



# Wes-Kaapse Provinsiale Parlement Western Cape Provincial Parliament IPalamente yePhondo leNtshona Koloni

Ref Number: 11/4/4

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Annual Committee Report of the Standing Committee on the Premier and Constitutional Matters for the 2021/22 financial year, as follows:

The Committee comprises of the following members:

## **Democratic Alliance**

Allen, RI

Botha, L (Chairperson from 23 February 2022)

Mackenzie, RD (Chairperson up until 22 February 2022)

Maseko, LM (from 23 February 2022)

Philander, WF (until 22 February 2022)

## **African National Congress**

Dugmore, CM

## **Economic Freedom Fighters**

Xego, M

## **Alternate members**

Baartman, DM (DA)

Lekker, PZ (ANC)

Makamba-Botya, N (EFF)

Maseko, LM (DA) (until 22 February 2022)

Mitchell, DG (DA) (until 31 October 2021)

Philander, WF (from 23 February 2022)

Plato, D (from 23 February 2022)

Van der Westhuizen, AP (from 23 February 2022)

Wenger, M

## **1. Introduction**

The mandate of the Committee was to:

- 1.1 Maintain oversight over the executive member and the Department concerning the way in which they perform their responsibilities, including the implementation of legislation, and to hold them accountable.
- 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:

- 1.2.1 Facilitated public participation and involvement in the legislative and other processes of the Committee.
- 1.2.2 Conducted its business in a fair, open and transparent manner.
- 1.2.3 Promoted cooperative governance.
- 1.2.4 Reported regularly to the House.

## **2. Reporting department and entities**

2.1 Department of the Premier

## **3. Overview of Committee's activities**

Number of Committee Meetings	12 (this includes public hearings)
Number of Public Hearings	7
Number of International Study Tours	0
Number of Oversight Visits	1
Number of Provincial Bills considered	3
Number of NCOP Bills considered	0
Workshops/conferences attended	0
Cluster A Visit Week participation	1

## **4. Key activities**

The Committee resolved to host four public hearings in May in the Mossel Bay, George, Saldanha and Cape Town area on the Constitution of the Western Cape First Amendment Bill [B 1–2021]. At the last public hearing in Cape Town, the Committee resolved to host three additional public hearings in the Cape Winelands area. In June, the Committee met to discuss the way forward on the Constitution of the Western Cape First Amendment Bill [B 1–2021].

The Committee requested a briefing by the Department of the Premier and the Commissioner for Children on the operations and the progress made in the setting up of the office of the Commissioner in the Western Cape in September 2021. The Committee also received a briefing from the Department of the Premier on the 2021/22 first Quarter Performance (financial and non-financial) the following week. At this meeting the Chairperson informed the Members that the Draft Constitution Eighteenth Amendment Bill was referred to the Standing Committee on Premier and Constitutional Matters, on Thursday, 2 September 2021, calling for comments by Friday, 3 September 2021. The Chairperson informed the Members that a letter requesting an extension for the Western Cape Province to submit comments on the Draft Bill was forwarded to the Chairperson of the Ad hoc Committee to initiate and introduce amending section 25 of the Constitution. The Chairperson further informed the Committee that the request was not granted due to the Chairperson of the Ad Hoc Committee responding that National Parliament had to finalise its report as per the timeframes set out by them. The Chairperson mentioned that he raised his displeasure relating to the truncated timelines and that the Committee would make its inputs during the law-making process, once the Bill is formally introduced to the Western Cape Legislature.

In November 2021, the Committee deliberated and held a public hearing on the 2020/21 Annual Report for the Department of the Premier. The Committee considered and adopted this report on 24 November 2020. At this meeting, the Department of Home Affairs also briefed the Committee on

matters relating to systems, operational hours, staffing and any other related matters at the Home Affairs offices in the Western Cape.

Closing off the calendar year, the Committee deliberated and held one public hearing on the Western Cape Adjustments Appropriation Bill [B 6–2021].

Due to the change of membership, in February 2022 as per ATC 18-2022, of the Standing Committee on the Premier and Constitutional Matters, the Committee met to elect a Chairperson. Ms Botha was unanimously elected as Chairperson.

The Committee (as part of the broader Cluster A Visit Week) embarked on a Provincial Visit Week to the West Coast area from 8 to 11 February 2022 to undertake oversight visits to different institutions and interact with communities and in order to assess the needs and challenges they may experience. The Committee joined the Social Cluster that consists of the Standing Committee on Education; the Standing Committee on Social Development; the Standing Committee on Health and the Standing Committee on Community Safety, Cultural Affairs and Sport.

In March 2022, the Committee held a public hearing on the Western Cape Appropriation Bill [B 2–2022].

## **5. Legislation**

In the 2021/22 financial year, the Committee dealt with the following legislation:

### **5.1 Provincial Bills**

- 5.1.1 The Western Cape First Amendment Bill [B 1–2021];
- 5.1.2 Vote 1: Premier in the Schedule to the Western Cape Adjustments Appropriation Bill [B 6–2021]; and
- 5.1.3 Vote 1: Premier in the Schedule to the Western Cape Appropriation Bill [B 2–2022]

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

- 5.2.1 No NCOP bills were referred to the Committee.

## **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 seven public hearings. Two in considering Provincial Money Bills, four hearings on the Constitution of the Western Cape First Amendment Bill [B 1–2021] and one considering the 2020/21 Annual Report for the Department of the Premier.

## **7. Financial particulars**

The Committee's original budget was R68 531.00. The actual expenditure for the 2021/21 financial year was R244 934.00 against an adjusted budget allocation of R214 467.00 resulting in an over expenditure of R30 467.00.



**MR L BOTHA, MPP**

**CHAIRPERSON: STANDING COMMITTEE ON THE PREMIER AND CONSTITUTIONAL MATTERS  
DATE: 3 JUNE 2022**