

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

THURSDAY, 29 JUNE 2023

COMMITTEE REPORTS

- 1. Report of the Parliamentary Oversight Committee, having considered the quarterly financial and performance information for the fourth quarter of the Western Cape Provincial Parliament (WCPP) for the 2022/23 financial year, reports as follows:**

The Parliamentary Oversight Committee reports that it convened on 21 June 2023 and has concluded its deliberations on the quarterly financial and performance information for the fourth quarter of the Western Cape Provincial Parliament (WCPP) for the 2022/23 financial year, which was referred to it in terms of Standing Rule 89(1) of the WCPP.

The Committee interrogated the WCPP in terms of the information that was tabled and referred to the Committee as legislated under section 17(2)(a) of the Financial Management of Parliament and Provincial Legislatures Act, 2009 (FMPPLA).

In accordance with section 37(6) and 66(2) of the FMPPLA, the WCPP reported to the Committee that no instructions were issued during the fourth quarter of the 2022/23 financial year.

The Committee considered and adopted this Report at its meeting on 21 June 2023.

- 2. Annual Committee Report of the Conduct Committee for the 2022/23 financial year, dated 21 June 2023, as follows:**

Members

The Committee comprised the following Members:

Democratic Alliance

Philander, W F (Chairperson)
Baartman, D M
Wenger, M M (until 15 May 2022)
America, D (wef 30 May 2022)

African National Congress

Lekker, P Z

Al Jama-ah

Brinkhuis, K (until 26 July 2022)

EFF

Makamba-Botya, N (wef 27 July 2022 to December 2022)
Klaas, T M (wef 28 February 2023)

1. Introduction

1.1 The Conduct Committee, established in terms of the Standing Rules of the Western Cape Provincial Parliament and is governed by the Members of the Western Cape Provincial Parliament Code of Conduct Act, 2002 (Act 3 of 2002), is charged with carrying out the functions required of it under the Code of Conduct for Members of the Western Cape Provincial Parliament (25 March 2014).

1.2 The Conduct Committee shall:

- 1.2.1 Implement the Code of Conduct;
- 1.2.2 Develop standards of the Code of Conduct;
- 1.2.3 Regularly review the Code of Conduct and make recommendations for its amendment;
- 1.2.4 Perform other functions and exercise other powers reasonably assigned to the Committee by the Code of Conduct and in terms of resolutions adopted; and
- 1.2.5 Report to the House at least annually on its operations and the effectiveness of the Code of Conduct.

2. Committee Report on its Operations and the efficiency of the Code

The Conduct Committee held 10 meetings during this period on 5 April 2022, 11 May 2022, 1 June 2022, 8 June 2022, 29 June 2022, 9 November 2022, 15 November 2022, 30 November 2022, 8 December 2022 and 1 March 2023.

The Committee during the period under review dealt with four (4) breach of the Code of Conduct.

The Registrar reported to the Committee that 41 Members submitted their disclosure forms by the deadline of 30 April 2022.

The Committee reported on the late submission of disclosure forms by one Member that was ATCd on 2 June 2023. The Member was reprimanded by the Speaker on 18 August 2022.

The Committee report on case **ecxY** of March 2022 regarding the failure by a Member to disclose interest in a trust as was ATCd on 2 June 2023. The Member lodged an appeal against the penalties recommended by the Committee. The Member ceased to be a Member of the WCPP and the Appeals Committee could not conclude its deliberations on the matter.

The Committee dealt with case **fkhZ**, on 19 November 2021 and the committee report on the case was ATCd on 7 December 2022. The Member lodged an appeal against the findings of the Committee. The case is currently before the Appeals Committee.

Three requests for access to the public part of the Register was received by the Registrar.

The Committee commenced the review of the efficiency of the Code of Conduct in November 2022.

3. Financial particulars

The Conduct Committee is part of a group of committees with a shared budget. At the end of March 2023, the total expenditure attributed to the activities of the Committee amounted to R12 880.

3. Annual Committee Report of the Public Accounts Committee (PAC) for the 2022/23 financial year, as follows:

Members

The Committee comprised the following Members:

Mvimbi, LL (ANC) (Chairperson)
America, D (DA)
Sileku, I (DA)
Maseko, LM (DA)
Cassiem, A (EFF)

Alternate members

Baartman, D M (DA)
Bosman, G (DA)
Fry, C (DA)
Klaas, T M (EFF)
Murray, C (DA)
Nkondlo, N D (ANC)
Plato, D (DA)
Pretorius, G (DA)
Smith, D (ANC)
Van der Westhuizen, A P (DA)

1. Introduction

The mandate of the PAC, as prescribed by Standing Rule 101, is to examine:

- 1.1. the financial statements of provincial departments and provincial public entities;
- 1.2. any audit reports issued on the statements referred to in relation to the financial statements of provincial departments and provincial public entities;
- 1.3. any reports issued by the Auditor-General of South Africa (AGSA) on the affairs of any provincial department or provincial public entity; and
- 1.4. any other financial statements or reports referred to it by the House.

In fulfilment of its mandate the Committee must:

- 1.5 facilitate public participation and involvement in the legislative and other processes of the Committee;
- 1.6 conduct its business in a fair, open and transparent manner;
- 1.7 promote good cooperative governance within the departments and state-owned entities of the Western Cape Government; and
- 1.8 report regularly to the House.

2. Reporting departments

The financial statements that were included in the annual reports of the following provincial departments, for the financial year ending 31 March 2022, were examined:

- 2.1 Department of the Premier
- 2.2 Provincial Treasury
- 2.3 Department of Community Safety
- 2.4 Western Cape Department of Education
- 2.5 Department of Health and Wellness
- 2.6 Department of Social Development
- 2.7 Department of Human Settlements
- 2.8 Department of Environmental Affairs and Development Planning
- 2.9 Department of Human Settlements
- 2.10 Department of Transport and Public Works
- 2.11 Department of Agriculture
- 2.12 Department of Economic Development and Tourism
- 2.13 Department of Cultural Affairs and Sport
- 2.14 Department of Local Government

3. Reporting entities

The financial statements included in the annual reports of the following public entities, for the financial year ending 31 March 2023, were examined:

- 3.1 Western Cape Language Committee
- 3.2 Western Cape Cultural Commissio
- 3.3 CapeNature
- 3.4 Western Cape Destination Marketing, Investment and Trade Promotion Agency (Wesgro)
- 3.5 Western Cape Housing Development Fund
- 3.6 Government Motor Transport (GMT)
- 3.7 Cape Agency for Sustainable Integrated Development in Rural Areas (Casidra)
- 3.8 Heritage Western Cape
- 3.9 Western Cape Gambling and Racing Board
- 3.10 Western Cape Liquor Authority
- 3.11 Atlantis Special Economic Zone Company SOC Ltd

4. Overview of the Committee's activities

Number of public hearings	21
Number of international study tours	0
Number of oversight visits	0
Number of provincial bills considered	0
Number of NCOP bills considered	0
Workshops or conferences attended	4

5. Oversight activities

The Public Accounts Committee satisfactorily conducted oversight over the provincial government of the Western Cape during the 2022/23 financial year.

In terms of the strategic plans of WCPP, including the Speaker's Parliamentary Priorities, the Public Accounts Committee encouraged public participation at all its meetings. When the meetings of the Committee were online via YouTube streaming, the Chairperson would constantly monitor how many public members viewed the live streaming of the Committee and checking for any comments under the comments section of the YouTube. In addition, the Committee ensured that it maintained its relationships with the AGSA and Audit Committees in engaging them on the risks identified in the departments and entities of the Western Cape Government.

The Committee commenced the 2022/23 financial year with a briefing by the Department of the Premier, as well as the Provincial Treasury, on the status of the implementation of the Integrated Financial Management System (IFMS) piloting in the Western Cape. The Provincial Treasury briefed the Committee on the Red Ants Security Relocation and Eviction Services (Pty) Ltd matter, including the general sourcing and implementation of transversal departmental contracts that are utilised by the departments and entities of the Western Cape Government. The instruction notes that were issued by the National Treasury to government departments and entities of the Western Cape Government for the 2019/20 and 2020/21 financial years were also presented to the Committee.

The Western Cape Education Department also briefed the Committee on how it will deal with the 2020/21 audit outcome findings to mitigate a future that he currents. The Provincial Forensic Services briefed the Committee on the first and second quarters forensic investigations for the 2021/22 financial year across all departments and entities of the Western Cape Government.

During the second quarter of the 2021/22 financial year, the Committee engaged the Department of Human Settlements on the reasons for its 2020/21 financial year audit opinion outcomes and findings of the AGSA, including how the Department will prevent a recurrence of a similar nature. The briefing also entailed an explanation on the irregular expenditure incurred by the Department during the 2020/21 financial year, including the measures that the Department has put in place to prevent a future recurrence.

During the third and fourth quarters of the 2022/23 financial year, the Committee conducted oversight over 13 departments and their entities in respect of their annual reports for the 2022/23 financial year. The Committee made resolutions on certain

matters that were raised within these meetings. The resolutions and requests for information can be viewed under ATC 33 of 2023, which is the report of the Committee that was tabled in the Western Cape Provincial Parliament on 23 March 2023. The report pertains to the resolutions and requests for information as per the engagements between the Committee and the departments and entities of the Western Cape on the content of their 2022/23 annual reports.

The Committee also met with the Department of the Premier on the erroneous overpayments to employees of the WCG during the 2021/22 financial year, mitigating measures in place to avoid a recurrence, the impact of the under expenditures on the operations of the Department and the underspending due to delays in the procurement of the TeamMate licence renewal due to problems with the State Information Technology Agency SOC Ltd (SITA) procurement processes. The Committee also engaged the Provincial Forensic Services on the first and second quarter forensic investigations for the 2022/23 financial year.

The Chairperson and Committee attended two meetings of the executive of the South African Association of Public Accounts Committees (SAAPAC), one Council of Delegates meeting, and one Conference meeting during the year under review. Please see “Workshops or conferences attended” on page 3.

6. Legislation

The Committee does not deal with any legislation.

7. Facilitation of public participation

In line with its mandate to facilitate public participation as part of the legislative process, the Committee held 21 public meetings during the 2022/23 financial year, of which 13 of those meetings related to the engagements that were held during the annual report period in the months of October 2022 and November 2022 respectively.

8. Financial particulars

The Standing Committee was allocated a budget of R169 426 for the 2022/23 financial year. At the end of the financial year the expenditure attributed to the activities of the Committee accumulated to an amount of R72 752. There was thus an underspending of R96 674. The expenditure related to payment towards the annual reports period advertisements during October and November 2022, including payments for the logistical arrangements for the SAAPAC meeting that the Committee attended.