

Tuesday, 17 March 2020]

No 13 - 2020] SECOND SESSION, SIXTH PARLIAMENT

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

ANNOUNCEMENTS, TABLING AND COMMITTEE REPORTS

TUESDAY, 17 MARCH 2020

ANNOUNCEMENT

The Speaker:

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

Parliamentary Oversight Committee

Western Cape Provincial Parliament – Monthly financial statements (In-year Monitoring Report) for the period ended 29 February 2020.

TABLING

The Speaker:

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

Western Cape Provincial Parliament – Monthly financial statements (In-year Monitoring Report) for the period ended 29 February 2020.

COMMITTEE REPORT

Report of the Standing Committee on Social Development on the appointment of the Western Cape Commissioner for Children

The Standing Committee on Social Development, having undertaken the process for the appointment of the Western Cape Commissioner for Children, reports as follows:

A. INTRODUCTION

In executing the mandate to give effect to Section 78 of the Western Cape Provincial Constitution, as well as ensuring the implementation of the provisions of the Western Cape Commissioner for Children's Act, 2009 (Act 2 of 2019), the Speaker referred the implementation of the Western Cape Commissioner for Children Act to the Standing Committee on Social Development, on 25 July 2019, and tasked the Committee to spearhead the appointment of the Western Cape Commissioner for Children.

In this regard, the Committee resolved to invite the Department of the Premier to brief the Committee in respect of the provisions of the Act. This briefing took place on 6 August 2019.

The Committee also decided to obtain research from the WCPP Research Unit in respect of similar processes which may have been conducted in other countries.

B. INITIAL STANDING COMMITTEE MEETING

The Department of the Premier gave a comprehensive briefing to the Committee, in particular, in relation to the provisions of the Act, the budgetary implications, staffing and general role and responsibilities of a Commissioner for Children.

During the meeting, the Committee resolved on the process to be followed in appointing the Commissioner for Children as stipulated in the Act. The Committee also resolved that it will ensure that this process will be transparent and open for public involvement and engagement.

C. NOMINATION PROCESS

In calling for nominations as per the Act, the Committee:

- Placed a notice in the media in three official languages of the Western Cape. The advert was placed in community newspapers throughout the Western Cape as well as in selected provincial mainstream newspapers, and one national newspaper.
- Sent the notice to institutions of higher learning, civil society organisations and local municipalities in the province.
- Utilised social media networks as one of the means to publicise the call for nominations.

A total of 59 nominations were received in response to the call for nominations. These names of the nominees were published on the same media platforms as the call for nominations. In addition, the Committee also called, as per the Act, for objections to the published nominations. The deadline for submission of objections was 23 October 2019.

The list of all nominations was forwarded to the various civil society organisations and local municipalities in the province.

In respect of the shortlisted candidates, the Committee received and considered 10 objections pertaining to two candidates.

D. COMMITTEE WORKSHOP ON WAY FORWARD

During the meeting of 12 November 2019, the Committee resolved to conduct a workshop in order to define the process to be followed pursuant to the shortlisting of candidates.

This workshop was held on 18 November 2019, and was attended by Committee Members as well as alternate members, and officials from the Provincial Parliament and the Department of the Premier.

Research conducted by the WCPP Research Unit was considered by the Committee, it provided the Committee with information detailing international experience and the extent to which oversight is conducted over the Commissioner for Children in other countries.

The officials from the Department of the Premier, together with the WCPP Legal Advisor, again assisted the Committee by facilitating one of the sessions pertaining to the provisions of the Act.

The Committee also agreed to develop criteria for the shortlisting of candidates, set timeframes for shortlisting, interviews and to develop a response in respect of objections received.

During the workshop, the Committee also had various breakaway commissions tasked to unpack the various responsibilities of the Commissioner as per the Act relating to Lobbying, Monitoring, Reporting, Investigating, Advising and Education.

The Committee agreed:

- To commence with interviews from 17-19 February 2020.
- To request each shortlisted candidate to submit a short biography and motivation on why they think they are suitable for the position of the Commissioner for Children.
- To publish the candidates' short biographies on the WCPP Website for access by the public.

E. SHORTLISTING OF CANDIDATES

During a Committee meeting held on the 27 November 2019, the Committee reaffirmed the decisions taken at the workshop. In this regard, it was resolved to request the shortlisted candidates to provide the Committee with a short biography and motivation.

A total of 15 candidates were shortlisted. In respect of these shortlisted candidates, the Committee considered the objections received pertaining to two of the shortlisted candidates. The Committee then resolved that all objections received should be emailed to the affected candidates and to request them to respond in writing after the interviews. The Committee was of the view that, in the interest of fairness, it would be prudent to also afford the affected candidates the opportunity to respond to the objections raised.

The interviews were scheduled from 17 – 19 February 2020.

The Committee, again in the interest of a transparent process, and to inform civil society of the shortlisted candidates, decided to publish the names and biographies of the shortlisted candidates on the WCPP Website.

F. INTERVIEWS

Prior to the commencement of the interviews, the Committee received correspondence from two shortlisted candidates, informing the Committee that they have decided to withdraw from the appointment process.

The Committee ultimately interviewed 13 candidates. Interviews were also attended by members of the public, representatives from the national Department of Social Development, Parliamentary Monitoring Group (PMG) and civil society organisations.

The Committee, during its deliberations, assessed the responses received from those affected candidates.

G. NUMERICAL SCORING MEASURE

In its effort to ensure an objective and transparent process, the Committee, during both the shortlisting process as well as during the interviews, utilised a numerical scoring measure in order to ensure the integrity of the process.

H. RECOMMENDATION

In terms of section 2(1)(2)(e) of the Western Commissioner for Children Act, 2019 (Act 2 of 2019), the Committee recommends that Ms Christina Nomdo be appointed as the Western Cape Commissioner for Children.

I. CONCLUSION

Throughout this appointment process, the Committee remained mindful that the task that was assigned to it was the first of its kind and obliged the Committee to venture into uncharted

territory. In this regard, the Committee, therefore, had no point of reference to inform its process.

Accordingly, the Committee committed itself to ensure that the process had to be transparent, open to the public and fair.

The Committee, therefore, is confident that the process delivered an authentic result, and that the recommended candidate is the best and the most suitable candidate to be appointed as the first Western Cape Commissioner for Children.

Report to be considered.