

# PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

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## ANNOUNCEMENTS, TABLING AND COMMITTEE REPORTS

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THURSDAY, 31 AUGUST 2017

### TABLING

The Speaker:

**Annual report of the Western Cape Provincial Parliament for the financial year ended 31 March 2017 tabled in accordance with section 60 of the Financial Management of Parliament and Provincial Legislatures Act, Act 10 of 2009, as amended:**

#### Speaker

Annual Report of the Western Cape Provincial Parliament for 2016/17 (Vote 2: Provincial Parliament).

Referred to the Parliamentary Oversight Committee.

### COMMITTEE REPORTS

- 1. The Annual Report of the Petitions Committee for the 2016/17 financial year is as follows:**

#### Members

The Committee comprises of the following members:

Hinana, NE (DA) (Chairperson until December 2016)

Davids, SW (ANC)

Gillion, MN (ANC)

Kivedo, BD (DA)  
 MacKenzie, RD (DA) (Chairperson from January 2017)  
 Mitchell, DG (DA)

**Alternate members:**

Joseph, D (DA)  
 Mngasela, M (DA)  
 Wenger, MM (DA)

**1. Introduction**

The mandate of the Petitions Committee is to facilitate public participation and to monitor the oversight function over the legislation relating to petitions, in conferring with relevant government and civil society organs. The Petitions Committee must report to the Provincial Parliament on each petition and make any appropriate recommendation, including amongst others, that the matter be referred to the Provincial Parliament, another committee of the Provincial Parliament, a Chapter 9 Constitutional institution, the Provincial Executive or municipal council.

Standing Rules 110-112 of the Western Cape Provincial Parliament set out the composition and powers of the Petitions Committee as follows:

- (a) 110, the Committee is composed in accordance with Rule 74;
- (b) 111, the Chairperson is appointed in terms of Rule 77; and
- (c) 112, the Committee must carry out the functions assigned to it by the Speaker or by resolution of the House.

**2. Overview of committees activities**

No of Committee meetings	5
No of Public Hearings	0
No of International Study Tours	0
No of Oversight Visits	0
No of Cluster Visits	0
No of Provincial Bills considered	0
No of NCOP Bills considered	0
Workshops/conferences attended	0

**3. Oversight activities**

- 3.1 In its third year of the 5<sup>th</sup> Parliament, the Committee strived to focus on engaging with the public in order to promote the work of the Committee.
- 3.2 The Committee commenced the 2016/17 financial year by examining the petition from Thembaletu Farmers in George. The initial meeting with the Public Education and Outreach (PEO) Section of the Western Cape Provincial Parliament was a status update of all petitions submitted during the 2016/17 financial year. Furthermore the Committee explored ways in which the Committee and the PEO Section could work together to promote

the rights of the petitioners and the role of the Petitions Committee in various areas as envisaged in the Western Cape Petitions Act, 2006 (Act 3 of 2006).

- 3.3 As part of the Committee's mandate is to investigate all petitions before making insightful recommendations to the House. The Committee decided to take a different form of fact finding visit by inviting the Thembalethu Farmers to Cape Town for an engagement session. During this meeting the Committee gave all petitioners a platform to voice their concerns, especially since the petitioners were going through a lengthy process in order to occupy the Thembalethu land in George legally.
- 3.4 In the fourth quarter of the financial year, the Committee resolved to review the Citrusdal Petition, as well as various other petitions that were completed by the Committee. The main objective of the meeting was to investigate alternative ways to assist the community of Citrusdal. This resulted in further meetings with various stakeholders (the South African Police Services and Cederberg Municipality) and the petitioners in order to resolve the situation in Citrusdal.
- 3.5 The Committee concluded 2016/17 by making tangible recommendations which would assist and improve the lives of the community of Citrusdal. The Committee further resolved to continue to investigating the petition and look at ways to assist the Thembalethu farmers.

#### **4. Financial particulars**

The Petitions Committee was allocated an amount of R110 000 for the Financial Year 2016/17 financial year.

At the close of the 2016/17 financial year, expenditure attributed to the activities of the Petitions Committee accumulated to an amount of R12 907.00

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

### **Members**

The Committee comprises of the following members:

Kivedo, BD (Chairperson) (DA)  
 Botha, LJ (DA)  
 Christians, FC (ACDP)  
 MacKenzie, RD (DA) until 15 December 2016  
 Max, LH (DA) since 15 December 2016  
 Olivier, RT (ANC)

### **Alternate members:**

Dugmore, CM (ANC)

Mitchells, DG (DA)  
 Wenger, MM (DA)  
 Wiley, MGE (DA)

## **1. Introduction**

The mandate of the Committee is to:

- 1.1 Maintain oversight over the Western Cape Education Department, the way in which the Department perform their responsibilities including the implementation of legislation and to hold the Executive Authority accountable.
- 1.2 To consider and report on legislation, other matters and the Annual Reports and matters referred to it by the Speaker.

In fulfillment of its mandate the Committee must:

- 1.3 Facilitate public participation and involvement in the legislative and other processes of the Committee.
- 1.4 Conduct its business in a fair, open and transparent manner.
- 1.5 Promote co-operative governance.
- 1.6 Report regularly to the House.

## **2. Reporting Department**

- 2.1. Western Cape Education Department

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

No of Committee Meetings	11
No of Public Hearings	3
No of Oversight Visits	4
No of Provincial Bills considered	2

## **4. Oversight activities**

The 2016/17 year was considered a productive year in which interactions with the Department and many stakeholders were consulted to ensure that the Committee could approach their oversight function with objectivity and insight.

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

- 4.1. The Committee was updated on the progress of academic results, maintenance of infrastructure, upgrades and the daily management of all schools in the Province. The Committee conducted an oversight visit to Jan Kriel School in Kuils River. The Committee resolved that the school's

methodology and technique be utilised as a best practice for schools with special needs learners in the Province.

- 4.2. The Committee engaged with the Athlone School for the Blind in Bellville to understand and to be informed how broadband access will enhance the learning abilities of learners and how learners with special needs can adapt to technology.
- 4.3. As part of Cluster A Visit week the Committee together with five other Standing Committees, embarked on their annual Social Cluster Visit Week which took place in May 2016. Many initiatives were highlighted by the Overberg Education District office.
- 4.4. Learner transport is of importance to the Committee. Of participial importance, in terms of the Learner Transport Policy and reducing the kilometres to transport learners. Many learners fall under the 5-km distance and cannot utilise the Learner Transport facilities.
- 4.5. Further to that, the Committee embarked on an oversight visit to Tygerberg Hospital School. The aim of the visit was to observe and understanding how these schools assist learners to bridge the gap so that learners do not fall behind during their time spent in hospital.
- 4.6. School safety is another matter of importance to the Committee. The Committee went a step further by joining the Standing Committee on Community Safety to invite the South African Police Service's (SAPS) to present on its efforts to prioritise school learner safety, the challenges faced and the successes to date.
- 4.7. The Committee deems it necessary to join resources with the Standing Committee on Community Development to conduct an oversight of the Autism Connect Learning Centre in Mitchells Plain. The Committee took cognisance of the great achievements of the Centre and is of the view that this Centre can assist learners with autism.
- 4.8. The Committee also evaluated the Annual Report of the Western Cape Education Department. Votes of the Western Cape Adjustments Appropriation Bill [B 5–2016] and the Western Cape Appropriation Bill [B 1–2017] were the subjects of intense discussion.

## **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 5 – Education.
- 5.1.2. *Western Cape Appropriation Bill* [B 1–2017]: Vote 5 – Education

## **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 on the consideration of the Provincial Money Bills and one public hearing in consideration of the Annual Report of the Department. The dates for the hearings were advertised in mainstream newspapers in the Western Cape.

## **7. Financial particulars**

The Committee's budget for the 2016/17 year was R97 907 with an adjusted allocation of R105 364 resulted in an under expenditure of R7 457

## **3. Annual Report of the Standing Committee on Cultural Affairs and Sport: 2016/17 Financial Year**

Annual Report of the Standing Committee on Cultural Affairs and Sport for the 2016/17 financial year end 31 March 2017, as follows:

### **Members**

The Committee comprises of the following members:

Adv Max LH (DA) (Chairperson)  
 Kivedo BD (DA)  
 Rev Gopie D (ANC)  
 Olivier RT (ANC)  
 Wenger MM (DA)

### **Alternates**

Botha LJ (DA)  
 Dugmore CM (ANC)  
 Makeleni P (ANC)  
 Mitchell DG (DA)  
 Pretorius PJC (DA)

## **1. Introduction**

The mandate of the Committee is to:

- 1.1 Maintain oversight over the Executive Member and the Department, 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.
- 1.2 To consider and report on legislation, other matters and the Annual Reports referred to it by the Speaker.
- 1.3 Monitoring and oversight function over the legislative processes relating to the departments falling under this committee.

- 1.4 Exercise compliance and performance oversight over the relevant departments falling under this committee.
- 1.5 Scrutinize and interrogate annual reports, quarterly reports and budget votes of departments falling under this committee.
- 1.6 Monitor whether the Department of Cultural Affairs and Sport, and its entities, namely the Western Cape Cultural Commission, the Western Cape Language Committee and Heritage Western Cape, are fulfilling its mandate.
- 1.7 Responsible for the consideration of provincial bills and NCOP (76 Bills).

In fulfilment of its mandate, the Committee:

- 1.8 Facilitated public participation and involvement in the legislative and other processes of the Committee.
- 1.9 Conducted its business in a fair, open and transparent manner.
- 1.10 Promoted co-operative governance.
- 1.11 Reported regularly to the House.

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

- 2.1 Department of Cultural Affairs and Sport
- 2.2 Western Cape Language Committee
- 2.3 Western Cape Cultural Commission
- 2.4 Heritage Western Cape

## **3. Overview of committees activities**

The Committee held 11 meetings, inclusive of 2 public hearings, conducted no oversight visits.

## **4. Oversight activities**

### **4.1 Highlights of engagements with the Department of Cultural Affairs and Sport stakeholders**

The Committee held a meeting on Corporate Social Investment, hosting organisations and individuals from various sectors with a keen interest in financial investment in provincial sport. The Committee advertised calls for presentations in print media, across all three official provincial languages. The list of presenters and guests included, the Minister of Cultural Affairs and Sport, the Department of Cultural Affairs and Sport, the Western Cape Provincial Sports Confederation, South African Breweries, South African Institute for Drug-free Sport as well as the National Lottery Commission.

During this financial year the Committee advertised for calls to new members for the Heritage Western Cape council as the term for the then membership had reached its end. The Committee submitted a shortlist to the Minister of Cultural Affairs and Sport in the province. The Committee also advertised and shortlisted candidates for vacancies on the Western Cape Language Committee and the Western Cape Cultural Commission. The list of applicants was forwarded by the Department of Cultural Affairs and Sport to the Committee. Following its consideration, the Committee forwarded its list of candidates to the Minister of Cultural Affairs and Sport.

The following membership changes of the Committee took effect during the 2016/17 financial year: Hon Adv LH Max was appointed as the Committee's Chairperson, Hon Rev D Gopie was appointed as a permanent member of the Committee and Hon P Makeleni was appointed as an alternate member. Hon RD Mackenzie is no longer a member of the Committee.

## **5. Legislation**

### **5.1 Provincial Bills**

5.1.1 Western Cape Adjustments Appropriation Bill [B 5–2016], Vote 13: Cultural Affairs and Sport.

5.1.2 *Western Cape Appropriation Bill* [B 1–2017], Vote 13: Cultural Affairs and Sport.

### **5.2 NCOP Bills (Section 75)**

No section 75 Bills were referred to the Committee during the period under review.

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

No section 76 Bills were referred to the Committee during the period under review.

## **6. Facilitation of public involvement and participation**

During the Annual Report discussion as well as the Adjustments Appropriation Bill and Appropriation Bill discussions members of the public were asked if they had any contributions to submit. The Committee also initiated a platform for public input through its calls for presentations on Corporate Social Investment.

## **7. Co-operative governance**

None

## **8. International relations**

None

## **9. Financial particulars**

As part of the appropriations made to Vote 2: Provincial Parliament, in the Schedule to the Western Cape Appropriation Bill [B 2–2016], each Standing Committee was allocated an amount of R124 000 before adjustments. The Committee's budget allocation was adjusted to R70 911 at the start of 2017.

The Committee received a request to advertise vacancies and shortlist candidates for the Western Cape Cultural Commission, after its adjusted budget. Therefore, at the close of the 2016/17 Financial Year, expenditure attributed to the activities of the



Standing Committee on Cultural Affairs and Sport accumulated to an amount of R100 200 resulting in an over expenditure of R29 289.

**4. Annual Report of the Standing Committee on Finance for the 2016/17 financial year, dated 26 July 2017, as follows:**

**Members**

The Committee comprised of the following members:

Joseph, D (Chairperson) (DA)  
 Beerwinkel, CF (ANC)  
 Mngasela, M (DA)  
 Schäfer, BA (DA)  
 Uys, P (ANC)

**Alternate Members**

Hinana, NE (DA)  
 Max, LH (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 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 Provincial Treasury
- 2.2 The Western Cape Gambling and Racing Board (Entity)

**3. Overview of Committees Activities**

No of Committee Meetings	13
No of Public Hearings	3

No of Oversight Visits	1
No of Provincial Bills considered	2

#### **4. Oversight activities**

The Standing Committee on Finance convened its first Committee meeting on 13 April 2016 during which Provincial Treasury briefed the Committee on the fiduciary responsibilities of the Minister of Finance in relation to the Western Cape Gambling and Racing Board (“the Board”). The Committee received briefings by the Board, Provincial Treasury and the Minister of Finance on its progress with regards to the development and implementation of a Turn-around Strategy for the Board.

The Committee requested the Board to brief it on the findings stemming from the research undertaken on the socio-economic impact of gambling in the province. The Committee recommended that the Board should strengthen its current research by undertaking research on the correlation and causal linkages between gambling and drugs, alcohol and gangsterism.

The Board indicated that it has achieved all of its targets for the 2015/16 financial year. A total of 8 293 license applications were processed and a total of 1 161 license holder assessments were conducted. The Board deliberated on 31 disputes and assisted punters with 12 self-exclusions. The Licensing Department contributes to the Board’s goal of ensuring that the industry is free from criminal elements by conducting probity investigations on the various applicants for gambling licenses. All applications for gambling licenses are advertised in the media thereby inviting members of the public to comment and raise objections.

During engagements on the Quarterly Performance Reports of the Board the Committee was made aware of staffing challenges at the Board. The Board briefed the Committee on the appointment of its current Chief Financial Officer and the process that lead to the appointment.

The Committee conducted interviews for the appointment of members to the Board following the emergence of three vacancies. Interviews were held in February 2016 following which the Committee submitted the name of recommended candidates to the Minister of Finance.

Provincial Treasury briefed the Committee on proposed amendments to the Gambling and Racing Regulations as well as on its anticipated implications. Further briefings were held on the key risks identified in the Risk Register and practical examples were provided on how Transversal Risks were identified and managed as per the prescripts of the Department’s Risk Management Policy and Strategy.

The Committee was further briefed on the implementation of the Integrated Financial Management System (IFMS) and the Standard Charts of Accounts for Municipalities. The briefings and follow-up sessions on the IFMS included progress on migrating all provincial departments to the LOGIS system and challenges experienced as a result of delays in the national procurement processes.

The Committee engaged with Provincial Treasury and the Western Cape Gambling and Racing Board on its Annual Reports submitted in terms of the Public Finance

Management Act (Act 1 of 1999). Provincial Treasury reported that it has attained its third consecutive clean audit with the inclusion of the audit outcome of the year under review. They indicated that the 2015/16 financial year ended with an adjusted appropriation amount of R250, 377 million of which an actual amount of R240, 387 million was spent. They reported an underspending of R9, 990 million.

## **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 Adjustment Appropriations Bill [B 5–2016], Vote 3

5.1.2 Western Cape Appropriations Bill [B 1–2017], Vote 3

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

As part of the Committee's mandate to facilitate public participation as part of the legislative process, the Committee held two public hearings in consideration of Provincial Bills. To this extent the Committee advertised extensively on Bills such as the Western Cape Appropriation Bill [B 1–2017] and the Western Cape Adjustments Appropriation Bill [B 5–2016], informing and inviting interested stakeholders to participate in public hearings. In addition to the above bills the Committee also conducted public hearings on the Annual Reports of Provincial Treasury and its entity the Western Cape Gambling and Racing Board.

## **7. Financial particulars**

At the close of the 2016/17 Financial Year, expenditure attributed to the activities of the Committee amounted to a total of R141 268.00.