants, which require a multi-sectoral approach. The committee recommended enhancing wastewater reuse to meet water demand and reduce pollutant loads. Furthermore, there is a need to monitor and implement remedial measures.

The committee welcomed the reduced turnaround time for water use licence applications from 300 days to 110 days but stressed the need to achieve the 90-day target, and urged the department to continue implementing measures to reach this goal. Further concerns were raised about the lack of progress on the Bucket Eradication Programme (BEP). The committee recommended revising timelines to eradicate bucket systems. It also discussed the future establishment of the National Water Resources Infrastructure Agency, a state-owned entity to be established, with concerns that the new entity would face similar funding challenges as the Trans-Caledon Tunnel Authority (TCTA).

The committee stressed the importance of a comprehensive Water Services Improvement Plan (WSIP) that includes a national regulatory dashboard, legislation review, capacity building at the municipal level, and detailed action plans with assigned responsibilities and timelines for implementation.

The TCTA, the entity established to finance and construct the Lesotho Highlands Water Project, received an unqualified audit, with compliance issues. The committee noted that the gradual implementation of consequence management has reduced historical irregular expenditure. The committee noted that the TCTA had secured funding based on future cash flows from the

The committee raised concern about the lack of progress on the bucket toilet eradication campaign, and recommended revising timelines

Vaal River System to cover the construction costs of Phase 2 of the Lesotho Highlands Water Project.

Challenges identified by the PC's legacy report⁸²

The sustainability of both new and aging water and sanitation infrastructure in South Africa has raised significant concerns. Members highlighted that not all impoverished households benefit from large-scale water and sanitation projects due to numerous factors, including malfunctioning systems in rural areas, inadequate reticulation infrastructure, and access issues in urban settings driven by affordability and local government technical difficulties. Rural water schemes often suffer from dysfunctionality, insufficient maintenance funding, and unemptied pit latrines. Many wastewater treatment facilities are operating beyond capacity, resulting in suboptimal performance. Additionally, the full costs of water services are frequently not accounted for, and there is a shortage of resources, including user fees and government grants, to maintain services over time. Governance failures at the local government level exacerbate these issues.

The committee acknowledged efforts to transform the water and sanitation sector to benefit previously disadvantaged communities but criticised the slow issuing of water use licences, which adversely affects resource-poor farmers. The department was urged to maximise its limited resources to ensure access to safe drinking water and dignified sanitation for the majority of the population over the medium term. The committee said there was a critical need for effective consequence management for officials responsible for significant financial losses.



The committee said there was a critical need for effective consequence management for officials responsible for significant financial losses

⁸² Portfolio Committee on Water and Sanitation. 12 March 2024. *Report of the Portfolio Committee on Water and Sanitation on Its Activities Undertaken During the 6th Parliament (May 2019 – March 2024)*. Available here: <https://static.pmg.org.za/240327pcwaterreport.pdf>

From 2019 to 2023, the committee held several meetings with the SIU, which has been investigating the department and its entities. The SIU must finalise its internal processes and submit reports to the committee.

The committee emphasised the need for sustainable development of infrastructure, particularly for wastewater and water treatment plants. During the 6th Parliament, the department revived the Blue Drop, Green Drop and No Drop reports on the state of water systems: these reports had last been published in 2013, and the revival followed a recommendation from the committee. The committee said that, with 56% of wastewater treatment works and 44% of water treatment facilities in poor condition, and 11% completely dysfunctional, the Blue and Green Drop initiative requires adequate budgetary and human resources to enhance compliance with standards.

The committee questioned whether the department's limited institutional capacity was being used as an excuse for failures, and recommended providing employees with training.

In terms of legislation, the department is working on amendments to the National Water Act and Water Services Act to address legislative anomalies; it was initially proposed to consolidate the acts but the department said this was not feasible. The department will pursue amendments to both acts separately.

Challenges in regulation, institutional reform, and support for effective water service delivery persist. These include severe backlogs, ineffective implementation of basic principles, balancing water use between socio-economic needs and ecological integrity, and clarifying roles of various stakeholders. Concerns were raised about municipalities failing to deliver water services. The committee discussed whether certain municipalities should retain their water service delivery functions or if these

During the 6th Parliament, the department revived the Blue Drop, Green Drop and No Drop reports on the state of water systems: these reports had last been published in 2013, and the revival followed a recommendation from the committee

The committee discussed whether certain municipalities should retain their water service delivery functions or if these should be reassigned due to suboptimal use of conditional grants

should be reassigned due to suboptimal use of conditional grants. There was a call for stricter accountability measures for non-performing municipalities. Health-threatening environmental issues such as inadequate sanitation and wastewater management are of ongoing concern, particularly their impact on communities.

The implementation of the Regional Bulk Infrastructure Grant and Water Services Infrastructure Grant face challenges such as poor planning, ineffective project management, and corruption. Continuous monitoring by the National Treasury and the department is essential, warned the committee.

Other challenges included a lack of debt management for bulk water supply among the different roleplayers. The committee also raised concern over the failure by municipalities to use the equitable share to fund free basic services, as intended: “Equitable share is not used to fund water services in municipalities, resulting in a huge gap in funding for water services delivery at the local government level.”

The PC’s recommendations to the 7th Parliament

The recommendations include:

- **Systematic processes and accountability:** Develop a standard mechanism to address all raised issues with detailed responses in reports and ensure responses are provided within the requested timeframe.
- **Strengthening relationships and planning:** Strengthen links and working relationships with other parliamentary committees, establish a fixed time in the parliamentary programme for strategic planning sessions, and hold mid-term strategic planning sessions to review or amend the committee’s strategic plan.

“Equitable share is not used to fund water services in municipalities, resulting in a huge gap in funding for water services delivery at the local government level,” said the committee’s legacy report

- **Monitor grants:** Oversee the Regional Bulk Infrastructure Grant and Water Services Infrastructure Grant to ensure they are spent effectively.
- **Amend water legislation:** Update the National Water Act and Water Services Act to clarify the roles of the department and provincial governments, particularly where municipalities struggle with water service management.
- **Prosecute transgressions:** Continue legal actions against individuals and companies involved in violations within the water and sanitation sector.
- **Implement the National Water Resources Infrastructure Agency Act:** This was signed into law in August 2024 and will establish this agency to manage water resources and infrastructure.
- **Track projects:** Monitor water and sanitation infrastructure projects, including their costs and completion timelines.
- **Address dysfunctional systems:** Tackle issues with failing wastewater treatment and water supply facilities that contribute to pollution, focusing on specific projects like Rooiwal Wastewater Treatment Works and the Sedibeng Regional Sanitation Scheme.
- **Manage water provision debt:** Oversee debt related to bulk water supply between different levels of government, ensuring compliance with legislation, especially regarding municipal debt to water boards.
- **Assess financial risks:** Evaluate the financial stability of water boards and track progress on their reorganisation.
- **Watch over the LHWP:** Supervise Phase 2 of the Lesotho Highlands Water Project.
- **Bucket toilets:** Eliminate bucket toilets.

OUTA's perspective

The bucket toilets have yet to be fully eradicated. The department continues to manage the BEP, with approximately 10 000 bucket toilets officially remaining. Over the recent years, very little progress has been made in reducing this number. In August 2024, Minister of Water and Sanitation Pemmy Majodina stated that the target for eradication is continuously shifting, as some municipalities have continued to install bucket systems. In February 2022, the department acknowledged that municipalities were introducing bucket toilets in informal settlements. The Cabinet has recently approved a new National Sanitation Framework, which will prohibit the use of bucket toilets even in informal settlements. However, this framework has yet to be made publicly available.

The BEP is funded through the Water Services Infrastructure Grant allocated to municipalities. In August 2018, OUTA submitted a report to Parliament indicating highlighted discrepancies in the BEP management. The programme initially commenced in 2005 with a backlog of 252 254 buckets and concluded in July 2009 with 7 996 remaining. It was then reinitiated around 2013 or 2014 with a backlog of 273 297 buckets, and by 2018, there were 14 539 buckets left. The costs associated with these efforts remain unclear. For more information on this issue see [here](#).

OUTA would like the 7th Parliament to ensure the promised policy blocking municipalities from installing new bucket systems is implemented urgently, and demanding urgent solutions to enable the replacement of the last remaining bucket systems. This shameful system has endured too long.

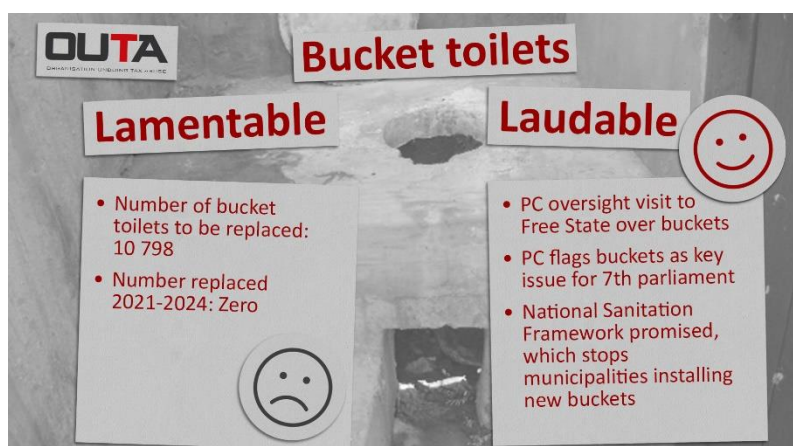
OUTA's initiative the Water Community Action Network (WaterCAN)⁸³ encourages networking by civil society, experts and

⁸³ WaterCAN website: <https://watercan.org.za/>

The logo for OUTA, consisting of the letters 'OUTA' in a bold, sans-serif font. The 'O', 'U', and 'A' are black, while the 'T' is red.

Some municipalities continue to install bucket toilet systems

individuals to find solutions to water challenges, and encourages the public to take an active role in watching over water resources. WaterCAN has lobbied for prosecution for polluters, including municipalities who pollute rivers with leaking wastewater treatment plants, and public water forums between civil society, experts, business, community organisations and authorities to address water challenges and improve transparency (for example, see [here](#)).



Is the PC lamentable or laudable? OUTA's verdict: **Lamentable**

This is from the portfolio committee's legacy report to the 7th Parliament: "Access to water and sanitation remains challenging as it has stagnated at about 90% and 80%, respectively, with the most underserved communities residing in rural areas." This is a clear reminder of the work ahead, in the face of crumbling infrastructure, failed municipalities and the looming spectre of water entities facing financial collapse due to municipalities' failure to pay. Water and sanitation are the most basic and important services government must provide. The major challenges like the municipalities' failure to pay – and their customers' failure to pay them – and the misuse of equitable share grants are matters which require political solutions. We call on the 7th Parliament to make it a priority to watch over this sector and lead the way in finding solutions.



12.11. PC on Women, Youth and Persons with Disabilities



SUMMARY

Our verdict: Lamentable.

The PC's main challenge: The committee faces a department with problems of under-expenditure and huge reliance on consultants. The late submission of documents hampered the committee's oversight.

OUTA's main criticism: This is a small department which spends most of its budget funding two entities, which have significant societal issues to address, but seem to have ineffective policies. OUTA would have liked the portfolio committee to push harder to the department to have a meaningful impact. In addition, two of the Commission on Gender Equality commissioners appointed by the commission had been red-flagged by OUTA but the committee ignored this.

What this portfolio committee does

This Committee conducts oversight over the Department of Women, Youth and Persons with Disabilities (Vote 20) on behalf of the National Assembly.

The ministers

- May 2019 to March 2023: Maite Nkoana-Mashabane
- March 2023 to June 2024: Nkosazana Dlamini-Zuma
- 7th Parliament, June 2024: Sindisiwe Chikunga

Department of Women, Youth and Persons with Disabilities

Budget

2022/23: R0.983 billion

2023/24: R1.007 billion

2024/25: R1.008 billion

(Source: Budget 2024)

Department of Women, Youth and Persons with Disabilities

Entities

1. Commission for Gender Equality (CGE)
2. National Youth Development Agency (NYDA)

Highlights and observations from the BRRR⁸⁴

Most of the department's budget is taken up with transfers to the two entities: the **Commission for Gender Equality (CGE)**, and the **National Youth Development Agency (NYDA)**.

The department's operating budget is about R210 million. About half of that is spent on the administration programme; the committee noted concern about this. The department spent about R201 million of its operating budget, thus resulting in an under-expenditure of R8.5 million, which the department asked National Treasury to roll over. The committee was concerned about the under-expenditure in a department claiming underfunding. Although some improvements were made, the continued under-expenditure in certain programmes remains an issue, especially given the department's limited budget and its impact on the most vulnerable. The department also received R23.214 million from the European Union (EU), of which it spent R621 000. The committee requested clarification on the auditing process for donor funds and questioned whether this funding resulted in duplication of services and how sustainability would be ensured beyond the funding period.

It was reported that 34 out of 43 targets were met by the department, a slight decrease in performance from the previous financial year. The majority of the targets set were achieved in the department's administration programme, six of 11 targets achieved in the programme on mainstreaming women's rights, and all 12 targets achieved in the programme on monitoring, evaluation, research and coordination. Four of the interventions were aimed at supporting economic empowerment and participation for women, youth, and persons with disabilities. Four additional interventions focused on economic



The department received R23.214 million from the European Union, of which it spent R621 000

⁸⁴ Portfolio Committee on Women, Youth and Persons with Disabilities. 20 October 2023. *Review and Recommendation Report of the Portfolio Committee on Women, Youth and Persons with Disabilities*, Available here: <https://static.pmg.org.za/231020pcwomenbrrr.pdf>

empowerment, participation, and ownership for these groups. Seven of the interventions were carried out to enhance social empowerment and participation of women, youth, and persons with disabilities. Two gender, youth, and disability rights machineries were convened to address issues related to those rights. Monitoring was conducted on the implementation of the National Strategic Plan on gender-based violence and femicide (GBVF) across 12 national departments.

The committee expressed concern about the department's continued reliance on consultants (this was for research contracts).

The committee agreed with all findings and recommendations from the AGSA and the audit and risk committee and raised concern that the department was not effectively implementing these recommendations, leading to repeat findings, which was a major concern.

Both the NYDA and the CGE submitted their annual reports on time.

The committee processed and considered the National Council on Gender-Based Violence and Femicide Bill and the National Youth Development Agency Amendment Bill. Both were passed by Parliament and signed into law. "The committee noted that the NYDA has not sent a submission on the National Youth Development Agency Amendment Bill in response to the committee's call for oral and written submissions. To this end, the committee reiterated the importance of hearing the views of the NYDA on legislation that would directly impact it," said the BRRR.

"The committee noted that the NYDA has not sent a submission on the National Youth Development Agency Amendment Bill in response to the committee's call for oral and written submissions," said the committee's BRRR

Challenges identified by the PC's legacy report⁸⁵

Entities reporting to the committee often submitted documentation late, affecting the quality of discussions and decision-making. Shifts in the parliamentary schedule led to postponed meetings and unmet objectives. There were issues with coordinating joint meetings and oversight among multiple committees, notably in addressing GBVF. The department's late submission and frequent revisions of the annual performance plan created difficulties for the committee's oversight and evaluation. Despite some progress, gender-responsive budgeting and mainstreaming lagged, with gender focal points lacking decision-making power. Significant issues were found in the education of children with disabilities, with minimal implementation of recommendations from investigations. Delays in updating the National Gender Policy Framework remained unresolved by the end of the 6th Parliament.

There was slow progress on strengthening the White Paper and developing a Disability Rights Bill. There were issues with the implementation of the Sanitary Dignity Programme due to corruption and mismanagement. Limited funding and the need to increase reach to rural youth were noted. Urban-centric office locations may hinder access for those in rural areas. The poor uptake of the National Youth Service (NYS) by government departments needs to be addressed. The CGE's ability to perform certain functions was affected by unresolved legal standing issues. There were delays in completing the Commissioners' Handbook – which took the entire 6th Parliament to complete – and policy for commissioner-administration relations impacted operations. Inconsistent reporting and lack of time sheets for part-time commissioners raised concerns. The need for a comprehensive, integrated plan to address GBV and better



The department's late submission and frequent revisions of the annual performance plan created difficulties for the committee's oversight and evaluation

Significant issues were found in the education of children with disabilities, with minimal implementation of recommendations from investigations

Slow progress on strengthening the White Paper and developing a Disability Rights Bill

⁸⁵ Portfolio Committee on Women, Youth and Persons with Disabilities. 28 March 2024. *Report of the Portfolio Committee on Women, Youth and Persons with Disabilities on its activities undertaken during the 6th Parliament (May 2019 – March 2024)*. Available here: <https://pmg.org.za/taled-committee-report/5753/>

monitoring and evaluation of the National Strategic Plan on GBVF was emphasised.

In terms of the CGE, the committee remains concerned regarding the repeat of findings of the AGSA and the CGE audit and risk committee and the poor or lack of implementation of recommendations. In terms of NYDA, the Presidential Youth Employment Initiative is a key programme which requires continuous monitoring and evaluation. Evaluating the implementation of the National Youth Policy and the Integrated Youth Development Strategy will be an ongoing area for oversight.

The PC's recommendations to the 7th Parliament

These recommendations include:

- **Integration and relationships:** Enhance integration between committees on gender, youth, and disability issues with more joint deliberations; strengthen relationships with other committees, especially the select committees and the Multi-Party Women's Caucus; and develop mechanisms to strengthen relationships, including joint oversight visits and briefings.
- **Enforcement and follow-up:** Enforce stricter committee requirements for timely documentation submission.
- **Departmental oversight:** Monitor and evaluate the implementation of the National Council on Gender-Based Violence and Femicide Act and the NYDA Amendment Act (both signed into law in 2024), and adherence to international treaties; oversee the implementation of the National Strategic Plan on GBVF, the National GBV Prevention Strategy and the Sanitary Dignity Programme, amendments to the CGE Act, and the introduction of the Disability Rights

The Presidential Youth Employment Initiative is a key programme which requires continuous monitoring and evaluation

The committee recommended that the 7th Parliament enforce stricter requirements for timely document submission

Bill, the South African Youth Development Bill, and the Women Empowerment and Gender Equality Bill.

- **NYDA:** Follow up on the investigation outcomes against the CEO; extend the NYDA grants programme; reassess urban office locations; and continue with the Presidential Youth Employment Initiative.
- **CGE:** Present the Commissioners' Handbook; follow up on outstanding papers; monitor implementation of policies and recommendations from the AGSA; review the CGE Act; and follow up on the development of timesheets for part-time commissioners and the status of provincial office locations.

OUTA's perspective

In 2022, OUTA actively campaigned for greater transparency and public participation in the appointment process for new commissioners to the CGE, a critical institution established under Chapter 9 of the Constitution. The commission had been involved in scandals, failed to diligently fulfil its mandate, and suffered from governance issues. In response, OUTA, along with over 40 civil society organisations and notable individuals, wrote to the portfolio committee in July 2022 to call on it to enhance the public participation process and take public feedback into account. In September 2022, OUTA made a submission to the portfolio committee, alerting it to red flags over eight of the 24 candidates for commissioners and calling for them to be removed from the list. On 28 February 2023, President Ramaphosa appointed five new commissioners for the CGE based on the recommendations of the portfolio committee. However, two of those appointed were among the eight about whom OUTA had raised red flags, which was disappointing. More information can be found on this [here](#) and [here](#).

The logo for OUTA, consisting of the letters 'OUTA' in a bold, sans-serif font. The 'O', 'U', and 'A' are in dark grey, while the 'T' is in red.

Is the PC laudable or lamentable? OUTA verdict: **Lamentable**

The PC faces a department attempting to implement policies across government that are aimed at promoting the rights and well-being of women, youth, and persons with disabilities, but are largely ineffective, with insufficient funding for initiatives. The high rates of gender-based violence show a failure to adequately address this pressing issue. Persons with disabilities still face barriers in accessing education, employment and healthcare, and, even though there is legislation aimed at promoting inclusion, real progress can be slow and inadequate. High unemployment rates remain an issue – particularly for the youth. We want to see more progress on these issues, and for the committee to push for better delivery from the department and entities. In addition, this committee appointed two CGE commissioners whom OUTA warned against appointing due to red flags.



13. Conclusion

OUTA's sixth *Parliamentary Oversight Report* presents a thorough evaluation of the 6th Parliament's final year, as well as the overall 6th Parliament's legacy. Although it generally reflects on Parliament's overall performance, it specifically deals with 11 identified portfolio committees.

In our review, we have found significant governance, accountability and transparency challenges in South Africa. These challenges were worsened by the Covid-19 pandemic, economic failures, and the state capture saga. In addition, we have seen extensive deterioration of essential services, such as energy and water provision, as well as transport infrastructure. Operational failures of SOEs like Eskom, Prasa and SAA marred the landscape of public entities, which are further deteriorating due to corruption, organised crime, and maladministration. OUTA has argued, on numerous occasions, that strengthened oversight mechanisms and proactive measures, implemented by Parliament, could have contained the damage done. Parliament had plenty of time and opportunity to take a firm stance against state capture and implicated individuals, yet we have found time and again that weak interventions were the order of the day: giving implicated MPs a slap on the wrist will hardly dissuade future occurrences.

The report focuses on the effectiveness of portfolio committees in addressing these issues, particularly their oversight of the executive branch. While many MPs worked diligently despite resource constraints, their efforts were often impeded by logistical and political challenges, bureaucracy, slow departmental responses, and weak public participation processes.

Parliament had plenty of time and opportunity to take a firm stance against state capture and implicated individuals, yet we have found time and again that weak interventions were the order of the day

Our report emphasises the need for stronger accountability mechanisms, better use of tools like the NDP and SDGs, and increased resources for parliamentary oversight. OUTA also calls for a shift in how Parliament approaches public participation and service delivery reforms, particularly in sectors like transport, education, water, electricity, and sanitation. The report further highlights the importance of addressing unresolved issues like unemployment, poverty, inequality, environmental sustainability, and the implementation of the State Capture Commission recommendations.

OUTA has previously warned Parliament that it is not living up to its promises and that is still evident at the end of the 6th Parliament. Furthermore, Parliament's Oversight and Accountability Model (OVAC) has still not been visibly implemented and should be a priority for the new administration.

The 7th Parliament is presented with an opportunity to learn from the 6th Parliament's struggles and implement meaningful reforms. OUTA urges Parliament to prioritise structural changes, improve governance, and ensure the effective allocation and oversight in national government spending. The report concludes that accountability is long overdue and, without immediate action, Parliament risks perpetuating ineffectiveness that hinders South Africa's progress.

Accountability is long overdue and, without immediate action, Parliament risks perpetuating ineffectiveness that hinders South Africa's progress

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The Organisation Undoing Tax Abuse (OUTA) is a civil action NGO

The Organisation Undoing Tax Abuse (OUTA) is a proudly South African civil action organisation set up in March 2012. It is a registered non-profit, overseen by an executive committee and a board of directors.

OUTA challenges inefficiencies, maladministration, and corruption in government. It was originally set up to oppose the tolling of Gauteng's urban freeways but later expanded to challenge corruption in government and the abuse of public funds.

OUTA is crowd-funded by thousands of ordinary people and businesses.

Our vision is of a prosperous country with an organised, engaged and empowered civil society that ensures responsible use of tax revenues and public funds throughout all levels of government.

Our values are integrity, resilience, courage, tenacity, humility, honesty, inclusivity and accountability.

www.outa.co.za

OUTA

ORGANISATION UNDOING TAX ABUSE

15. Annexure A: National Development Plan 2030

National Development Plan 2030 chapters

This is an extract from the NDP's Summary of objectives and actions, with some key goals and which chapters to find more information. The NDP was published in 2012.

Chapter 3: Economy and employment

- Reduce unemployment to 14% by 2020 & to 6% by 2030.
- 2 million on public employment programmes by 2030.

Chapter 4: Economic infrastructure

- 90% of population to have electricity access by 2030.
- Build 40 000MW of new generation, with at least 20 000MW of renewables, by 2030.
- Reduce urban water demand by 15% by 2030.

Chapter 5: Environmental sustainability and resilience

- Greenhouse gas emissions to decline from about 2025.
- Improve disaster preparedness for extreme climate events.

Chapter 6: Inclusive rural economy

- Add 643 000 agriculture sector direct jobs and 326 000 indirect jobs by 2030.
- Invest more in irrigation infrastructure in Makhathini Flats and Umzimbuvu River base.
- Create security of tenure for communal farmers, especially women.

Chapter 8: Transforming human settlements

- Upgrade all informal settlements on suitable, well-located land by 2030.
- Develop better quality public transport.

Chapter 9: Improving education, training and innovation

- All children should have at least two years of pre-school education.
- About 90 percent of learners in grades 3, 6 and 9 must achieve 50 percent or more in the annual national assessments in literacy, maths and science.
- Achieve an 80% matric pass rate.
- All schools to meet the infrastructure standards by 2016.
- Produce 30 000 artisans a year.
- Increase university enrolments to about 1.62 million students by 2030.
- Increase college enrolments to about 1.25 million students.

National Development Plan 2030 chapters (continued)

Chapter 10: Health care for all

- Increase life expectancy at birth to 70 years.
- Reduce maternal, infant and child mortality.
- Reduce injury, accidents and violence by 50% from 2010 levels.
- Everyone must have access to an equal standard of care, regardless of their income.
- Implement National Health Insurance.

Chapter 11: Social protection

- Ensure progressively and through multiple avenues that no one lives below a defined minimum social floor.
- All children to have access to nutrition, health care, education, social care and safety.
- Address hunger, malnutrition and micronutrient deficiencies that affect physical growth and cognitive development, especially among children.

Chapter 12: Building safer communities

- By 2030, there should be no fear of crime.
- All schools should have learner safety plans.
- Demilitarise the police and train all police in professional police ethics and practice.
- Implement the National Rural Safety Strategy Plan in high-risk areas.
- Mobilise youth for inner city safety to secure safe places and spaces for young people.
- Develop a judiciary-led independent court administration.

Chapter 13: Building a capable and developmental state

- Develop a public service immersed in the development agenda but insulated from undue political interference.
- Staff at all levels have authority, experience, competence and support to do their jobs.

Chapter 14: Fighting corruption

- Enhance the capacity of corruption-fighting agencies.
- Expand whistleblower protection and security.
- Centralise oversight of tenders of long duration or above a certain amount.
- Develop an accountability framework linking the liability of individual public servants to their responsibilities in proportion to their seniority.
- Develop clear rules restricting business interests of public servants.
- Hold all corrupt officials individually liable for all losses due to their corrupt actions.

Chapter 15: Nation building and social cohesion

- Read the Preamble of the Constitution, in the language of choice, at school assemblies.
- Promote citizen participation in forums such as Integrated Development Plans, Ward Committees, School Governing Boards and Community Policing Forums.

Source: Executive Summary: Summary of objectives and actions, page 56.
National Development Plan 2030

16. Annexure B: The passing of legislation: the committee work

PC	Bills	Status
Communications and Digital Technologies	South African Postbank Amendment Bill [B12B– 2022]	Passed: Enacted into law on 16 February 2024.
	South African Post Office SOC Ltd Act of 2011 [B11-2023]	Passed: On 25 April 2024, the bill was passed by the NCOP and sent to the president for assent.
	South African Broadcasting Corporation SOC Ltd Bill [B32-2023]	Lapsed: On 21 May 2024, in terms of National Assembly rule 333(2). Revived: On 25 July 2024.
Cooperative Governance and Traditional Affairs	Independent Municipal Demarcation Authority Bill [B14-2022]	Passed: On 30 November 2023, the bill was passed by the National Assembly and transmitted to the NCOP for concurrence. Lapsed: On 21 May 2024. Revived: On 29 July 2024.
Forestry, Fisheries and the Environment	National Veld and Forest Fire Amendment Bill [B24- 2021]	Passed: In February 2023 by the National Assembly and in November 2023 by the NCOP, and signed by the president in April 2024.
	Climate Change Bill [B9 – 2022]	Passed: On 24 October 2023 by the National Assembly and on 25 April 2024 by the NCOP, and signed by the president on 18 July 2024.
Health	National Health Insurance Bill [B11-2019]	Passed: On 13 June 2023 by the National Assembly and on the 6 December 2023 by the NCOP, and signed by the president on 15 May 2024.
	Tobacco Products and Electronic Delivery Systems Control Bill [B33-2022]	Lapsed: On 21 May 2024. Revived: On 25 July 2024.
Higher Education, Science and Innovation	No bills were passed in the period of review.	

Home Affairs	Electoral Amendment Bill [B1-2022]	Passed: In February 2023 by both the National Assembly and NCOP, assented to by the president on 16 April 2023, and commenced on 19 June 2023.
	Registration of Muslim Marriages Bill [B30-2022]	Deferred and withdrawn: In accordance with Assembly Rule 334 on 28 November 2023.
	Marriages Bill [B30-2022]	Lapsed: On 21 May 2024. Revived: On 25 July 2024.
	Electoral Matters Amendment Bill [B42-2023]	Passed: On 12 March 2024 by the National Assembly and on 20 March 2024 by the NCOP, signed by the president on 3 May 2024 and came into effect on 8 May 2024.
	Electoral Commission Amendment Bill [B15-2023]	Lapsed: On the 21 May 2024 in terms of National Assembly rule 333(2). Revived: On 25 July 2024.
	Immigration Amendment Bill [B8-2024]	Introduced: On 5 April 2024. Lapsed: On 21 May 2024. Revived: On 25 July 2024.
Mineral Resources and Energy	National Nuclear Regulator Amendment Bill [B25-2023]	Passed: On 26 March 2024 by the National Assembly and on 9 May 2024 by the NCOP, and sent to the president for signature.
	Electricity Regulation Amendment Bill [B23-2023]	Passed: On 14 March 2024 by the National Assembly and on 16 May 2024 by the NCOP, and signed by the president on 16 August 2024.
Public Enterprises	No bills were passed in the period of review.	
	The National State Enterprises Bill [B1-2024]	Introduced: On 24 January 2024. Lapsed: On 21 May 2024. Revived: On 25 July 2024.
	Repeal of South African Airways Bill [B2-2024]	Introduced: In January 2024. Lapsed: On 21 May 2024. Revived: On 25 July 2024.

Transport	Transport Appeal Tribunal Amendment Bill [B8-2020]	Passed: On 7 March 2023 by the National Assembly, amended on 16 May 2023 by the NCOP and returned to the National Assembly. Lapsed: On 21 May 2024. Revived: On 25 July 2024.
	Railway Safety Bill [B7-2021]	Passed: On 24 October 2023 by the National Assembly and on 14 May 2023 by the NCOP, and sent to the president.
	Marine Pollution (Prevention of Pollution from Ships) Amendment Bill [B5-2022]	Passed: On 7 March 2023 by the National Assembly and on 16 May 2024 by the NCOP, and sent to the president for signing.
	Marine Oil Pollution (Preparedness, Response and Cooperation) Bill [B10-2022]	Passed: On 14 November 2023 by the National Assembly and transmitted to the NCOP for concurrence. Lapsed: On 21 May 2024. Revived: On 29 July 2024.
	Merchant Shipping Bill [B12-2023]	Lapsed: On 21 May 2024. Revived: On 25 July 2024.
Water and Sanitation	National Water Resources Infrastructure Agency Bill [B24-2023]	Passed: On 26 March 2024 by the National Assembly and on 16 May 2024 by the NCOP, and signed by the president on 27 August 2024.
Women, Youth and Persons with Disabilities	National Council on Gender Based Violence and Femicide Bill [B31-2022]	Passed: On 31 October 2023 by the National Assembly and on 19 March 2024 by the NCOP, and signed by the president on 24 May 2024.
	National Youth Development Agency Amendment Bill [B13-2022]	Passed: On 5 December 2023 by the National Assembly and on 19 March 2024 by the NCOP, and signed by the president on 10 July 2024.