

FEATURE

# WRITING A NEW STORY FOR SOUTH AFRICA

*President Jacob Zuma delivering the  
2012 State of the Nation Address*

**T**he shape in which South Africa will be as a society and economy in the next 20 years depends greatly on the shape in which the Public Service will be as it leads the country's transformation, writes

**Tyrone Seale.**

President Jacob Zuma has presented the nation – and the Public Service in particular – with an inspiring, vivid vision of the South Africa of the near and distant future.

“We want to see cranes, we want to see workers in every corner, we want to see dams, bridges, roads and railway lines mushrooming around the country,” the President said as he concluded his Reply to Parliament's Debate on the State of the Nation Address (SoNA).

“We want to see infrastructure that enables the rural areas to have water, electricity and roads. We want to see an improved quality of life for all.”

With the SoNA 2012, President Zuma placed the State at the heart of the country's developmental prospects in the years to come.

In doing so, he highlighted not only the state of the nation, but also the state of the State itself, which he positioned as playing a central and strategic role, driving investments, especially in underdeveloped areas.

The President said government's performance in 2011/12 indicated that “if we continue to grow reasonably well, we will begin to write a new story about South Africa – the story of how, working together, we drove back unemployment and reduced economic inequality and poverty”.

He was confident: “It is beginning to look possible. We must not lose this momentum.”

Sustaining this momentum, Finance Minister Pravin Gordhan began writing out the cheques with South Africa's first trillion-rand National Budget, featuring at its core approved and budgeted infrastructure plans amounting to R845 billion over the Medium-Term Expenditure Framework period. Of this, just under R300 billion is in the energy sector and R262 billion in transport and logistics projects.

In the midst of a continuing global economic crisis, South Africa's expansionary outlook and the drive to leverage public spending to stimulate growth in other sectors has been welcomed at home and abroad.

However, the path to new growth requires the Public Service to stay on the straight and narrow course of pursuing excellence, efficiency and value for money with the ultimate goal of a better life for citizens, residents and investors.

The President's vision of dams, bridges, railway lines and swinging cranes changing the face of hitherto undeveloped or underdeveloped corners of the country comes with an invitation to the private sector to invest in these publicly funded projects.

It is an invitation to all sectors of South African society and international stakeholders to play alongside one another in realising the economic and social dividends of the country's liberation from apartheid 18 years ago.

In practice, in the public sector, this invitation will be rolled progressively and collectively by a range of government departments and entities at national, provincial and local level in the form of tenders and other procurement modes.

The period ahead presents energetic, passionate and disciplined public servants with the opportunity to get their fingerprints, figuratively, all over the changing landscape and to create both a national and personal legacy as the country gets to function better.

This may be the fundamental opportunity and challenge, but government has to maintain vigilance throughout, as this opportunity may be distorted into opportunistic “tenderpreneurship” on the part of public servants and private-sector collaborators, who may be lurking around for self-enrichment.

For the ill-intentioned, the loopholes are getting ever tighter and the consequences more severe.

Outside of the procurement chain, the performance monitoring and evaluation system and culture is set to unsettle those who are lax or irresponsible in their management of public funds.

In the Budget Speech, Minister Gordhan bemoaned the fact that up to now, when it came to government's infrastructure capacity, spending has lagged behind plans.

He pointed out that in 2010/11, R178 billion out of a planned R260 billion (just more than two-thirds) was been spent on public infrastructure.

“We have to do better than that – state enterprises, municipalities and government departments all need to improve their planning and management of capital projects,” the Minister said.

He added that in addition to long delays, there had often been significant cost over-runs in infrastructure projects.

“So,” he said, “we shall step up the quality of planning, costing and project management, so that infrastructure is delivered on time, and on budget.”



*Minister Pravin Gordhan*

“This means that government departments and municipalities that do not spend, underspend or misspend their allocated funding, will be at risk of losing those allocations. The relevant officials will also be held liable for such misdemeanours. National Treasury will be proactively monitoring the spending of grants to ensure value for money.”

Expanding on the SoNA, the Minister said fraud and corruption would be combated through changes to procurement policies and practices, and tough enforcement of the law.

He pointed out that National Treasury already issued new regulations, which required departments to submit annual tender programmes, limited variations to orders, and required disclosures of all directives.

The vigour and rigour around public funds is part of a broader focus on public service performance.

The President told Parliament that the Department of Performance Monitoring and Evaluation in The Presidency had been tasked to continue monitoring progress among all departments to ensure compliance with the performance culture.

***We have to do better – state enterprises, municipalities and government departments all need to improve their planning and management of capital projects. So we shall step up the quality of planning, casting and project management, so that infrastructure is delivered on time and on budget.***

The department, working with the offices of the premiers, has also started a joint programme of frontline service-delivery monitoring, conducting unannounced visits. They visited 120 facilities last year.

Recently, the Minister for Public Service and Administration, Mr Roy Padayachie, stepped into the trenches with a surprise visit to the Mahatma Gandhi Memorial Hospital in Phoenix, Durban.

Accompanied by senior Department for Public Service and Administration and KwaZulu-Natal government officials, the Minister toured the hospital, carefully checking facilities in between interacting with members of the public, patients and employees on levels of service and employment conditions, according to a departmental media statement.

The Minister told media that while the visit formed part of a follow-up to a previous one, he had also been



*Minister Nkosazana Dlamini Zuma*

**Capacity building is a key focus area to ensure an efficient, effective and development-orientated public service. This includes an induction programme for newly appointed public servants, the training of unemployed youth graduates, building capacity for public-service innovation, and repositioning the Public Administration Leadership and Management Academy as a School of Government**

prompted by a telephonic call from a stranger complaining about a neighbour who was being denied treatment after being hit by a car.

While President Zuma and the National Executive are raising the bar, the picture is not all stick and no carrot.

The Governance and Administration Cluster recently reiterated its commitment to creating an enabling environment for clean and effective governance that leads to economic growth, infrastructure development and a better quality of life for our citizens.

“Capacity building is a key focus area to ensure an efficient, effective and development-orientated public service. This includes an induction programme for newly appointed public servants, the training of unemployed youth graduates, building

capacity for public-service innovation, and repositioning the Public Administration Leadership and Management Academy (PALAMA) as a School of Government,” the Governance and Administration Cluster Chair and Minister of Home Affairs, Ms Nkosazana Dlamini Zuma, said recently.

She pointed out that PALAMA had, in partnership with the National Youth Development Agency, trained a total of 2 443 unemployed youth graduates to prepare them for public-service employment opportunities.

A further 18 660 new public servants last year participated in the Junior and Middle Management Induction Programme.

This is a necessary and worthwhile investment, according to Minister Padayachie, who told *Public Sector Manager* in a separate interview: “If we consider that the single biggest expenditure we have is salaries, then a significant improvement in productivity will increase the overall return on our investment. It is with this in mind, that we ask for a very deliberate focus on the challenge of improving our Public Service.”<sup>60</sup>



## STATE OF THE NATION ADDRESS 2012

# INVESTING IN A NEW ECONOMIC LANDSCAPE

“

**We are going to launch a huge campaign of building the infrastructure nationwide. This will boost the level of economy and create job opportunities.**

– President Jacob Zuma, State of the Nation Address,  
9 February 2012

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# WHAT GOVERNMENT PLANS TO DO THIS YEAR



## EXPANDING INFRASTRUCTURE AND CREATING JOBS

The State has chosen five major programmes for infrastructure development:

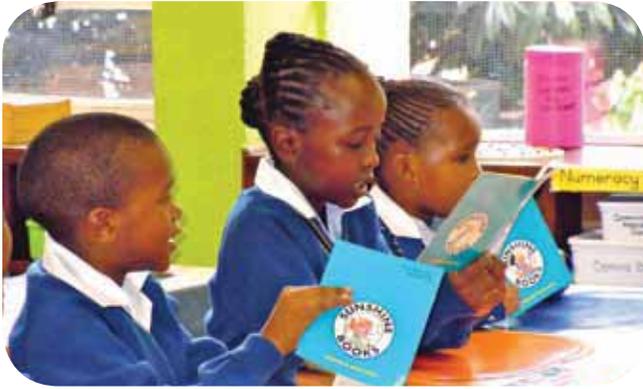
1. Geographically strategic projects such as:
  - The development and integration of rail, road and water infrastructure around the Waterberg and Steelpoort in Limpopo to unlock the enormous mineral belt of coal, platinum, palladium, chrome and other minerals. Rail transport in Mpumalanga will be expanded, connecting coalfields to power stations. Parts of the North West will also benefit from the greater focus on infrastructure.
  - Improving the movement of goods and economic integration through a Durban-Free State-Gauteng logistics and industrial corridor. Transnet has developed a Market Demand Strategy, which entails an investment over the next seven years of R300 billion in capital projects. There are various improvements to the Durban-Gauteng Rail Corridor and the phased development of a new 16-Mt per annum manganese export channel through the Port of Ngqura in Nelson Mandela Bay.

- The development of a major new south eastern node that will improve the industrial and agricultural development and export capacity of the Eastern Cape.
  - Expansion of water, roads, rail and electricity infrastructure in the North West. Ten priority roads will be upgraded.
  - Expansion of the iron-ore rail line between Sishen in the Northern Cape and Saldanha Bay in the Western Cape, which will create large numbers of jobs and industrial activity in both provinces.
2. Critical social infrastructure projects that will lay the basis for the National Health Insurance system, such as the refurbishment of hospitals and nurses' homes.
  3. Building new universities in Mpumalanga and Northern Cape. R300 million has been allocated for the preparatory work towards these facilities.
  4. South Africa's bid to host the Square Kilometre Array radio telescope in partnership with eight other African countries.
  5. The North-South Road and Rail Corridor, which South Africa champions and which is part of the African Union's (AU) New Partnership for Africa's Development (Nepad) Presidential Infrastructure Championing initiative.

## BOOSTING EDUCATION

To fight poverty and keep learners in school, over eight million learners attend no-fee schools while over eight million benefit from government's school-feeding scheme.

Last year, national government instituted an intervention in the Eastern Cape to assist the Department of Education to improve the de-



livery of education. Such interventions will continue.

Government has exceeded its targets with regard to Higher Education. Close to 14 000 learners were placed in workplace learning opportunities over the past year, and over 11 000 artisans have completed their trade tests.

To expand access to tertiary education, R200 million was utilised last year to assist 25 000 students to pay off their debts to institutions of higher learning.

## IMPROVING THE QUALITY OF LIFE

R248 million will be invested over the next two years to deal with acid mine drainage in the Witwatersrand.

The R1-billion Guarantee Fund, announced in 2010 to promote access to home loans, will start its operations in April.



From April, people earning between R3 500 and R15 000 will be able to obtain a subsidy of up to R83 000 from provinces, to enable them

to obtain housing finance from an accredited bank.

## BOOSTING EFFORTS ON LAND REFORM

A new policy framework, the *Green Paper on Land Reform*, has been introduced to address the issue of slow land redistribution.

## STRENGTHENING GOVERNANCE

Government will table the National Traditional Affairs Bill, which provides for the recognition of the Khoi-San communities, their leadership and structures.

The Multi-Agency Working Group on Procurement, led by the National Treasury, South African Revenue Service and the Financial Intelligence Centre, has been mandated to review the state procurement system.

Government is also set to work closely with various provinces to get their governance, systems and administration in order.

## CONTINUING THE FIGHT AGAINST CRIME AND CORRUPTION



Crime statistics for the period 2010/11 show there had been a decline of 5% in the number of reported serious crimes compared to the previous year. Government will continue to implement programmes to make South Africans safe.

We are also continuing to improve the State's capacity to deal with corruption. The Public Service Anti-Corruption Unit, the Multi-Agency Working Group and the National Anti-Corruption Hotline have been established to bring corrupt public officials to book.



To further improve security, the Department of Home Affairs signed a memorandum of understanding with the banking industry to roll out the Online Fingerprint Verification System in all participating banks, to assist in fraud prevention and detection.

## CONSOLIDATING THE AFRICAN AGENDA

In 2011, South Africa's presence was felt in many forums that represent Africa and the continent. In 2012, government will:

- champion the North-South Road and Rail Corridor, which is part of the AU's Nepad Presidential Infrastructure Championing initiative
- build on the success of COP17 by participating in the Rio+20 Summit in Brazil.

## THINGS TO LOOK FORWARD TO

- The national women's soccer team, Banyana Banyana, and the national women's hockey team have qualified for the London Olympics.
- The outcome of South Africa's bid to host the Square Kilometre Array radio telescope will



be announced this year. If successful, this will be a major achievement for the country that will yield many spin-offs.

- South Africa will host the Africa Cup of Nations next year.

**“I would like to appeal to all our people to join hands as they always do, as we deal decisively with the triple challenges of unemployment, poverty and inequality. Nobody will do this for us, it is in our hands. And we are all equal to the task.”**

– President Jacob Zuma, State of the Nation Address, 9 February 2012

# Provinces fill in the State of the Nation vision

Writer: Mbulelo Baloyi

*Public Sector Manager* looks at some of the highlights of various state of the province addresses (SoPAs), and their alignment with the State of the Nation Address (SoNA) as it relates to fighting the challenges of unemployment, poverty and inequality.



Limpopo Premier Cassel Mathale

## Limpopo

In neighbouring Limpopo, where the provincial departments of roads and transport, health, public works, treasury and education are under national government administration, Limpopo Premier Cassel Mathale said it was not all doom and gloom.

The Premier said great strides had been made in the fight against HIV/AIDS. "In 2009, we only had 80 healthcare centres with facilities to offer comprehensive HIV/AIDS treatment. Now we have 483 centres."

Infrastructure programmes include building 32 state-of-the-art schools. "We have constructed 2 431 classrooms, seven new clinics and upgraded 32 clinics, some of which serve people in the rural areas. Siloam Hospital will be revitalised at a cost of R250 million through the Presidential Infrastructure Coordinating Commission."

The Provincial Government had set a target of creating 124 626 jobs by the end of the third quarter of 2011/12. This was achieved through various government initiatives that saw it exceeding the target by creating 126 500 jobs.

The Premier was pleased with the SoNA pronouncements regarding the establishment of bulk-water and sanitation infrastructure in

Burgersfort and Lephalale to create jobs and unlock the province's industrialisation ambitions.

"We are thrilled about the Olifants River Water Development Programme. The commitment of the private sector, including the formulation of strategic partnerships, is very important to support infrastructure development."

The province has signed a Memorandum of Understanding with Transnet Freight Rail to create logistics and consolidation hubs for agriculture, mining products and other commodities that must be transported from the province to other parts of the country and also for export to international markets.

Premier Mathale also mentioned the creation of logistics hubs at Polokwane, Musina, Burgersfort and Lephalale to significantly reduce the number of heavy goods on the roads.

The Lephalale corridor and the plan to develop

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and integrate rail, road and water infrastructure centred around Lephalale and Steelpoort in the eastern part of the province will attract investment.

In the north of the province, the Musina to Africa Strategic Supplier Hub Initiative (MUTASSHI) will promote and enhance North-South trade relations. According to Mathale, MUTTASHI as an inland port will be a strategic intervention that will promote cross-border trading and reduce heavy freight on the roads.

### North West

Premier Thandi Modise said that work had started on the new Bophelong Psychiatric Hospital, with the project expected to be completed in 2012.



North West Premier Thandi Modise

In addition, the Provincial Government will be using the Hospital Revitalisation Grant to upgrade Lichtenburg Hospital and its nursing college, staff accommodation for the Brits Hospital, and to refurbish the Moses Kotane, Potchefstroom and Taung nursing colleges.

Premier Modise added that facilities would be extended at the Mmabatho and Excelsius nursing colleges. The revitalisation grant will also be used to renovate clinics in Buxton, Tweelingspan and Moshana clinic. Four community health centres will also be constructed at Siking, Maquassi Hills, Mathibestad and Joubertina.

Libraries and recreational centres will be constructed at Lomanyaneng, Mahilkeng, Manthe, Moretele, Lichtenburg and Schweizer-Reneke. In addition, the Taung and Potchefstroom agricultural colleges are being refurbished. The Provincial Government will also be launching the Kgora Training Centre to afford emerging and aspirant farmers practical farming experience.

Premier Modise said the Provincial Government had approached the South African National Roads Agency Limited to help lay out safe and professionally built roads, and almost 10 roads have been finalised for

a sustained roads roll-out programme in the province.

During this financial year, 10 162 new electricity connections will be made. Eskom has made an investment of R10,85 billion in infrastructure for electricity over the next five years for the province.

In 2011/12, the North West exceeded its own job-creation target of 52 898 jobs with 27 535 jobs, by creating 80 433 jobs.

The rehabilitation of the Vaalhartz Water Scheme will benefit both the North West and the Northern Cape. Water schemes at Schweizer-Reneke, Madibeng-Rustenburg and Setumo Water are also on the cards.

### Gauteng

More than R500 million will be spent on the construction and maintenance of roads, with the N14 and R25 undergoing major rehabilitation.

"We will upgrade the R82 (the old Vereeniging Road) linking Johannesburg and Sedibeng, as well as William Nicol Drive. The construction of the K154 will be undertaken, stimulating development in the rural parts of south Sedibeng," said Premier Nomvula Mokonyane.

As part of rural development, roads in five rural-development nodes – Magaliesburg, Winterveld, Hammanskraal, Rust de Winter and Bantu Bonke – will be upgraded.

"Through the S'hambaSonke road maintenance project, we will capacitate 100 new contractors and create 6 500 jobs, benefiting cooperatives and companies owned by women, youth and people with disabilities."



Gauteng Premier Nomvula Mokonyane

The comprehensive turnaround strategy to improve the delivery of public health services will see measures

put in place to prevent a recurrence of the financial difficulties within the province's Health Department. In addition, more than 200 community-service doctors will be deployed in district health services and regional hospitals.

The province has embarked on efforts to build the information and communications technology economy as a driver of development. This will be done through the G-link Project, which aims to achieve 95% broadband coverage to narrow the digital divide, roll out e-government services and grow the economy. Network infrastructure will be rolled out between 2012 and 2014.

The Provincial Government will partner with the national Department of Communications and the City of Johannesburg to develop a "smart city" at Nasrec, Johannesburg.

Also planned is the establishment of the Climate Innovation Centre and a Bio-Science Park at the Innovation Hub to help entrepreneurs develop and commercialise green technologies that will help disadvantaged communities.

By the end of December 2011, the Provincial Government had exceeded its job-creation targets, with 281 686 jobs created against a target of 229 904 jobs by the end of March 2012. Progress has been made with the implementation of 14 housing developments across the province, with 69 informal settlements having been formalised and 12 eradicated.

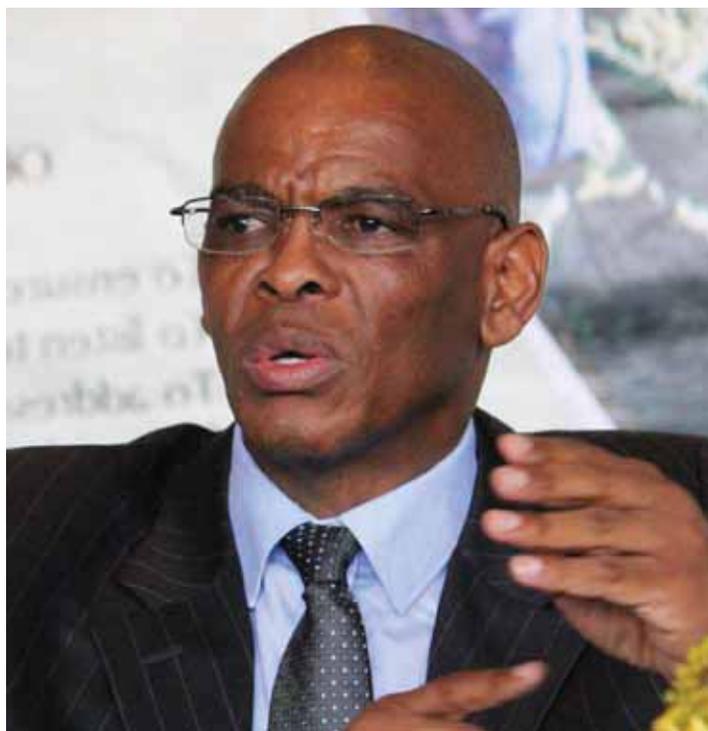
## Free State

Premier Ace Magashule unveiled an action plan responding to President Zuma's undertaking to help people in the housing gap – those who do not qualify for free Reconstruction and Development Programme houses and are at the same time considered a credit risk for home loans.

The Premier said a partnership between the Free State Development Corporation, the Mangaung Metro and the provincial Department of Human Settlements would provide 3 000 housing units for this gap market.

A similar partnership was entered into with the Mqhashaka Local Municipality for the construction of 2 000 mixed housing development units in Viljoenskroon and Kroonstad.

Various initiatives will see the creation of 33 954 job opportunities. In addition, the Provincial Government has drawn up a database of unemployed graduates for placement in internships.



*Free State Premier Ace Magashule*

With regard to infrastructure development, Premier Magashule said the Harrismith Logistics Hub, now part of the Durban-Free State-Gauteng Corridor as announced by President Zuma, will unlock and stimulate economic growth in the Free State.

The Provincial Government has strengthened its relationship with Eskom as one of the key stakeholders in service delivery. During 2011/12, Eskom achieved 6 559 electrification connections, with a target of an additional 1 454 connections this year.

An additional six compact fluorescent lamp roll-out projects and 11 energy-efficiency projects were implemented in 2011/12, at a cost of R128 million. Eskom is also constructing a technical training centre in Welkom.

Community health centres will be established in Bloemfontein, Zastron, Sasolburg and QwaQwa. The Provincial Health Department will continue the process of re-engineering primary healthcare (PHC) in all districts and municipalities to expand access to PHC services, especially through outreach programmes to households and communities. QwaQwa has been selected as one of the pilot sites of the National Health Insurance system.

## Eastern Cape

According to Premier Noxolo Kiviet, the province's two industrial development zones (IDZs) are delivering much-needed investment for the province.

The East London IDZ has secured private investment of R4,063 billion in the automotive, aquaculture, agroprocessing, renewable energy and business process outsourcing sectors. Of this, R3,3 billion is for two renewable energy projects – the Langa Renewable Energy Project and the Ikhwezi Photovoltaic Project.

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The Coega IDZ now has 21 operating investors, which translates into R1,24 billion in private-sector investment. To date, it has created 3 645 construction and 2 985 direct jobs. In addition, a R7,6-billion pipeline of projects is being implemented.

The Eastern Cape Government supports cooperatives



*Eastern Cape Premier Noxolo Kiviet*

in the province through the Imvaba Fund. Disbursement is currently at R1,4 million per cooperative. Thus far, 46 established cooperatives and 16 new entrants have been supported.

Out of a target of 94 504 job opportunities for the Expanded Public Works Programme (EPWP), a total of 110 472 work opportunities have been created to date. In 2012/13, the target is 116 958 work opportunities.

The N2 Wild Coast, which will cost approximately R9 billion, was approved by national government. It is estimated that this project will create well in excess of 6 800 direct jobs, and open up the Wild Coast and key towns such as Port St Johns for investment and economic development.

A total of 8 303 houses have been completed, while a further 7 870 are currently at various advanced levels of construction. Furthermore, 2 397 units have been rectified as part of the national rectification pilot for the current financial year.

## Western Cape

Premier Helen Zille said the Provincial Government had established an Economic Development Partnership, where all stakeholders in the economy together would develop and help implement a shared agenda for economic growth, development and inclusion.

In addition, the Western Cape has put together a game-changing infrastructure agenda that includes the following:

- three city-regeneration projects: the Founders' Garden/Artscape precinct, the development of a government Precinct in the heart of the city and the development of the Somerset Hospital Precinct
- doubling the capacity of the Cape Town Convention Centre
- developing new and upgraded roads that offer a demonstrable impact on economic growth, including a divisional road between Gansbaai and Bredasdorp, the Wingfield Interchange bridges and a road-network improvement project in support of the Saldanha IDZ initiative
- creating a special purpose vehicle or public-private partnership to take broadband access to the entire province, while also driving down the cost of broadband access for business.

The construction of Khayelitsha District Hospital was completed in October 2011 and the first patients were transferred to the facility in January 2012. The hospital will be officially opened on 17 April. The construction of Mitchell's Plain District Hospital is also on track and will be completed by October.

A number of district hospitals and clinics have also recently been renovated and upgraded, including antiretroviral treatment facilities at the Cross Roads, Gugulethu and Retreat clinics, and repairs to district hospitals in Beaufort West, Vredendal and Riversdale. The Provincial Government will embark on a R1-billion revamp of Valkenberg Hospital. The project will be completed by July 2016.



*Western Cape Premier Helen Zille*

### KwaZulu-Natal

Among the infrastructure projects earmarked for 2012/13 are construction and extension of health facilities in Estcourt, Madadeni Psychiatric Hospital and Empangeni, design of the John Dube Hospital and several clinics, while work already begun, such as construction at



*KwaZulu-Natal Premier Zweli Mkhize*

the King Edward VIII and Addington hospitals. Plans are also afoot for the construction of 2 000 classrooms, the provision of laboratories, water and electricity for schools and various other capital projects.

By January 2012, it is estimated that 2 174 331 people had access to water, compared to 2 046 514 in March 2009. This means the backlog was reduced from 17% to 11,9%.

The Department of Water Affairs has embarked on a massive water-supply programme. Working with the Department of Cooperative Governance and the water utilities, they have earmarked around R18 billion to raise the wall of the Hazelmere Dam, and complete the construction of Spring Grove Dam in Mooi River, Umgungundlovu to augment the Umngeni River catchment.

Other projects include the Ngagane Water Treatment Works and Transfer, the Jozini-Ingwavuma Bulk Water Supply, the Mandlakazi Water Scheme, Msinga and Vant's Drift Bulk; and Mhlabashane Dam. Water supply and sanitation projects are budgeted for the Amajuba and Umkhanyakude districts.

Parastatals have shown a huge commitment to upgrading the ports. Around R80 billion will be invested by Transnet in the refurbishment of ports over the next seven years.

The Department of Transport is finalising and will soon enter into a memorandum of agreement with the Passenger Rail Agency of South Africa (Prasa) to cooperate on the improvement, development and investment in the Passenger Rail System for the province. Prasa's investment in the province over the next five years are estimated at over R5 billion.

### Northern Cape

Northern Cape Acting Premier, Grizelda Cjiekella, said the Provincial Government had, in collaboration with the Sishen Iron Ore Community Development Trust and Rhodes University, entered into a four-year capacity-building programme for teachers.

Some 108 educators will study towards Bachelor of Education degrees in three different streams i.e. Foundation Phase, Mathematics and Languages. The investment is estimated at R20,4 million over three years. In addition, the province will soon have its own university, as announced during the SoNA.

To supplement the nursing corps, 154 students are currently studying towards the Four-Year Comprehensive Training Degree, with an additional 60 students scheduled to begin in the 2012/13 financial year.

In addition, the following health infrastructure projects have been rolled out: the Mapoteng, Riemvasmaak, Boichoko and Grootmier clinics have been completed; the West End Hospital State Patients Unit has been upgraded; the Mental Health, De Aar and Upington hospitals and the Heuningvlei Clinic are under construction,



*Northern Cape Acting Premier Grizelda Cjiekella*

with the new Kimberley Hospital and the Deurham and Ka-Gung clinics in the design phase.

By the second quarter of 2011, 3 000 jobs had been created in the Northern Cape. Community and social services are the highest employment sectors, while the utilities sector continues to be the lowest.

For 2012/13, R336 million has been committed for the development of human settlements in the Northern Cape. This massive financial injection will go a long way towards addressing the housing backlog in informal settlements.

The Green Jobs Initiative in the province has advanced with multidepartmental projects being implemented. Six major social responsibility programmes are being implemented, at a total cost of R190,6 million and creating over 1 000 job opportunities.

## Mpumalanga

The Comprehensive Rural Development Programme (CRDP) is being implemented in the Mkhondo, Chief Albert Luthuli, Dr Pixley ka Isaka Seme, Bushbuckridge, Nkomazi, Dr JS Moroka and Thembisile Hani local municipalities.

The programme has created 13 222 jobs opportunities. Additionally, 135 793 job opportunities have been created through the EPWP from April 2009 to date.

About 630 young people were trained in construction-related trades by the Mpumalanga Regional Training Trust (MRTT). This training is linked to the construction of the People's Housing Programme, where 1 888 houses have been built and 2 547 will be completed before the end of 2011/12.

The Marapyane Agricultural College has been officially opened, with 120 students enrolled and 20 lecturers appointed. In addition, the province has stepped up the Masibuyele Emasimini Programme, focusing mainly on crop and livestock production.

Three environmentally controlled poultry houses have been built in the Thembisile Hani Municipality. Approximately 170 000 ha of land have been tilled for subsistence farming, providing nutrition for 61 477 learners. Fifty-two tractors were purchased and seven mills with silos constructed to support small-scale farmers and cooperatives.

The No Fee School Policy has been rolled out in 1 604 schools. Coupled with this, 832 254 learners are benefiting from the School Nutrition Programme.

The province is targeting the intake of 1 240 out-of-school youths into skills programmes, particularly in the



*Mpumalanga Premier David Mabuza*

hospitality and tourism, technical and entrepreneurial fields.

Partnerships with the Department of Higher Education and Training, Further Education and Training colleges, the MRTT, sector education and training authorities and industry will be created to assist graduates with workplace training. Two hundred bursaries will be allocated towards boosting output in scarce and critical skills. Eskom has awarded bursaries to 116 students towards this goal.

The province will soon have its own university, as announced in the SoNA. The new university will incorporate a tertiary hospital.

ARV treatment facilities will be increased from 198 to 269 Primary Health Care facilities and 32 hospitals. The upgrading of hospitals in Bethal, Carolina, Matibidi, Sabi and Dr JS Moroka will be prioritised. Community health centres and clinics will be constructed in Tweefontein, Phosa Village, Sinqobile, Mbhejeka, Pankop, Wakkerstroom and Siyathemba.

The province is continuing with plans for the development of integrated human settlements in Klarinet, Balfour, Thaba Chweu and Emakhazeni. To date, in Klarinet 435 units have been completed and 176 units are under construction. The Provincial Government committed to constructing 10 834 housing units in 2011/12, and by the end of December 2011, had completed 4 559 units, with 4 345 units still under construction. In addition, 120 community residential units were completed in Mashishing and handed over to the Thaba-Chweu municipality, and 102 units in Mbuzini in Nkomazi were provided with electricity.®

# Upholding **South Africa's** rights

Writer: Xoliswa Zulu

Photographer: Siyabulela Duda



Nonkululeko Sindane

**W**hen thousands of men, women and children marched down the streets of Sharpeville on 21 March 1960, they had no idea what their bravery would conceive.

Some 52 years on, many have forgotten about the sacrifices that were made on that fateful day. Dozens of people were killed and scores were injured, all for the rights that many of us enjoy today.

While many things seemed inconceivable at that time, today, South Africans enjoy the rights that many could not experience during those draconian times.

Ahead of Human Rights Day on 21 March, *Public Sector Manager* sat down with the Director-General (DG) of the department of Justice and Constitutional Development, Nonkululeko Sindane, and looked at how far South Africa has come in upholding and protecting the rights of all South Africans and the role the department plays in safeguarding these rights.

South Africa has come a long way towards the realisation of human rights, says the DG, with the stage set by the Constitution.

“When I talk about having gone a long way towards the realisation of rights, I mean the rights that are entrenched in the Bill of Rights. And those rights include, among others things, the right that everyone is equal before the law and has the right to equal protection and benefit of the law, and the right to be free from any form of unfair discrimination directly or indirectly, whether on the basis of race, religion, conscience, belief, culture, language, birth, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age and disability.”

The Department of Justice and Constitutional Development is, among other things, entrusted with protecting the Constitution and ensuring that the institutions supporting our constitutional democracy and the administration of justice are in place with the necessary independence, impartiality, dignity and effectiveness.

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- ***On a daily basis, the Department of Justice and Constitutional Development has an average of 1 686 functioning courts.***
- ***In 2010/11, the average conviction rates were as follows: district courts: 90,7%; regional courts: 73,4%; and high courts: 87,8%.***



“Those institutions (the South African Human Rights Commission; Commission for Gender Equality; Public Protector; and Commission for the Protection and Promotion of Rights of Cultural, Religious and Linguistic Communities) are constitutionally mandated to assist the public to access their rights through a range of mechanisms. We need to intensify our efforts to educate people from all walks of life about their constitutional rights as well as about the constitutional institutions that have been established to assist them in promoting and protecting their rights.

“Human-rights education is essential and can contribute to both the reduction of human-rights violations and the building of free, just and peaceful societies.”

The Department of Justice and Constitutional Development is also responsible for the administration and capacitation of the courts.

“The justice system helps to solidify constitutional democracy in our country and resolves individual conflicts and conflicts within society and the State,” explains the DG.

“The South African justice system aims to ensure safety, guard against human-rights abuses, protect property, assert legal rights, mediate differences among citizens, and prosecute offenders.

“Further, it aims to protect and promote the rights of vulnerable groups, in particular women and children, through a range of dedicated court services such as maintenance, domestic violence, sexual offences, child justice and so on.

“Yet, owing to the history of South Africa’s racial discrimination laws, it has its own distinct shortcomings and challenges. To address these, the department collaborates with other government departments in the Justice, Crime Prevention and Security (JCPS) Cluster to transform and integrate the country’s justice system.

“The issue of access to justice is one that we are entrusted with as a department. Access to justice entails putting in place policies, programmes and other measures aimed at eliminating barriers – physical, geographical, procedural, cognitive, psychological, political, economical and attitudinal – which hinder entry of litigants and other court users into the justice system and limit delivery of justice services.”

The department is committed to the transformation of the judiciary in terms of race and gender, but also in terms of broader social transformation.

“We are a country that comes from a very dark history and the resultant psychological impacts are still lingering in the background.”

Part of what makes people unequal before the law is the level of resources they have. This can also mean that people may not have the resources to be assisted and defended by a professional lawyer in a court of law. Such people then normally do not stand enough of a chance for their side of the story to be heard, explains DG Sindane.

“Government therefore funds Legal Aid South Africa to assist people who cannot afford private attorneys or advocates. Legal Aid South Africa will represent those people who are indigent. Legal Aid South Africa is doing exceptionally good work. We have also entered into new partnerships with Legal Aid South Africa to assist with civil cases, particularly in areas where children are concerned.

“We have been working on how much faster we can make justice work. That remains the biggest of challenges we as the criminal justice system (CJS), as the justice department and also as a country, face. Justice delayed is justice denied.”

Through this multifaceted approach covering various complex areas, the aim is to have some specific successes against specific targets by 2014, such as increased case finalisation – an increase of 2% a year and a 10% improved case backlog reduction rate by 2014, in terms of the JCPS Cluster Delivery Agreement.

The department is currently in the process of improving its maintenance services and has prioritised those services in their strategy for this year as well as for the next two years.

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***Justice delayed is justice denied.***

“We are doing this so that we can get those systems that pay mothers and children the maintenance monies ordered by the courts running effectively so that those children’s dignity as all their rights are realised.”

“We have ratified the United Nations International Convention of the Rights of the Child as well as the International Convention on the Elimination of all Forms of Discrimination against Women, obliging our government to put in place programmes, policies and legislation that must be consistent with our Constitution and our international and regional treaty obligations.”

The Child Justice Act, 2008 (Act 75 of 2008), came into effect about two years ago and, according to DG Sindane, the Act was a tremendous stride forward in the field of child protection, something that does not exist in many countries.

The Act stipulates the age limit in terms of which a child accused of a

crime may be prosecuted, sets out various age categories and how the law should deal with a child.

“The courts look at the circumstances and the upbringing of the child. With this legislation, we try to ensure that the child receives a custodial sentence, in other words, he or she is not sent to a correctional facility. That can only happen as an absolute last resort.

“If a child is detained, it should only be for the shortest period of time. Under these circumstances, the child should be treated in a manner that takes account of his or her age and be kept separately from adults, with boys kept separate from girls.

“Depending on the gravity of the offence, the first option is for the child to serve his or her sentence at home, under the supervision of parents, guardians or a caregiver, so that the child grows out of that criminality and is assisted by society.”

Sometimes, parents do not want to take responsibility when a child has done wrong. Under those circumstances, the courts look at other mechanisms of rehabilitation, such as sending a child to a secure-care facility, where professional care is provided.

According to DG Sindane, the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007), is another significant milestone for the realisation of the protection of the rights of women, children and people with disabilities.

“If it is found that an offender committed a sexual offence against a child, we have to put his or her name on the *National Register for Sex Offenders*. This means that the person does not have access nor should be given access to institutions such as crèches or in places where they work with children.

“People who commit an offence against a mentally challenged person also have their names placed on this register. While we have experienced a fair share of our challenges (with the implementation of the register), we are working on those challenges. We already have approximately 1 400 names on the register.”

“We also have the Domestic Violence Act, 1998 (Act 116 of 1998), which seeks to protect women from domestic abuse. If a person has been raped, there are facilities that we have in place called Thuthuzela care centres where women are protected; their staff investigate what happened and they provide care to the

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**Major projects that are currently in place include:**

- Redrawing court jurisdictional areas: 24 branch courts are to be converted into full-service (magistrates') courts by 2012/13. This will give people access to full magisterial court services in areas where there are only limited services.
- Building high courts in areas that previously had none, such as Nelspruit and Polokwane. This forms part of the Department of Justice and Constitutional Development's objective to improve access to high courts by rationalising jurisdictions and ensuring that the jurisdictions are consistent with the provincial dispensation.
- Filling critical vacancies, improving document management, introducing interventions to enhance asset and contract management, reducing case backlogs and improving overall case-flow management.
- Intensifying the use of information and communications technology and related skills development to function more effectively and efficiently. The Integrated Case-Management System is being developed to automate and monitor end-to-end business processes.
- Coordinating crime fighting and removing blockages in the CJS and continuing the review of the CJS. To improve justice services to victims of crime, the number of care centres for the victims of sexual offences has been increased and more care centres are planned.
- The Anti-Corruption Task Team will continue to build on the progress made in the fight against corruption.
- Policy development work over the medium term will include implementation of the Restorative Justice National Policy framework, implementation of the National Policy Framework on the Management of Sexual Offences, and implementation of a national prevention strategy on domestic violence to reduce the rate of offending and re-offending in these cases. In addition to empowerment programmes aimed at discouraging violence in domestic relationships, the department will also embark on developing standard-based learning programmes for sexual offences, restorative justice and child justice.
- Strengthening the constitutional development function of the department through the reorganisation of its structures.



women concerned under one roof, while the criminal case is being processed.

"The centres are run by the National Prosecuting Authority and right now we have 27 care centres. Our target is to have 35 by 2014."

In 2011, the JCPS Cluster approved the Policy Framework on Restorative Justice. This is when the victim, the offender and the community all participate to find a solution to a crime or an offence that has been committed.

"Restorative justice does not preclude going through the normal CJS, but we feel that there are certain instances where people involved feel that it is better to deal with the case amongst themselves. The policy framework was approved in 2011, but we are still consulting with key institutions regarding implementation."

In 2010/11, the department received a qualified audit outcome with findings on predetermined objectives and compliance. The Auditor-General found that the non-submission of financial statements for third party funds kept by the department since 2008/09 resulted in the repeat qualification.

"We have to get over the qualification very quickly. This just takes us further and further away from realising and achieving our objectives absolutely and completely," DG Sindane stresses. "I have made a personal commitment, as has my senior management, to turn away from the qualification. We want to be unqualified from 2012."<sup>10</sup>