

# PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

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## ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

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WEDNESDAY, 21 JUNE 2017

### COMMITTEE REPORTS

1. **Report of the Standing Committee on Transport and Public Works on its oversight visit to Kwa-Faku Primary School as follows:**

#### **Delegation**

The delegation consisted of the following members:

Hinana, NE (Chairperson and leader of the delegation)

Kivedo, BD

Mackenzie, RD

Nkondlo, ND

Olivier, RT

The Committee Co-ordinator, Ms S Niekerk, accompanied the delegation.

#### **1. Introduction and Background**

Section 114 (2)(b)(i) of the Constitution of the Republic of South Africa, 1996, mandates provincial legislatures to provide for mechanisms to maintain oversight over the Provincial Executive Authority in the province. To this end the Standing Committee on Transport and Public Works undertook an oversight visit to the Kwa-Faku Primary School in Philippi. The purpose of the visit was to assess the structural defects at the school as reported in the media.

The media has widely reported that this school is an experimental project as the building is made out of styrofoam and concrete. It has also been reported that the building has deteriorated to such a state that the parents of learners at the school have

denied their children access to the school for fear that the classrooms can collapse. Blocked drains, cracked walls and the fact that the learners and educators have to use buckets to flush the toilets as the sanitation system no longer works, are among some of the problems that have been highlighted in the media.

This state of affairs is of concern to the Committee.

## **2. Overview**

The Standing Committee on Transport and Public works extended an invitation, which was accepted, to the Standing Committee on Education to accompany it on this visit. The Committees visited the Kwa-Faku Primary School in Philippi on Tuesday, 25 April 2017 and met with officials from the Western Cape Education Department (WCED), Ward Councillors and representatives from the School Governing Body. The Department of Transport and Public Works (DTPW) tendered an apology and was not present at this visit. The engagement commenced with an overview of the situation at the school by the School Principal and was followed by a discussion. Thereafter, the delegation proceeded to a tour of the defective building.

## **3. Findings/Observations**

- 3.1. The Kwa-Faku Primary is a replacement school project initiated by Department of Transport and Public Works (DTPW) and the Western Cape Education Department (WCED) to alleviate an existing structurally defective school.
- 3.2 The school was opened on the 17<sup>th</sup> of July 2000. Since then numerous defects have been reported to the WCED and the DTPW, including a problem with dust. These concerns were raised and reported to the Western Cape Education Department by the Principal and parents of learners in 2010 with no response.
- 3.3 As a result of the defects, learners have been moved out of the school and are currently being accommodated in mobile classrooms. The construction of the mobile classrooms amounted to R7,8 million. Conditions within these mobile classrooms are not conducive to learning as the structures retain heat and become very hot in summer which may have an effect on the concentration capacity of the learners.
- 3.4 Learners and educators have been experiencing health problem which they attribute to the dust problem at the school. Two staff members have passed away as a result of tuberculosis with several other health problems being reported to the Principal by Educators and the parents of learners.
- 3.5 The school building is in a dilapidated state. Ceilings have sagged, there are numerous leaks from the roof, damp walls and dysfunctional ablution facilities are amongst a few of the Committee's observations.
- 3.6 The current school will be demolished and a tender for a replacement school will go out in October 2017. The cost of the new school is estimated at R76 million. Construction is expected to start in February 2018 and the completion date is estimated at July 2019.

#### **4. Resolutions/Actions**

- 4.1 The Committee RESOLVED that, in the absence of the DTPW at the oversight visit, it is imperative that this Department be invited to brief the Committee on this matter so as to gain a holistic perspective of the state of affairs at the school.
- 4.2 The Committee RECOMMENDED that:
- 4.2.1 The defective building be demolished as soon as possible as it poses a health, safety and security risk to learners and educators; and
- 4.2.2 The WCED make a concerted effort to communicate with the community and keep them informed of progress made so as to prevent a volatile situation.

#### **5. Acknowledgements**

The Chairperson thanked the officials from the WCED, the Ward Councillors and representatives from the School Governing Body for availing themselves to address the Committee.

## **2. Annual Report of the Standing Committee on Transport and Public Works for the 2016/17 financial year, dated 6 June 2017, as follows:**

### **Members**

The Committee comprises of the following members:

Hinana, NE (Chairperson) (DA) since 15 December 2016  
 Dugmore, CM (ANC)  
 Mackenzie, RD since 15 December 2016  
 Magaxa, KE (ANC) until 13 February 2017  
 Max, LH (Chairperson) (DA) until 15 December 2016  
 Mnqasela, M (DA)  
 Nkondlo, ND since 13 February 2017

### **Alternate Members**

Lekker, PZ (ANC)  
 Lentit, RB (DA) until 28 February 2017  
 Maseko, LM (DA)  
 Schäfer, BA (DA)

### **1. Introduction**

The mandate of the Committee is to -

- 1.1 maintain oversight over the Executive member and the Department and its Entity, of the way in which they perform their responsibilities including the

implementation of legislation and to hold them accountable to the Western Cape Provincial Parliament; and

- 1.2 to consider and report on legislation, other matters and the Annual Reports referred to it by the Speaker.

In fulfillment of its mandate the Committee -

- 1.3 facilitated public participation and involvement in the legislative and other processes of the Committee;
- 1.4 conducted its business in a fair, open and transparent manner;
- 1.5 promoted co-operative governance; and
- 1.6 reported regularly to the House.

## **2. Reporting Department(s) and Entities**

- 2.1 Department of Transport and Public Works
- 2.2 Government Motor Transport

## **3. Overview of Committees Activities**

No of Committee Meetings	17
No of Public Hearings	7
No of Oversight Visits	3
No of NCOP Bills considered	1

## **4. Oversight activities**

The 2016/17 year was considered a productive year in which interactions with the Department and Entity and the many stakeholders consulted were both cordial and productive and ensured that Committee members could approach their oversight functions with objectivity and insight.

The financial year was eventful and several initiatives will lead to follow-up activities and meetings. The following is a summary of the Committee's activities during the year.

- 4.1 The critical shortfall of funding to fill key posts within the Traffic Management Directorate was a focus point of the Committee. Initiatives and targeted interventions by the Department to address traffic and road safety matters were underlined. The Committee noted with concern the disparity in salary between Provincial Traffic Officers and Municipal Traffic Officers. The impact of the vacancy rate within this Directorate on the safety of motorists and pedestrians was disconcerting to the Committee. The Committee has followed up on this serious matter and is pleased to report that, due to its persistent follow up and vigorous oversight, additional funding has been available to fill some of the vacant posts within the Traffic Services Directorate.
- 4.2 The disposal of the Tafelberg Remedial High School as well as the utilisation and/or disposal of the Helen Bowden Nursing Home and the Alfred Street Complex was a matter of discussion. The Department provided the Committee with the legislative context in relation to the disposal of state property.

It further outlined the regeneration programme that resulted in the identification and listing of the properties as mentioned above. The current status of the Alfred Street Complex, the Helen Bowden Nurses Home and the Old Tafelberg High School were provided to the Committee. Due to the newspaper coverage on the latter property and the dissatisfaction of particular interest groups around the disposal thereof, the decision to dispose of the Tafelberg High School and the procedure that was followed was of concern to the Committee.

- 4.3 As part of the Cluster B Visit week, the Committee visited the Caledon Traffic Department and the Hawston Primary School in May 2016. In terms of the latter, it was reported in October 2015 by the Department that learning at the schools were disrupted following a declaration by engineers that the schools were unsafe due to structural defects resulting from poor construction. A lack of requisite skills by the project design engineer was identified as one reason for the defective structures. In addition, a lack of specialised structural expertise in engineering within the Department, coupled with reduced project design specifications and documentation, as well as limited official scrutiny and a lack of verification of Engineering Professional Services Provider (PSP) documents were also contributing factors to the poor outcome.

The Hawston Primary School Project is one of four schools that formed part of the National Accelerated Schools Infrastructure Delivery Initiative (ASIDI) managed by the Department of Basic Education (DBE).

The Committee has relentlessly exercised its oversight role regarding the remedial progress currently underway at the school and expressed its concern on the impact that these delays are having on the learners. Following this visit, the Committee conducted a follow-up meeting in September 2016 where it was resolved that the Department submit a fortnightly progress report to the Committee on the remedial works currently underway at all four schools. In addition, the Committee visited the school as well as the Masakhane Primary in February 2017 and is pleased to report that the anticipated date of occupation for the Hawston Primary School is 31 May 2017. In terms of the Masakhane Primary school, the Committee is pleased to report that the learners have taken occupation of the school on 31 January 2017.

- 4.4 The Committee also received a briefing from the Department of Transport and Public Works and Heritage Western Cape on the condition of the Lawrenca Primary School in De Novo near Kraaifontein, Joostenberg Vlakte as the school precinct posed a threat to the health and safety of learners. Through the intervention of the Committee by way of exercising its oversight function, the Committee is pleased to report that the elements that posed a health risk has been removed and those posing a safety risk has been addressed.
- 4.6 The situation with Metrorail and its impact on the residents of the province was and remains of grave concern to the Committee. Metrorail has provided the Committee with regular updates on their operating environment by outlining their train set availability and the impact of vandalism on the services that they render. An action plan to address vandalism and theft by way of a safety and

security surveillance strategy was provided to the Committee as well as other key interventions, such as stakeholder engagement that aims to ensure community ownership and inclusion within the Metrorail infrastructure environment. The Committee raised concern regarding the senseless acts of vandalism on Metrorail infrastructure and the lack of an integrated approach with other stakeholders to deal with safety and security issues on trains. To this end the Committee has and continues to engage with Metrorail and the South African Police Services on issues affecting train commuters in the Province.

- 4.7 The Department provided the Committee with a briefing on the impact of its 2016 Festive Season Integrated Traffic Operational Plan outlining their operational launch, operational activities, vehicle testing unit operations as well as their operational focus in terms of public transport management. The Committee was also provided with feedback on the operational strategies that were implemented that encompassed various integrated activities with operational partners that were focused on traffic offences and criminal activities. Similarly the Committee engaged with the Department on the Easter Season Traffic Plan 2017. The Committee is pleased to report that the evidence of a reduction in road fatalities over the festive season 2016 can partly be attributed to the Committee executing its oversight role without fear or favour.
- 4.8 The Committee also evaluated the Annual Reports of the Department of Transport and Public Works and its Entity. The *Western Cape Adjustments Appropriation Bill* [B 5–2016] and the *Western Cape Appropriation Bill* [B 1–2017] were the subjects of a public participation exercise and also of intense discussion.
- 4.9 The financial year concluded with the consideration and discussion of the Department’s budget. The Committee will continue to exercise its oversight function with vigour in the new financial year.

## **5. Legislation**

In the 2016/17 Financial Year, the Committee dealt with the following items of legislation:

### **5.1 Provincial Bills**

- 5.1.1 *Western Cape Adjustments Appropriation Bill* [B 5–2016]: Vote 10 – Transport and Public Works
- 5.1.2 *Western Cape Appropriation Bill* [B 1–2017]: Vote 10 – Transport and Public Works

### **5.2 NCOP Bills (Section 76)**

The Expropriation Bill [B 4B–2015] was referred to the Standing Committee on Transport and Public Works on 1 March 2016. In accordance with the NCOP timeframes, the National Department of Public Works briefed the Committee on the Bill on 15 March 2016. After due deliberation and consideration, the

Committee conducted four public hearings on the Bill, one hearing in each of the following areas; Bellville, Vredenburg, George and Caledon.

The NCOP's due date for the submission of provincial negotiating mandates was 26 April 2016 and the submission of the province's final mandate was 3 May 2016. The Committee complied with these dates.

## **6. Facilitation of Public Involvement and Participation**

In line with its mandate to facilitate public participation as part of the legislative process, the Committee held two public hearings in consideration of the Provincial Money Bills, one public hearing in consideration of the Department and Entity's Annual Reports and four public hearings on the Expropriation Bill [B 4B – 2015].

## **7. Financial particulars**

The Committee's actual expenditure for the 2016/2017 financial year was R210 510 against an adjusted budget allocation of R249 719 resulting in an under expenditure of R39 209. The initial budget allocation to this Committee was R110 714.00.

## **8. Acknowledgement**

The Committee expressed its appreciation for the role of the previous Chairperson, Adv Lennit Max, in ensuring that the Committee competently exercised its oversight responsibility.