

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

THURSDAY, 19 JANUARY 2023

ANNOUNCEMENT

The Speaker:

1. W F Kaizer- Philander has been appointed as Chief Whip of the Majority Party (Democratic Alliance) with effect from 13 January 2023.
2. **Referral of document to committee in terms of section 54(1) and (2) of the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act 10 of 2009), as amended: Parliamentary Oversight Committee Western Cape Provincial Parliament – In-year Monitoring Report as at 31 December 2022.**

TABLING

The Speaker:

Tabling of document in terms of section 54(1) and (2) of the Financial Management of Parliament and Provincial Legislatures Act, 2009 (Act 10 of 2009), as amended:

Western Cape Provincial Parliament – In-year Monitoring Report as at 31 December 2022.

Copies attached.

COMMITTEE REPORTS

1. Report of the Standing Committee on Community Safety, Cultural Affairs and Sport on its oversight visit to the Cape Town Central Library and the Nelson Mandela Legacy Exhibition at City Hall on 2 August 2022

The Standing Committee on Community Safety, Cultural Affairs and Sport having conducted an oversight visit to the Cape Town Central Library and the Nelson Mandela Legacy Exhibition at City Hall on 2 August 2022, reports as follows:

The delegation

The delegation of the Standing Committee on Community Safety, Cultural Affairs and Sport included the following Members:

Democratic Alliance
 Bosman, G (Chairperson)
 Baartman, DM
 Plato, D

African National Congress
 Windvogel, R

1. Background

The Standing Committee on Community Safety, Cultural Affairs and Sport conducted an oversight visit to the Cape Town Central Library, as well as the American Corner located within the Library premises. The Library is generally a hub of activity due to its location in the central business district and its membership ranges from school learners from neighbouring schools, tertiary education students, as well as both avid and casual library users. Ms R Hendricks, Chief Librarian, led the guided tour.

The American Corner is situated inside the Library. Although it is independent, there are several engagements with the Library. The United States of America Consulate in Cape Town funds the Corner, which is a space for innovation and business skills development. The guided tour was led by the Director, Mr M Klink.

The Nelson Mandela Legacy Exhibition commemorates the life of the late former President, Mr Nelson Mandela. The Exhibition details key moments of his life as well as vital periods of the apartheid struggle, and South Africa's transition into a democratic country. Mr M Smith, Assistant Heritage Education Officer, welcomed the Committee and led the guided tour.

2. Salient points that emanated from the visit to the Library

- 2.1. The Library collection also includes a special section for undergraduate students as well as for Technical; and Vocational Education and Training (TVET) students. This collection includes loan study guides.
- 2.2. During the national lockdown periods, there were concerns regarding the return of books. The restrictions imposed, spanning from transport to venue capacity, were the main factors to users not being able to return items.

- 2.3. User attendance is steadily progressing after the gradual easing up of national lockdown restrictions. The Library averaged 40 000 walk-in users monthly prior to the COVID-19 lockdown periods, and there are approximately 6 000 to 7 000 monthly walk-in users.
- 2.4. The Library does not receive any additional funding or donations from publishing houses. However, the Carnegie Corporation from New York, had previously made a sizeable donation that allowed for the procurement of a number of items of the music genre.
- 2.5. There are plans to extend the music library section, which already has a large collection of music DVDs (both series and popular music), music sheets and CDs. Despite the current sizable collection, efforts to source more items from abroad is a challenge.
- 2.6. The computer laboratory is funded via the City of Cape Town's SmartCape programme. There are roughly 64 computers. However, on average, 25 to 30 are operational. Some of the computers are reportedly older than 15 years.
- 2.7. These computers are allocated for once-off 45-minute sessions. However, extensions are allowed on request.
- 2.8. The Wi-Fi allocation per user is 500 mb per month, although there are also daily 50 mb tokens.
- 2.9. The Library also avails printing services as well as the use of discussion rooms.
- 2.10. Unofficial computer literacy classes are offered to empower those needing to learn the basic computer literacy skills.

3. Salient points that emanated from the visit to the American Corner

- 3.1 The Corner serves as a developmental space for arts and culture, alumni activities, conversations on human rights and dignity, enterprise and entrepreneurship skills.
- 3.2 The Corner serves as an apolitical and religiously neutral space.
- 3.3 The Corner also develops business minded cadets. Prior to the national lockdown periods, the Corner offered barista training.
- 3.4 Coding training, the free use of a laptop, the free use of an audio recording booth, a 3D printer and green screen for filming projects, are some other exciting services provided at the innovative hub.
- 3.5 The facilities are free for workshops and seminars providing that the content of these engagements is centred on developmental matters, and that the activities are offered for free.
- 3.6 During the period of May to July 2022, the Corner had a total of 4 504 visitors, 232 events and 75 virtual events or programmes.

4. Nelson Mandela Legacy Exhibition, City Hall

Mr Smith led the guided tour through the small, but impactful exhibition. Some of the key items included a timeline of Mandela's early life, the 1940s and 1950s in Cape Town, the events leading to his imprisonment, as well as the time of his incarceration, the negotiations that led to his release and the key moments of the democratic transition. The Exhibition is a popular attraction for not only tourists but also school visits. The informal walk-through culminated at the bronze statue on the City Hall balcony overlooking the Grand Parade where Mandela delivered his famous speech after his release from prison.

2. Report of the Standing Committee on Community Safety, Cultural Affairs and Sport on the annual reports of the Department of Cultural Affairs and Sport, Heritage Western Cape, the Western Cape Language Committee, and the Western Cape Cultural Commission for the 2021/22 financial year

The Standing Committee on Community Safety, Cultural Affairs and Sport having deliberated on the annual reports of the Department of Cultural Affairs and Sport, the Heritage Western Cape, the Western Cape Language Committee, and the Western Cape Cultural Commission, for the year ended 31 March 2022, reports as follows:

Introduction

The Western Cape Provincial Parliament's annual report programme for the 2021/22 financial year was advertised in newspapers inviting stakeholders and members of the public to attend and participate in the discussions. The Committee deliberated on the annual reports of the Department of Cultural Affairs and Sport (the Department), Heritage Western Cape (HWC), the Western Cape Language Committee (WCLC) and the Western Cape Cultural Commission (WCCC) on 27 October 2022 as part of its oversight function. The Minister and the Head of Department were given an opportunity to make opening remarks. Likewise, the chairpersons of the three entities were also given the opportunity make opening remarks.

The Department and its entities were examined on:

Part A: General Information,

Part B: Departmental Performance Information; and

Part D: Human Resources Management of the Department's Annual Report.

Members of the public were also given an opportunity to pose questions and to make input during the discussions. The public input is recorded in this report.

1. Western Cape Language Committee

Key points from the discussion

- 1.1. The WCLC established its own task team to draft and submit its recommendations on the University of Stellenbosch Second Draft Language Policy.
- 1.2. The WCLC, together with the Department, conducted research evaluating the implementation of the Western Cape Language Policy. The Pan South African Language Board (PanSALB), as well as other stakeholders, also collaborated on this research project.
- 1.3. In addition to promoting the provincial languages, and its histories, and Sign Language, the WCLC focused on the promotion and teaching of indigenous languages. These initiatives include a Xhosa spelling competition, as well as establishing a partnership with the University of Cape Town to teach Khoekhoegowab. In order to revive the language, the method is to first promote learning the language and then move towards language use.
- 1.4. The Department reported that part of the language promotion initiatives includes having published Xhosa versions of sports rule books. The sporting codes covered to date include chess, netball and cricket. Translated rule books for boxing and cycling are expected to be published within the next months.

2. Western Cape Cultural Commission

Key points from the discussion

- 2.1. The new WCCC Board commenced its term of office in March 2022. The Board has a diverse representation with six of its members resident in rural areas of the province.
- 2.2. The WCCC funded seven registered Cultural Councils for events. The purpose of these events ranged from transferring traditions to building an identity and cultural pride amongst especially the youth.
- 2.3. Each of these seven Cultural Councils applied for funding and received R30 000.
- 2.4. Two facilities, the Koekenaap and Groot Drakenstein cultural centres, required expensive repair work. The Koekenaap centre was burgled and vandalised. The Department of Community Safety assessed the facility and recommended that the dilapidated perimeter fence be replaced. The estimated cost to repair and/or replace is R2,4 million.

3. Heritage Western Cape

Key points from the discussion

- 3.1. The Department has increased the number of staff allocated to provide administrative support to the HWC. This increase of staffing capacity assists with the volume of applications that the HWC receives. The Department appointed eight additional heritage officers.
- 3.2. The HWC expects increased site inspections due to the additional staffing support.
- 3.3. The Department provided a summary of the court rulings involving the HWC.
- 3.4. The online application format has eased the submission and processing mechanisms.
- 3.5. The HWC needs a database management platform. The HWC started negotiations with the South African Heritage Resource Agency (SAHRA) to migrate to the South African Heritage Resource Information System (SAHRIS).

4. Public input

The Chairperson afforded the members of public in attendance to provide oral submissions on the discussions about the entities' annual reports. Mr M Roman and Mr M Arendse both provided input regarding the recognition of struggle stalwarts from various political parties, at heritage sites. The Department duly responded to the public input.

5. Department of Cultural Affairs and Sport

Key points from the discussion

- 5.1. The Department provided an update on the upgrades to the Netball World Cup 2023 facilities. At the time of reporting, 48 netball courts were earmarked for construction and/or upgraded. The cost was R8,5 million.

- 5.2. The Department seconded five officials to assist at the Local Organising Committee offices, for two and a half days per week, in preparation for the Netball World Cup 2023.
- 5.3. To encourage spectator participation and interest in the Netball World Cup 2023, fan parks will be used, with the Department funding at least one such venue per district. Municipalities will also have their own fan parks.
- 5.4. The Department received R5,7 million for transfer payments, which was allocated to support organisations actively involved with the promotion, development and preservation of arts and culture. Funding was also disbursed to support the GIG economy which was greatly impacted by COVID-19 and the restrictions placed on public gatherings. The Department supported artists via the GIG Economy funding to the value of R1,8 million.
- 5.5. The Department reported that it provided at least 719 employment opportunities for the YearBeyond programme participants.
- 5.6. There are 43 libraries not yet strengthened with internet connectivity. These libraries are mostly based in rural areas.
- 5.7. Funding libraries in the metropolitan region is a challenge.
- 5.8. The Department allocated municipal conditional grants to repair, maintain, construct and/or upgrade municipal sports facilities.

6. Public input

The Chairperson afforded the members of public in attendance to provide oral submissions on the discussions about the entities' annual reports. Mr M Arendse questioned intergovernmental synergies regarding the National Khoi and San Heritage Route as well as the Liberation Route sites. The Department duly responded to the public input.

7. Requests for information

The Committee requested the Western Cape Language Committee to submit:

- 7.1. The number of students registered in the Khoekhoegowab course at the University of Cape Town.
- 7.2. The number of participants in the Xhosa spelling competition, per category. That is the number of school learners, the grades and school of representation, and/or the university of representation and/or the organisations represented.

The Committee requested the Heritage Western Cape to submit:

- 7.3. A copy of the summary on court rulings on the HWC for 2021/22 that was presented at the annual report discussion.

The Committee requested the Department of Cultural Affairs and Sport to submit:

- 7.4. A detailed update on the Netball World Cup 2023 legacy infrastructure upgrades (netball courts and related facilities), the municipalities wherein these courts are located, the for construction and functionality. Additionally, the associated costs and appointed service providers, where applicable, should be included in this submission.

- 7.5. The number of artists supported via the GIG Economy, and where feasible, the amounts per artist, and the events at which they performed.
 - 7.6. A list of the sites where YearBeyond participants have been employed, as well as a list of the 719 job opportunities created.
 - 7.7. The number of job opportunities created for the 2021/22 financial year across the Department.
 - 7.8. A list of the 43 libraries not equipped with Western Cape Government funded internet connectivity, as well as time frames to empower these libraries with internet connectivity.
 - 7.9. Details of the municipal conditional grants for sport infrastructure according to the following criteria: (a) the municipalities that were assisted to apply for these grants, (b) the amount received per municipality, and (c) the details of sports facilities that were upgraded for each year since the sixth administration to date.
 - 7.10. A written plan to address the reconstruction and/or repair of dilapidated sport infrastructure.
 - 7.11. A briefing on the Department's Western Cape Government's youth development strategy focusing on how the Department responds to social ills like substance abuse, drugs and gangsterism, as well as the number of youths reached through this programme. Linking this to the implementation of the Safety Plan.
 - 7.12. A feasibility study on having a youth directorate based in the Department with its own chief director and other components. The reason for this request is to establish the impact of having a centralised governmental youth programme, rather than via a transversal programme across the Western Cape Government.
 - 7.13. A list of the safety ambassadors for whom the Department created employment opportunities.
 - 7.14. Details of engagements with local government regarding the implementation of the Traditional and Khoi-San Leadership Act, 2019 (Act 3 of 2019).
- 3. Report of the Standing Committee on Community Safety, Cultural Affairs and Sport on the annual reports of the Department of Community Safety and the Western Cape Liquor Authority for the 2021/22 financial year**

The Standing Committee on Community Safety, Cultural Affairs and Sport having deliberated on the annual reports of the Department of Community Safety, and the Western Cape Liquor Authority, for the year ended 31 March 2022, reports as follows:

Introduction

The Western Cape Provincial Parliament's annual report programme for the 2021/22 financial year was advertised in newspapers inviting stakeholders and members of the public to attend and participate in the discussions. The Committee deliberated on the annual reports of the Department of Community Safety (the Department) and the Western Cape Liquor Authority (WCLA) on 28 October 2022 as part of its oversight function. The Minister and the Head of Department were given an opportunity to make opening remarks. Likewise, the Chief Executive Officer and the WCLA's Governing Board's Chairperson were afforded the same opportunity.

The Department and its entities were examined on:

Part A: General Information,

Part B: Departmental Performance Information; and

Part D: Human Resources Management of the Department's Annual Report.

Members of the public were also given an opportunity to pose questions and to make input during the discussions. The public input is recorded in this report.

1. Western Cape Liquor Authority

Key points from the discussion

- 1.1. This year marks 10 years since the establishment of the Western Cape Liquor Authority.
- 1.2. The Department is in process of drafting instructions and guidelines regarding the minimum unit pricing for alcoholic items and the trading hours for legal liquor outlets.
- 1.3. A total of 116 liquor licensees did not have their liquor licences automatically renewed. The WCLA started implementing section 64 of the Western Cape Liquor Act of 2008 (Liquor Act). This legislative provision allows for the non-automatic renewal of liquor licenses, thus requiring persons/businesses to resubmit applications for liquor licences.
- 1.4. Additional junior liquor inspectors have been appointed and deployed to various Area Based Teams (ABTs). In many ways, the extra capacitation, and the implementation of section 64 of the Liquor Act, has a symbiotic effect.
- 1.5. The WCLA also reported improved revenue collection due to better renewals management and fee increases. The revenue has been re-invested into the WCLA to further enhance its self-sustainability.
- 1.6. The WCLA had an over collection of R4,4 million, which Provincial Treasury returned for reinvestment into the WCLA. This year the over collection stand at R6,8 million.
- 1.7. There are no reward incentives for whistleblowing to report illegal liquor trade.

2. Department of Community Safety

Key points from the discussion

- 2.1. The deployment of Law Enforcement Advancement Plan (LEAP) officers to the 13 priority areas, including the 10 areas with the highest murder rate, is seen as a direct strategy to compensate for the under resourcing of South African Police Service members.
- 2.2. The Department is negotiating with the City of Cape Town to include amendments to the Western Cape Community Safety Act, 2013 (Act 13 of 2013), that allow the Western Cape Police Ombudsman to investigate complaints about members of the various municipal policing and law enforcement structures. Any consensus and agreeance to the extension of the WCPO's investigative powers will be subject to the pending legal opinion sought by the Department and the City.
- 2.3. The Department's engagement with the SAPS has seen an increase in the 2022 December deployment of additional SAPS members to the province.
- 2.4. The Department aims to increase the roll out of K9 units. The units are used to further enhance the effects of municipal policing.
- 2.5. The funding allocation for the Youth Safety Ambassador programme was only funded until 31 March 2022.

- 2.6. The 150 investigators employed work within the City of Cape Town's Safety and Security Directorate. The investigators work across the different structures within the Directorate such as the LEAP, the Strategic Information Management Services (SIMS), and the Cape Town Metropolitan Police Department.
- 2.7. Chrysalis graduates have been deployed to the Community Service Centres (CSCs) at various SAPS stations, largely assisting with administrative tasks. This support significantly assists the SAPS to deploy its members to more operational policing duties.
- 2.8. The Department has submitted its recommendations to Provincial Treasury to rollout the Chrysalis Academy structure to other areas of the Western Cape.
- 2.9. Counterparts from other provincial departments has consulted the Court Watching Brief Unit on how to replicate and rollout the Court Watching Brief programme in those provinces.
- 2.10. The Department indicated that it is not able to fund insurance and/or life cover for Neighbourhood Watches (NHWs). The reasons include the high cost to cover thousands of NHW members as well as several legal restrictions to fund such cover for individuals. The Department also does not subsidise any funeral cover or a standard danger allowance to NHW members.
- 2.11. The Department paid R200 000 in legal fees, following a wrongful arrest conducted by a LEAP officer.

3. Public input on the annual reports of the WCLA and the Department of Community Safety

Mr D Carelse gave an oral submission on matters related to the concerns that trading of second-hand goods at scrap yards promote crime. He suggested that the City of Cape Town should issue second-hand goods permits to scrap yards to clamp down on illegal scrap yards in order to fight related crime. He raised a concern that there was no copper mine in the Western Cape, but copper is exported from the Western Cape. He requested the legislation to reclassify copper as a precious metal that requires more stringent requirements to obtain a second-hand goods trading permit.

Ms NV Mbombo questioned the issuing of liquor licenses, especially in informal settlements. She reported that there was a challenge of illegal shebeens that are selling alcohol in Atlantis. Due to these illicit shebeens, crime has increased in the area and there was a high murder rate in Atlantis. She requested that police must close shebeens at 22:00 for safety reasons. She asked for provisions made for neighbourhood watches regarding benefits and compensation. She further highlighted that some of the neighbourhood watch members in Atlantis were shot at and are now disabled, their cases were not resolved, and why and what happened to those cases because they were supposed to be prioritised.

4. Requests for information

The Committee requested that the Department of Community Safety submits:

- 4.1. The legal opinion drafted on the extent of the Department's oversight over, the funding of, municipal policing and law enforcement structures, particularly the LEAP.

- 4.2. Request the Department of the Premier to submit a detailed report of the outcomes of the internal investigations of departmental officials linked to the sexual harassment case of the previous Minister of Community Safety, Mr A Fritz.
- 4.3. A breakdown of all the training offered to Chrysalis learners for the 2021/22 financial year.
- 4.4. A copy of the research study that was conducted as part of the national customised sector indicator on research as determined by the Civilian Secretariat for Police Service (CSPS). In particular, the Western Cape findings that were incorporated into the national consolidated report compiled by the CSPS.
- 4.5. The expected timelines to amend the Western Cape Community Safety Act, 2013 (Act 3 of 2013).
- 4.6. An explanation of the Department's considerations to provide funeral cover and/or standard danger allowance to registered NHW members. In addition to this, submit the Department's plans to increase the funding to NHWs in vulnerable and impoverished areas.
- 4.7. Details of the case of wrongful arrest of the LEAP officer for whom the Department paid R200 000, to cover legal proceedings. The information should include the Crime Administration Service (CAS) number, the role of the Western Cape Police Ombudsman in the investigation, if any.
- 4.8. An indication of the Department's Employment Equity targets and the plans to employ, especially African women to in management positions, and differently abled persons.
- 4.9. A list of the grievances lodged during the 2021/22 financial year. The details of the grievances lodged should be included in the submission.
- 4.10. A narrative on the impact of the Court Watching Brief in respect of the court cases that would have been lost were it not for the monitoring and reporting role of the CWB Unit.

5. Resolutions

The Committee resolved to:

- 5.1. Request quarterly and annual reports from the City of Cape Town's Safety and Security Directorate on its implementation of the Law Enforcement Advancement Plan (LEAP), which forms part of the Western Cape Safety Plan.
- 5.2. Request the WCPP Research Unit to conduct research on the issuing of permits to scrap yards under the Precious Metal Act, 2005 (Act 37 of 2005), benchmark this process to international best practices, and whether or not there is a manner to reclassify copper as a highly regulated metal.
- 5.3. Request the Western Cape Police Ombudsman to brief the Committee on all open investigation cases, and the reasons as to why certain cases are not addressed.
- 5.4. Congratulates the Department of Community Safety for reaching 90% of its targets, as well as for achieving a clean audit for the 2021/22 financial year.