

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

THURSDAY, 12 OCTOBER 2017

COMMITTEE REPORTS

1. REPORT OF THE STANDING COMMITTEE ON PREMIER'S OVERSIGHT VISIT TO THE CHIEF DIRECTORATE: PEOPLE MANAGEMENT PRACTICES IN CAPE TOWN ON 27 JUNE 2017.

The Standing Committee on Premier, having undertaken an oversight visit to the Chief Directorate: People Management Practices of the Department of the Premier at the People Management Practices Boardroom, 9th floor, 4 Dorp Street, Cape Town, on 27 June 2017 reports as follows:

1. The delegation

The delegation consisted of the following Members:

D Mitchell (DA) (Chairperson and leader of the delegation),
C Dugmore (ANC),
D Gopie (ANC),
B Kivedo (DA), and
L Max, (DA)

An apology was rendered by Mr K Magaxa (ANC).

The Committee Coordinator, Ms W Achmat, accompanied the delegation.

2. Introduction

The mandate of the Standing Committee on the Premier is to exercise effective oversight over the Department of the Premier. To this end, the Committee visited the Chief Directorate: People Management Practices on 27 June 2017.

The Chief Directorate: People Management Practices falls within the ambit of the Department of the Premier. The Chief Directorate's mission is to provide effective, efficient and professional people management practices through strategic business partnerships and transactional excellence.

The purpose of the visit was to assess the services that People Management Practices offer to the officials of the WCG.

3. Overview of the visit

The Committee met with the officials from the Department of the Premier. The engagement commenced with a briefing by the Department on the processes and developments of each directorate that falls within the People Management Practices unit, and was followed by a tour of the offices.

4. Key points

- 4.1 The Chief Directorate of People Management Practices has four directorates, of which the following three directorates, namely, Recruitment and Selection, Service Benefits, and Employee Relations provide a service to 11 Western Cape Government (WCG) Departments. The fourth directorate, Policy and Planning provides services to all 13 WCG departments.
- 4.2 The Department of Health and the Western Cape Education Department has their own People Management Practices Unit which deals with the human resource matters of the officials of these two departments.
- 4.3 The Policy and Planning directorate consists of four sub-directorates, namely, People Policy, Workforce Planning, People Analytics and Employment Equity Support. People Analytics also provides a monitoring and evaluation service.
- 4.4 The Recruitment and Selection directorate consists of three sub-directorates, namely, Personnel Salary System (PERSAL) and Establishment Control, Talent Sourcing and Appointment and Compensation.
- 4.5 The Service Benefits directorate consists of three sub-directorates, namely, Leave Administration, Service Conditions and Performance Management.
- 4.6 The Employee Relations directorate consists of four sub-directorates, namely, Research and Capacity Building, Collective Bargaining, Misconduct, Disputes and Grievances and lastly Auxiliary Services. The Auxiliary Services sub-directorate consists of four divisions, namely, People Management Records, People Management Contact Centre, General Support and Internal Control.
- 4.7 The sub-directorate: Misconduct, Disputes and Grievances receive compliance and conduct investigations. All WCG departments have a set protocol on procedures when dealing with minors. This sub-directorate has a hearing room for witnesses to testify and is largely used for child witnesses in cases that are reported by the Department of Social Development.
- 4.8 People Management Practices have different platforms to assist government officials. The 11 WCG departments have a Client Relationship Unit (CRU) that is based at each department. In addition, the chief directorate has a People Management Contact Centre that responds to, and resolves human resource enquiries at first contact either telephonically, by email or walk-in clients within 24-hours. The Walk-in Centre provides face-to-face support, assistance and advice to clients.

- 4.9 The Chief Directorate: People Management Practices plans to embark on roadshows to address the queries received daily at the People Management Contact Centre and to educate all officials of the WCG on matters such as the new Housing scheme, pension Fund, medical aid, etc.

5. Resolutions/Actions

- 5.1 The Committee REQUESTED that the Department of the Premier provide the Committee with the following by 9 October 2017:
- 5.1.1 A detailed breakdown of the amount and nature of all grievances lodged with the Human Resource Unit, starting from March 2015 to date. In addition, this report should include the outcomes and status of each case.
- 5.1.2 A copy of the organogram for the People Management Practices Chief Directorate, including all vacant posts.
- 5.1.3 A copy of the list of cases dealt with by the Labour Relations Unit, specifically where government officials were alleged to have transgressed against minors.

6. Acknowledgements

The Chairperson thanked the officials of People Management Practices for availing themselves to address the Committee.

2. Report of the Standing Committee on Economic Opportunities, Tourism and Agriculture on the Plant Improvement Bill [B 8B–2015] (NCOP) (S76), dated 27 September 2017.

(Negotiating mandate stage) The Standing Committee on Economic Opportunities, Tourism and Agriculture, having considered the subject of the *Plant Improvement Bill* [B 8B–2015](NCOP) (S76) referred to it in terms of Standing Rule 220, and having considered the extensive submissions from its Public Hearings, reports as follows:

This Rule confers on the Western Cape’s delegation in the NCOP the authority not to support the Bill for the following reasons:

1. The definition of “Sell”:

The definition of “sell” in the proposed Bill now includes the notion of “*to exchange or to otherwise dispose of to any person in any manner*”. This is problematic in that it not only effectively eliminates a long established practice amongst smallholder farmers to exchange seed varieties, but also criminalises small farmers’ practice of exchange, as provided for in clause 59(g).

Part (b) of the proposed definition for “sell” should be removed in its entirety.

2. The National Plant Varietal List:

In respect of the National Plant Varietal List, it is observed that stringent tests and trials of varieties will have to be done in order for new varieties to be registered on the National Plant Varietal List. However, it is submitted that in view of these stringent

technical processes, this may discourage or exclude smallholder farmers who may wish to register their own varieties but are unable to do so due to lack of resources, finances and expertise. Refer to clauses 27 and 35.

The Committee supports the proposal of a secondary provincial/local varietal list that will enable small-scale and emerging farmers to exchange seeds.

3. Import and export of seeds:

The Bill asserts that the import and export of a variety is only permitted if the importer has a registered business, if the variety appears on the National Variety List, or if the variety appears on the Southern African Development Community (SADC) regional varietal list. However, it is implied that if a person does not have a business, she/he may obtain authorisation from the Registrar to import a variety. This, in turn, introduces yet another bureaucratic process especially in respect of informal cross-border exchanges within the same agricultural zones, such as Mozambique and Zimbabwe.

4. National Food Security:

It is observed that multinational seed companies dominate the South African seed industry. This implies that South Africa's food security is in the hands of these multinational corporations, which risks South Africa's food and nutritional security. It is further observed that South Africa's economic partners within the BRICS community (i.e. India and Russia) have actively taken steps to protect the sovereignty of their seed supplies in the interest of national security. Therefore, it is submitted that the Bill may compromise the constitutional right to food and nutritional security.

Refer to Section 27 of the Constitution, 1996.

5. Farmer-based seed experimentation:

The Bill does not recognise farmers' ongoing seed reproduction practices, nor does it recognise the role of farmers in maintaining and promoting seed diversity. Farmer-based experimentation, maintenance and reproduction of seed, as well as farmer-to-farmer exchange, are core activities that ensure agricultural biodiversity and adaptation of varieties to local conditions (including drought and climate change). The *Plant Improvement Bill* not only fails to make provision for the protection and promotion of these activities, but may also serve as an attempt to criminalise these activities by including any kind of seed exchange in the ambit of the law, and thus imposing inflexible requirements onto smallholder farmers and informal traders. This, it is submitted, will lead South Africa down the path of eliminating smallholder production of diverse products.

6. The lack of clear definitions for "commercial", "non-commercial" and "business":

Clarity is needed for the above terms in the Bill in order to unambiguously exempt smallholder farmers and their seed systems from the ambit of the Bill and to ensure that such farmers are able to freely cultivate, distribute, exchange, propagate and trade in all seed under their control and in their seed systems.

7. Conflict with health targets as adopted at the United Nations Summit on Sustainable Development:

The Bill does not assist in creating an environment for small-scale farmers' input to help meet the Sustainable Development Goals health targets adopted at the United Nations Summit on Sustainable Development in September 2015. The government needs to look at all possible ways to address the root causes of rising non-communicable diseases in South Africa, malnutrition and food insecurity, while supporting small-scale and subsistence farmers. The United Nations has often called for agro-ecology as the best system for smallholder farmers.

Given the above reasons for not supporting the Bill, the Committee RECOMMENDS that:

- (a) The entire contents of the proposed *Plant Improvement Bill* should be revised; and/or
- (a) There should be separate legislation that speaks to and addresses the concerns and interests of "informal", small-scale, and part-time farmers.

3. **REPORT OF THE STANDING COMMITTEE ON COMMUNITY SAFETY ON AN OVERSIGHT VISIT TO THE SOUTH AFRICAN POLICE SERVICE'S WESTERN CAPE FORENSIC SCIENCE LABORATORY, IN PLATTEKLOOF, CONDUCTED ON 16 AUGUST 2017.**

The Standing Committee on Community Safety, having conducted an oversight visit to the South African Police Service's Western Cape Forensic Science Laboratory, in Platteklouf, on 16 August 2017, reports as follows:

The Delegation

The delegation of the Standing Committee on Community Safety included the following Members:

Wenger MM (DA) (Chairperson and leader of the delegation)
 Christians FC (ACDP)
 Mitchell DG (DA)

The following parliamentary official accompanied the delegation:

Mr W Matthews, Committee Co-ordinator

Apology

An apology was rendered on behalf of Mr BD Kivedo (DA).

Background

The Forensic Science Laboratory (FSL), based in the Western Cape, provides technologically advanced services in the area of forensic science, particularly in the analysis of physical evidence from crime scenes. The Committee resolved to visit the FSL to better understand the facility's challenges and successes given the significant role that the FSL has in criminal cases from crime scene management to the final analysis and presentation of evidence to be used in the judicial stages. The FSL provides ballistics analysis, scientific analysis and forensic drug analysis.

1. Introduction

The Committee was welcomed by Maj Gen EK Ngokha, the Acting Divisional Commissioner for Forensic Services, and Brig JD Meintjies, Regional Head of the Western Cape FSL.

Hon MM Wenger provided a brief introduction on behalf of the Committee, as well as the reason for the visit.

Maj Gen Ngokha and Brig Meintjies provided brief overviews after which Brig JH Smith, of the Forensic: DNA services, presented to the Committee.

2. Key points from the presentation

According to Brig Smith the Western Cape FSL is lauded as one of the top forensic science laboratories internationally. The presentation focused on the following items:

- (i) The organisational structure of the Forensic Services Division, specifically in the Western Cape;
- (ii) The FSL's disciplines and related functions;
- (iii) The FSL's performance;
- (iv) The FSL's backlog;
- (v) Criminal Record Centre (CRC) and Crime Scene Management (CSM); and
- (vi) The budget allocation and challenges for the 2015 to 2019 Medium Term Expenditure Framework (MTEF).

In terms of the organisational structure, the Forensic Services Division resides within SAPS' Programme 3: Detective Services. This Division is structured into Criminal Records and Crime Scene Management (CRC), Forensic Science Laboratory and Quality Management. As at 30 June 2017, the personnel establishment was registered at 7 836, nationally. Brig Smith reported that the national fixed establishment for this Division is 8 194 with an ideal establishment of 10 682 personnel. The actual staff establishment at the FSL in the Western Cape is 495. The Forensic Science and Quality Management components reside within the regional structure of the FSL, and is headed by Brig Meintjies. The CRC is part of a national structure.

In terms of the disciplines and related functions, the FSL in the Western Cape is one of four FSLs in the country. The other FSLs are based in Pretoria, Port Elizabeth and Kwazulu-Natal which has two facilities located Amanzimtoti and Prospecton. Each facility is equipped with varying functions and the Western Cape FSL is similar to the main facility in Pretoria. A new facility has been earmarked for construction, however there has been no progress in its development since 2015. The Environmental Impact Assessment has been carried out at the identified site.

The FSL's functions include forensic ballistics, forensic biology, forensic chemistry, material analysis, forensic examination of documents as well as the use of the victim identification centre. Brig Smith emphasised the careful use of designed evidence collection kits, evidence sealing bags, training on evidence collection and a track-and-trace system to log the chain of custody of evidence, and that the integrity of the forensic analysis process is maintained. He also explained the case flow process. He added that the Department of Health's Forensic Chemistry Laboratory performs tests on blood alcohol sample and toxicology tests in tissue and body fluids.

Brig Smith presented on the FSL's performance. In terms of the annual production rate, the FSL received cases for analysis and completed these analyses, between the 2010/11 and 2016/17 financial years, as follows:

Cases Received/ Cases Finalised

2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
R 260 826	320 729	382 219	308 342	299 995	356 426	724 854
F 318 665	323 388	381 299	318 286	299 744	320 961	697 730

*R indicates cases received and F indicates cases finalised

From the above statistics, it is evident that the number of cases received in 2010/11 increased significantly by 2016/17. Despite a 178% increase in the volume of case entries in 2016/17 compared to the 2015/16 financial year, the completion rate in 2016/17 was 96.2%. The average period to complete cases is 28 days for routine cases and 63 days for non-routine cases. The latter refers to cases that require more time for analysis. The staff contingent has expanded by 26.5 between 2010/11 and 2016/17, however, the case entry work load has resulted in an increase of hours logged for overtime. The overtime budget does not cover the expenses for extended working hours, and rerouted project funding is being used to remunerate staff for overtime.

According to Brig Smith, there is a backlog of 3.8%, or 2 849 of 74 895 cases, for the first quarter of 2017/18. Comparatively, the backlog in the first quarter of 2016/17 was 8 978 cases. He also presented on the CRC and CSM. The Western Cape has 11 of the country's 91 Local Criminal Record Centres (LCRCs) and 10 of the 51 Service Points. The ratio of police stations to LCRCs is 1:14, compared to the national ratio of 1:12. Processing requests and generating previous conviction reports for court purposes has to be completed within 15 calendar days. This period has been significantly reduced from an initial 30 day period, to a 20 day period, to its current stipulation.

In terms of CSM, the response times to crimes scenes have improved from 69.9% in 2010/11 to 97.9% in 2016/17. Brig Smith stated that there is a need to improve capacity for CSM regarding the addition of more personnel, technology and other relevant resources at crime scenes.

Brig Smith reported that there is an insufficient baseline (operational) budget allocation to sustain interventions. Most of the recurring costs are taken from the Criminal Justice System (CJS) funding. The amount is approximately R400 000. This insufficient funding potentially affects maintenance and servicing costs of the critical laboratory equipment, which risks adverse impact on the analysis of evidence. The implementation of the Criminal Law (Forensic

Procedures) Amendment Act (Act 37 of 2013) has resulted in the significant increase in the number of exhibits collected and submitted for forensic examinations. An example of where this increase has had impact is on the number of registered cases for Forensic Biology. Cases increased from 58 375 in 2015/16 to 505 257 in 2016/17. The finalised cases increased from 48 349 to 475 486 in the same period. This translates to a total increase of 865% in the workload whilst the staff establishment grew by 4.4%, for this area of forensics.

The key challenges therefore include, significant increases in registered cases submitted for forensic analysis, the unsustainable redirecting of funding used for overtime expenditure, a need for a larger staff establishment especially since employee burnout is more evident due to the stark case load increase in the number of registered cases. One of the key factors that lead to increased cases is the need to analyse evidence in drug related cases. Brig Smith reported that a large percentage of drug analysis cases include cases where the evidence collected is less than 1mg. The impact of the effort in the overall criminal justice system is minimal because more completed forensic cases do not necessarily equate to success in combatting the drug trade industry. These smaller cases cover 89.4% of all the cases where such material analysis is required, however, these smaller cases account for only 1.3% of all the drug related cases submitted for forensics.

Tour of facilities

Prior to the Committee doing a walk-through of some units of the FSL, the delegation was required to be swabbed for DNA, and entered into the national DNA database in order to comply with the access rules regulating the facility. These units visited included the ballistics section as well as the various units where material analysis is conducted.

3. Vote of thanks

Hon Christians gave the vote of thanks on behalf of the Committee and thanked Maj Gen Ngokha and his team for accommodating the Committee's visit.