

# PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

---

## ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

---

TUESDAY, 7 MAY 2019

### ANNOUNCEMENTS

The Speaker:

**1. Assent of bill by the Premier**

Western Cape Appropriation Act, 2019 (Act 4 of 2019), assented to and signed by the Premier on 6 May 2019.

**2. Publication of Act 4 of 2019**

Provincial Notice 59 of 2019: Publication of the Western Cape Appropriation Act, 2019 (Act 4 of 2019), in the *Provincial Gazette Extraordinary* 8093, dated 7 May 2019.

### TABLING

The Speaker:

**Tabling of Annual Report for the period 1 April 2018 to 31 March 2019 of the Western Cape Police Ombudsman in terms of section 13(3) of the Western Cape Community Safety Act, 2013 (Act 3 of 2013):**

**Minister of Community Safety**

Annual Report for 2018/19 of the Western Cape Provincial Police Ombudsman.

## COMMITTEE REPORT

Annual Committee Report of the Standing Committee on Premier and Constitutional Matters for the 2018/19 financial year, dated 17 April 2019, as follows:

The Committee comprises of the following members:

### **Democratic Alliance**

Mitchell, D G (Chairperson)  
 Max, L H (up until 30 June 2018)  
 Mackenzie, R D (from 11 July 2018)  
 Kivedo, B D

### **African National Congress**

Magaxa, K E  
 Dugmore, C M

### **Alternate members**

Wenger, M M (DA)  
 Botha, L J (DA)  
 Pretorius, P J C (DA)  
 Gopie, D (ANC)

## **1. Introduction**

The mandate of the Committee is 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 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 department and entities**

- 2.1 Department of the Premier

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

Number of Committee Meetings	26 (including public hearings)
Number of Public Hearings	12
Number of International Study Tours	0

Number of Oversight Visits	0
Number of Provincial Bills considered	4
Number of NCOP Bills considered	2
Workshops/conferences attended	0

#### **4. Key activities**

The Standing Committee on the Premier and Constitutional Matters dealt with a number of Bills referred to it during the year under review.

The Department of the Premier briefed the Committee on the envisaged programme and proposed timeframe for the appointment of the Western Cape Commissioner for Children in April 2018. During the first quarter of the financial year, two National Council of Provinces (NCOP) bills were referred to the Committee, namely, and the Public Service Commission Amendment Bill [B 21B–2015] (NCOP), where the Committee held one public hearing; and the Protection, Promotion, Development and Management of Indigenous Knowledge Bill [B 6–2016] (NCOP), where the Committee held four public hearings. The final mandates were submitted to the NCOP on these two Bills during the second quarter.

During August 2018, the Western Cape Commissioner for Children Bill [B 4–2018] was referred to the Committee. The Committee resolved to hold four public hearings on this Bill in October and November in Beaufort West, Pacaltdorp, Vredendal and Cape Town. 49 organisations/stakeholders submitted input on the Western Cape Commissioner for Children Bill [B 4–2018]. The Committee also deliberated and considered the 2017/18 Annual Report of the Department of the Premier and deliberated on Vote 1: Premier, in the Schedule to the Western Cape Appropriation Bill [B 1–2019] for the Department of the Premier in November 2018.

In the last quarter, the Committee formally considered and finalised the Western Cape Commissioner for Children Bill [B 4–2018]. The Premier assented the Western Cape Commissioner for Children Act, 2019 [Act 2 of 2019] on 29 March 2019.

In late January 2019, the Department of the Premier briefed the Committee on the Constitution of the Western Cape First Amendment Bill [B 5–2018]. At the meeting of 27 February 2019, the Committee resolved to host seven public hearings in Ladismith, Beaufort West, Mossel Bay, Cape Town, Swellendam, Robertson and Elandsbay on the Constitution of the Western Cape First Amendment Bill [B 5–2018]. However, after deliberating on the Draft Committee Programme for the public hearings on the Constitution of the Western Cape First Amendment Bill [B 5–2018], the Committee unanimously agreed that it would not be able to complete a fair legislative process given the timeframes leading up to the dissolution of the House, dated 4 May 2019. The Committee then resolved on 27 February 2019, to not pursue the legislative process.

#### **5. Legislation**

In the 2018/19 financial year, the Committee dealt with the following legislation:

##### **5.1 Provincial Bills**

- 5.1.1 Vote 1: Premier in the Schedule to the Western Cape Adjustments Appropriation Bill [B 6–2018]

- 5.1.2 The Western Cape Commissioner for Children Bill [B 4–2018];
- 5.1.3 The Constitution of the Western Cape First Amendment Bill [B 5–2018]; and
- 5.1.4 Vote 1: Premier in the Schedule to the Western Cape Appropriation Bill [B 1–2019].

## 5.2 NCOP Bills (Section 76)

- 5.2.1 The Public Service Commission Amendment Bill [B 21B–2015] (NCOP) and the Committee held one public hearing; and
- 5.2.2 The Protection, Promotion, Development and Management of Indigenous Knowledge Bill [B 6B–2016] (NCOP) and the Committee held four public hearings.

## 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 two public hearings in considering the Provincial Money Bill, one being Western Cape Adjustments Appropriation Bill [B 6–2018] in November 2018 and the Western Cape Appropriation Bill [B 1–2019] in March 2019. The Committee also held one public hearing on the Public Service Commission Amendment Bill [B 21B–2015] (NCOP), four on the Protection, Promotion, Development and Management of Indigenous Knowledge Bill [B 6B–2016] (NCOP) and four on the Western Cape Commissioner for Children Bill [B 4–2018] (NCOP).

## 7. Financial particulars

The Committee's actual expenditure for the 2018/19 financial year was R404 232,95 against an adjusted budget allocation of R183 006,00 resulting in an over expenditure of R221 226,95.