

# PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

## ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

TUESDAY, 1 DECEMBER 2015

### COMMITTEE REPORTS

1. **The Standing Committee on Finance Reports on its oversight visit to the Western Cape Gambling and Racing Board office, dated 18 August 2015, as follows:**

#### DELEGATION

#### Members of the Standing Committee on Finance

Joseph, D (DA) (Chairperson and leader of delegation)

Beerwinkel, CF (ANC)

Mnqasela, M (DA)

Max, LH (DA)

Uys, P (ANC)

Dyantyi, QR (ANC)

#### 1. Introduction

The Western Cape Gambling and Racing Board (hereinafter “the Board”) office is located at Seafare House, 68 Orange Street, Gardens, Cape Town. The Board has been occupying the office since 2004. Previously the Board rented space in the old Reserve Bank Buildings in Adderley Street, Cape Town. The rental paid for the use of this building was in excess of R2 million a year, whereas the Board does not pay rental for the current accommodation at Seafare House. In 2004 there were 44 persons employed at the Board but this total has grown to 74 in 2015 as the Board has had to adapt to a growing industry. The matter of alternative office accommodation was first raised in 2010 and has been on the agenda with the Minister of Finance as part of the quarterly engagement between the Minister and the Board Chairperson. During the Standing Committee on Finance’s consideration of the 2013/2014 Annual Report of the Board, it

reported that the current office accommodation inhibits the growth of the organisation and the employment of disabled persons. For this reason the Committee undertook an oversight visit to the Board's office on 23 June 2015.

## **2. Overview of the visit**

The oversight visit commenced with Mr Bennet, Head of Western Cape Gambling and Racing Board Licensing Department, leading the delegation on a tour of the multi-story office. Following the tour of the office, Mr Bennet briefed the Committee on the progress of discussions with the Minister of Finance regarding securing alternative office accommodation. Ms Lapoorta, Chairperson of the Western Cape Gambling and Racing Board, briefed the Committee on the way forward in this regard. (See enclosed list of Board officials and members and Departmental officials who were in attendance).

## **3. Findings and Observations**

- 3.1 The Chairperson holds a non-executive position and is therefore not provided with office space.
- 3.2 The Department of Transport and Public Works conducted an assessment of the office and determined that the office space is below the required norm, given the staff compliment. The Department advised the Board that there is dead space that could be optimised if an open plan office lay-out was used. The Minister of Finance subsequently facilitated a walk-about at the office accommodation in Dorp Street to provide the Board with an example of what an open plan office space would look like. The age of the building and the fact that it had been declared a heritage site however made it impractical to replicate this layout.
- 3.3 There is insufficient parking space for staff and visitors. The Board has until recently utilised the University of Cape Town Rosedale parking area but this is no longer available.
- 3.4 There is insufficient storage space at the office and documents older than five years are stored off-site.
- 3.5 One of the alternatives that is being explored is to extend a part of the building that has not been declared a heritage site. The Board will be engaging with the Department of Transport and Public Works in this regard again in a few months.
- 3.6 The building is exempt from certain building regulations because it is a heritage site. One example of such an exemption is with regards to accessibility to disabled persons. A person in a wheel chair is only able to access the building from the back entrance and the doorways are not wide enough to accommodate a wheelchair.
- 3.7 The Board has requested that their office remain within the Central Business District, so as to remain close to the key sites such as the Legislature.
- 3.8 Despite the age of the building it is still able to meet the Information and Communication Technology (ICT) requirements of the Board.

- 3.9 The Board office is not a walk-in centre and people visit the office only to submit applications or for scheduled meetings.
- 3.10 The Board has a server that stores data off-site. Daily and weekly back-ups are also conducted that are stored off-site on disks.
- 3.11 Over the past five years the Fire Department has conducted two walk-in assessments, where they determined that the office meets the minimum requirements for a heritage site. The last of these inspections was in 2013.
- 3.12 Because Seafare House is a heritage building, the Board is not allowed to utilise private contractors and all renovations has to be done by the Department of Transport and Public Works.

**3.13 During the tour of the office the delegation observed the following:**

- 3.1.1 The location of the safe in which monies obtained during the closure of illegal establishments are kept;
- 3.1.2 The cramped space underneath a stairway in which the cleaning staff take their work breaks;
- 3.1.3 The location of the office space for the various divisions, such as ICT;
- 3.1.4 That the previous Chief Executive Officer's office was partitioned to make space for an additional meeting room;
- 3.1.5 That the Information and Technology (IT) server room is restricted to IT personnel;
- 3.1.6 That there are filing systems located within the different divisions, as the industry is largely paperwork driven; and
- 3.1.7 That there is damage to the walls in various office.

**4. Recommendations**

**The Committee recommended that:**

- 4.1 The Board undertakes a survey amongst staff to enquire about their opinion with regards to suitability of the office accommodation;
- 4.2 The Board request the Department of Labour, the Department of Transport and Public Works and the Fire Department to undertake an investigation and compile comprehensive reports with regards to the occupational health and safety of staff working on the premises, and the suitability of the office accommodation;
- 4.3 The Board request the Department of Intelligence to do an assessment of the risks associated with the premises given the sensitive nature of the documents that are kept and the work that is done on the premises;

- 4.4. The cleaners be provided with appropriate office space as a matter of urgency; and
- 4.5 Provincial Treasury fast tracks the process of ensuring that the Department of Transport and Public Works undertakes an accommodation cost effectiveness and efficiency option analysis.

## **5. Documents Requested**

- 5.1 The Committee requested that the Board provide the Committee with the resolutions taken by the Board with regards to securing suitable office accommodation and progress on action taken to implement such resolutions.

## **6. Persons in Attendance**

### **Western Cape Gambling and Racing Board**

Mr T Arendse, Board Member  
 Mr H Malila, Board Member  
 Ms M Basson, HOD : Licensing  
 Mr R Bennett, HOD : Compliance

### **Provincial Treasury**

Ms M Korsten, Chief Director : Public Policy Services  
 Ms C Horton, Deputy Director : Public Policy Services

- 2. The Standing Committee on Human Settlements having undertaken an oversight visit to Flamingo Heights (Flamingo Vlei), on 25 August 2015, reports as follows:**

### **Delegation**

The Committee consisted of the following members:

Dijana, TM (ANC) (Alternate member)  
 Hinana, N (DA)  
 Joseph, BD (EFF)  
 Magaxa, KE (ANC)  
 Maseko, LM (DA) (Chairperson)

### **Apology**

Schäfer, BA (DA)

The following staff attended the oversight visit:

Jones, S (Committee Co-ordinator)  
 Naidoo, W (Senior Administrative Officer: Security and Facilities)  
 Barends, A (Administrative Officer/Driver: Security and Facilities)

## **1. Introduction**

The Standing Committee on Human Settlements embarked on an oversight visit to Flamingo Heights in Flamingo Vlei to observe the re-blocking/re-configuration of what was previously known as Flamingo Crescent.

This report highlights the findings and recommendations stemming from the oversight visit.

## **2. Overview of the visit**

The oversight visit commenced with a Committee meeting held at 14:00 in Committee Room 2 on the 4<sup>th</sup> Floor of the Legislature Building of the Western Cape Provincial Parliament. Representatives of the Department of Human Settlements and the City of Cape Town were in attendance. The City of Cape Town (hereinafter “the City”) briefed the Committee on the re-blocking and *in situ* upgrading of Flamingo Crescent.

After the meeting the Committee travelled to Flamingo Heights where the Department and the City accompanied the Committee on a walk-about.

## **3. Background on the Flamingo Heights re-blocked programme**

In 2005 law enforcement units transported homeless people from various areas within the Central Business District (CBD) to the Flamingo Crescent informal settlement. The influx of homeless people to the area resulted in social problems due to non-cohesion as a community and overcrowding. At the time Flamingo Crescent consisted of 104 structures which housed a total of 405 residents. The informal settlement had 14 chemical toilets, two taps and had no electricity.

Due to the limited availability of greenfield land, the City had to utilise more innovative methods to upgrade informal settlements and thereby improve the living conditions of people living in informal settlements. Flamingo Crescent was identified as the most ideal settlement for re-blocking as it did not require the relocation of the residents.

During the meeting the City briefed the Committee on the conceptualisation of the re-blocking of the Flamingo Crescent project. They elaborated on the City’s collaborative partnerships with Non-Government Organisations (NGOs), the Informal Settlement Network (ISN) and the Community Organisation Resource Centre (CORC).

The NGO’s mobilised and assisted the community to contribute 20% towards a saving scheme that would aide with the acquisition of their new structures. The improved structures were built from fire proof material thereby reducing the risk of fires. The NGO’s in collaboration with the community embarked on a planning process on the layout of the settlement. CORC funded 80% of the new units and delivered the layout and design. The layout and design included a better road infrastructure that would provide better access roads for emergency vehicles and service delivery vehicles. The City was responsible for bulk services, paved roads, storm water drains, wash-troughs, trolley bins and taps.

The South African Post office provided physical addresses and a postal service at Flamingo Heights. A tree planting project was hosted on Nelson Mandela Day in

collaboration with the South African Post Office and the Informal Settlement Management officials where the children of Flamingo Heights were provided the opportunity to plant trees.

The Centre for Early Childhood Development (CECD) provided funding for the establishment of an Early Childhood Development Centre (ECDC). Residents of Flamingo Heights were employed and trained as teachers at the ECDC. Little Paradise aftercare currently services 30 pre-schoolers.

#### **4. Findings and observations**

During the walk-about of Flamingo Heights the Committee observed the following:

- 4.1 A security fence that surrounds Flamingo Heights provides security for the community;
- 4.2 Social ills have become a major problem and interventions from the Department of Social Services, the South African Police Service and the City are required to aid the community;
- 4.3 Flamingo Heights does not have an established CPF or neighbourhood watch;
- 4.4 The Little Paradise aftercare facility staff were not being remunerated for their services;
- 4.5 There are currently only two child minders looking after the children at Little Paradise;
- 4.6 Food packs are provided to Little Paradise to feed the children who attend the aftercare;
- 4.7 The savings scheme is still active and funds are utilised to purchase required goods; and
- 4.8 The taps on some of the properties were leaking.

#### **5. Recommendations/Actions**

The Committee RECOMMENDED that the City of Cape Town engage with various stakeholders to invest capital from their own resources into Social Investment Projects eg. Flamingo Heights to ensure the sustainability and success of the projects

### **3. The Standing Committee on Human Settlements having undertaken an oversight visit to the Western Cape Rental Housing Tribunal on 1 September 2015, reports as follows:**

#### **Delegation**

The Committee consisted of the following members:

Maseko, LM (DA) (Chairperson)  
 Dijana, TM (ANC)  
 Hinana, N (DA)  
 Joseph, BD (EFF)  
 Magaxa, KE (ANC)  
 Schäfer, BA (DA)

The following staff attended the oversight visit:

Jones, S (Committee Co-ordinator)

## **1. Introduction**

The Standing Committee on Human Settlements in a meeting dated 30 October 2015 discussed the 2013/2014 Annual Reports of the Department of Human Settlements and its entities. Stemming from the findings contained in the report the Committee resolved to conduct an oversight visit to the offices of the Western Cape Rental Housing Tribunal (hereinafter “the Tribunal”), to follow up on some of the issues that were captured in the Committee’s report on the Tribunals Annual Report.

The Committee embarked on an oversight visit to the Tribunal to observe the functions of the Tribunal and received a briefing on a detailed budgetary breakdown on the funding provided to the Tribunal for the 2013/2014 financial year. Further hereto the Committee was briefed on the marketing strategies utilised to market the Tribunal. The Department elaborated on the status of the backlogged cases received by the Tribunal during the 2013/2014 financial year and on the excessive monthly cost incurred by the Tribunal on telephone calls during the same period.

This report highlights the findings and recommendations stemming from the oversight visit.

## **2. Overview of the visit**

The meeting was held at 14:00 in the Western Cape Rental Housing Tribunal Board Room at 27 Wale Street Cape Town. Representatives of the Department of Human Settlements and the Tribunal were in attendance. After the meeting the Department and a representative of the Tribunal accompanied the Committee on a walk-about of the premises of the Tribunal.

## **3. Background on the Western Cape Rental Housing Tribunal**

The Tribunal was established in terms of section 7 of the Rental Housing Act (Act 50 of 1999, as amended) (hereinafter “the Act”). The Tribunal was established in 2001 and comprises of five members namely a chairperson, a deputy chairperson and three members. The members of the Tribunal are appointed by the Provincial Minister of Human Settlements. Tribunal members are selected according to their expertise in property management, housing development and consumer related matters pertaining to rental housing.

The Tribunal does not have personnel in its employ and is assisted by the support component of the Directorate: Communications and Stakeholder Relations within the Department of Human Settlements as provided for in Section 11 of the Act. The functions of the Tribunal are to harmonise relationships between landlords and tenants through free dispute resolution services and promoting the prevention of unfair business practises. In addition hereto the Tribunal has an obligation to inform landlords and tenants of their rights and responsibilities in terms of the Act and to make recommendations to relevant stakeholders pertaining to issues related to the rental housing sector.

In addition to the abovementioned the Tribunal has a designated Call Centre that streamlines incoming calls and attends to queries from the public. The Call Centre came into operation in 2007 and has screened a total of 12 806 calls in the 2013/2014

financial year. The nature of the calls range from requests for advice on rental problems, queries on case files, how to lodge an official complaint and requests liase directly with a consultant at the Tribunal.

Funding is obtained from the Department.

The dispute resolution investigation process of the Tribunal is conducted telephonically to ensure that cases are resolved within a 90 day period. Cases that are not resolved within the 90 day period are escalated for mediation. Failed mediation is then scheduled for a hearing where a ruling is made in the hearing room on the matter. Both parties are able to present their case and a ruling is made on the outcome of the investigation. None compliance to the ruling made by the Tribunal will be deemed as an offence.

#### **4. Findings and observations**

During the walk-about the following findings and observations were made by the Committee:

- 4.1 The Tribunal's support component consist of a Deputy Director: Rental Housing Tribunal, an Assistant Director: Clerk of the Court, two Complaints Managers with two Case Officers, a Technical Complaints Manger with four Technical Case Officers, an Administrative Manager and four Administration Clerks;
- 4.2 Municipalities are to establish Rental Housing Information offices that will focus on rental housing awareness programmes and to market the functions of the Tribunal;
- 4.3 The Call Centre staff are continuously trained on the provisions of the Act and other legislation in relation to the rental housing sector;
- 4.4 The South African Police will receive training on the Act by November 2015 to ensure compliance when serving evictions;
- 4.5 The support component of the Tribunal provides information regarding agreements, legal rights, deposits and refunds, rental property inspection, forced removal, maintenance, damages and claims, as well as the dispute resolution and arbitration process;
- 4.6 The Tribunal's rulings are deemed to be an order of a magistrate's court and decisions taken are enforced in terms of the Magistrates Court Act (Act 32 of 1994); and
- 4.7 The effective date of the Rental Housing Amendment Act (Act 35 of 2014) is subject to the implementation date of the National Regulations.

#### **5. Recommendations/Actions**

The Committee REQUESTED that the Department:

- 5.1 Brief the Committee on the Rental Housing Amended Act (Act 35 of 2014); and
- 5.2 Provide the Committee with a detailed breakdown of the Tribunal's 2013/2014 financial year budget.



**4. Annual Committee Report of the Standing Committee on Economic Opportunities, Tourism and Agriculture for the 2014/15 financial year, dated 21 October 2015, as follows:**

The Committee comprises of the following members:

Standing Committee on Economic Opportunities, Tourism and Agriculture

Schäfer, BA (DA) (Chairperson)

Davids, SW (ANC)

Lentit, RB (DA)

Maseko, LM (DA)

Paulsen, MN (EFF)

**Alternate members**

Hinana, N E (DA)

Max, L H (DA)

Mnqasela, M (DA)

Tyatyam, S G (ANC)

Wiley, M G E (DA)

**1. Introduction**

The mandate of the Committee is to:

- 1.1 Maintain oversight over the executive members and the Departments concerning the way in which they perform their responsibilities, including the implementation of legislation and to hold them accountable; 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 must:

- 1.2.1 Facilitate public participation and involvement in the legislative and other processes of the Committee.
- 1.2.2 Conduct its business in a fair, open and transparent manner.
- 1.2.3 Promote cooperative governance.
- 1.2.4 Report regularly to the House.

**2. Reporting departments and entities**

- 2.1 Cape Agency for Sustainable Integrated Development in Rural Areas (CASIDRA)
- 2.2 Department of Agriculture
- 2.3 Department of Economic Development and Tourism
- 2.4 Western Cape Destination Marketing, Investment and Trade Promotion Agency (WESGRO)
- 2.5 Western Cape Liquor Authority

### 3. Overview of committees activities

Number of Committee Meetings	19
Number of Public Hearings	8
Number of International Study Tours	0
Number of Oversight Visits	2
Number of Provincial Bills considered	4
Number of NCOP Bills considered	0
Workshops/conferences attended	0

### 4. Oversight activities

The Standing Committee on Economic Opportunities, Tourism and Agriculture held introductory briefings with the Department of Agriculture and its entity Casidra, as well as the Department of Economic Development and Tourism and its entities, Western Cape Liquor Authority, Western Cape Destination Marketing, Investment and Trade Promotion Agency (WESGRO).

In July 2014, the Department of Economic Development and Tourism briefed the Committee on the interview process to fill a single vacancy on the Board of the Western Cape Liquor Authority due to the disqualification of a member in terms of section 5 of the Western Cape Liquor Act (Act 4 of 2008). The Committee held interviews on 15 and 27 August 2014, and recommended two candidates to the Minister of Economic Opportunities for possible appointment.

During the month of October 2014, the Committee dealt with the process of appointing a new governing body for the Western Cape Liquor Authority. A call for nominations of members to serve on the Governing Board of the Western Cape Liquor Authority was published in the Provincial Government Gazette and the local newspapers. Ten nominations were received. Due to the wide public interest in liquor regulation, the Department of Economic Development and Tourism deemed it necessary to undertake a second round to call for nominations in order to widen the base of potential candidates for the Governing Board. The Committee interviewed the candidates on 4 and 10 March 2015. The Committee recommended seven candidates to serve on the governing body.

During the course of the second quarter, the Department of Economic Development and Tourism presented its Fourth Quarterly Performance Report, as well as its 2014/15 Annual Performance Plan. Casidra was invited to brief the Standing Committee on the Food Security projects and its 2014/15 Annual Performance Plan. WESGRO gave a presentation on the Investment Promotion Unit, Trade Promotion, the Destination Marketing: Leisure Marketing, Convention Bureau and Marketing Public Relations.

Due to media reports and complaints received by various associations and professional bodies, the Committee resolved to consider the negative impact on the Province of the Immigration Regulations, as issued in terms of the Immigration Act (Act 13 of 2002). At the public hearings, held in the chamber of the Western Cape Provincial Parliament on 25 and 26 September 2014, the Committee heard testimonies by entities representing various industries affected by the Regulations. Representatives from key sectors such as the hospitality, filming, modeling, tourism, immigration and wining industry attended these hearings.

The Committee extended the invitations to government officials and political leaders. Minister M Gigaba, Minister of Home Affairs, was requested to brief the Committee on the nature of the regulations. Minister M Gigaba declined the invitation to address the Committee in person, following which the Western Cape Provincial Parliament set in motion a process of summoning the Minister, in terms of the Western Cape Witnesses Act (Act 2 of 2006), to appear before the Committee on Friday, 26 September 2014. The Minister subsequently did not attend the meeting. A legal delegation, including the Chief State Law Advisor addressed the Committee on the legality of the summons. On 4 November 2015, the Committee met with Minister M Gigaba at the Provincial Legislature Building. A total of 43 written and verbal submissions were received during the public hearing process representing all the major bodies and associations affected by these regulations.

In November 2014, the Committee participated in the 2013/14 Annual Report discussions of its reporting departments, the Department of Economic Development and Tourism and its entities and the Department of Agriculture and its entity. The Committee also held briefings with the Departments on the Schedule to the *Western Cape Adjustments Appropriation Bill* [B 5-2014].

During the period under review the Committee conducted two oversight visits. The Committee embarked on an oversight visit to the Elsenburg College for an introductory briefing on the activities at the college and a walkabout. The Committee also visited the First National Bank (FNB) Portside Building to observe the green innovation and building practices. The Provincial Head, Mr Stephan Claassen, briefed the Committee on the economic development and investment opportunities in the Western Cape through the Portside Building development.

## **Legislation**

In the 2014/15 financial year, the Committee dealt with the following legislation:

### **5.1 Provincial Bills**

- 5.1.1 Vote 11 (Agriculture) in the Schedule to the *Western Cape Adjustments Appropriation Bill* [B 5–2014];
- 5.1.2 Vote 12 (Economic Development and Tourism) in the Schedule to the *Western Cape Adjustments Appropriation Bill* [B 5–2014];
- 5.1.3 Vote 11 (Agriculture) in the Schedule to the *Western Cape Appropriation Bill* [B 2-2015]; and
- 5.1.4 Vote 12 (Economic Development and Tourism) in the Schedule to the *Western Cape Appropriation Bill* [B 2–2015].

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

None

## **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 eight public hearings. To give effect to this, the

Committee advertised the Annual Report and Bills such as the *Western Cape Adjustments Appropriation Bill* [B 5–2014], *Western Cape Appropriation Bill* [B 2–2015] and the Regulations in the Schedule to the Immigration Act (Act 13 of 2002), informing and inviting stakeholders to participate in public hearings.

#### **7. Financial particulars**

The Standing Committee was allocated a budget of R129 650. At the close of the 2014/15 financial year, expenditure attributed to the activities of the Committee accumulated to R136 398.51. There was thus an overspending of R6 748 51.