

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

FRIDAY, 17 MAY 2019

ANNOUNCEMENT

The Speaker

Provincial Notice

Provincial Notice 64 of 2019 published in the *Provincial Gazette Extraordinary* 8099, dated 17 May 2019: Western Cape provincial government: First sitting of the Western Cape Provincial Parliament.

COMMITTEE REPORTS

1. **Annual Committee Report of the Public Accounts Committee (PAC) for the 2018/19 financial year, as follows:**

Members

The Committee comprised of the following members:

Christians, F C (ACDP) (Chairperson)

Mitchell, D G (DA)

Joseph, D (DA)

Maseko, L M (DA)

Tyatyam, S G (ANC)

Alternate members

Beerwinkel, CF (ANC)

Joseph, BD (EFF)
Mnqasela, M (DA)
Wenger, MM (DA)
Wiley, MGE (DA)

1. Introduction

The mandate of the PAC, as prescribed by Standing Rules 96-99, is to examine:

- 1.1 The financial statements of all executive organs of the province and other provincial organs of state.
- 1.2 Any audit reports issued on statements.
- 1.3 Any reports issued by the Auditor-General on the affairs of any provincial organs.
- 1.4 Any other financial statements or reports referred to the Committee by the House.

In fulfillment 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 cooperative governance.
- 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 2019, 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.
- 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 Transport and Public Works.
- 2.10 Department of Agriculture.
- 2.11 Department of Economic Development and Tourism.
- 2.12 Department of Cultural Affairs and Sport.
- 2.13 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 2019, were examined:

- 3.1 Western Cape Language Committee.
- 3.2 Western Cape Cultural Commission.
- 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 Saldanha Bay Industrial Development Zone Licencing Company (SOC) Ltd.

4. Overview of the Committee's activities

Number of Public Hearings	26
Number of International Study Tours	0
Number of Oversight Visits	0
Number of Provincial Bills considered	0
Number of NCOP Bills considered	0
Workshops/conferences attended	1

5. Oversight activities

The Public Accounts Committee satisfactorily conducted oversight over the Provincial Government of the Western Cape during the 2018/19 financial year.

The Committee commenced the 2018/19 financial year by meeting “in- committee” in order to establish its business plan. During the 1st Quarter, the Committee met with the audit committees of the economic-, governance and administration-, health, education and transport and public works clusters in order to ascertain the challenges that were experienced by the clusters, including emerging risks that were identified during the 2017/18 financial year. This would assist the Committee in conducting more robust oversight over the departments and entities of the Western Cape Government during the 2018/19 financial year.

The Committee also met with the Department of Community Safety to conduct oversight over the funds that were spent on the Wolwekloof Academy during the 2014/15 financial year. In addition, the Committee met with the Department of Health in order to receive feedback on the rollout of the electronic filing system, which would assist the Department in the improving the reliability of its reported performance information. This is due to the fact that the Department has received an unqualified audit opinion from the Auditor-General of South Africa with certain matters. The Department received a finding due to the reporting on its performance information during the 2017/18 financial year. Furthermore, the Committee resolved that the Department develops and implements a mechanism that would avoid a future recurrence of bad debts that were written off by the Department of Health due to salary overpayments; including the challenges that were experienced by the recoverability of the erroneous overpayments.

The Public Accounts Committee met with the Western Cape Department of Education in order to ascertain the progress that was made by the Department in order to address the following challenges that were highlighted during the engagement on the 2016/17 Annual Report of the Department:

- The major areas for improvement, as identified by the Audit Committee;
- The details of the salary overpayments in respect of Policy and procedure on incapacity and ill health cases that were claimed for;
- The accrual payments that were made after 30 days of receipt of invoices;
- The status of the investigations that relates to irregular expenditure, which is being undertaken within the Department, including the design or implementation of a mechanism, which would ensure minimisation of such expenditure; and
- The status of the investigations that relates to fruitless and wasteful expenditure, which is being undertaken by the Department, including the design or implementation of a mechanism, which would ensure a minimisation of such expenditure.

The Committee was satisfied with the progress that was made by the Department in addressing the aforementioned challenges. The Committee also met with the Department of the Premier to evaluate the implementation of Section 43 of the Public Finance Management Act, 1999 (Act 1 of 1999), whereby departments and entities shift funds after the conclusion of the annual Adjustments Appropriation period.

Transversally, the Committee met with the Provincial Treasury to be briefed, amongst others, on the following matters:

- The instructional notes that were issued to the Department during the 2016/17 and 2017/18 financial years;
- The pronouncements on the emerging risks which relates to the accounting, performance management/reporting and compliance matters;
- The required disclosure within the financial statements of the departments and entities of the WCG, for the economic classification of “goods and services” and “transfers and subsidies”; and
- The Supply Chain Management regulations that were issued by National- and Provincial Treasury for the 2016/17 financial year.

The aforementioned instructional notes, pronouncements, disclosure notes and supply chain regulations directly impacts on the annual performance and financial reporting of the departments and entities of the WCG.

During the 2nd Quarter of the 2018/19 financial year the Committee met with the Auditor-General of South Africa to be briefed on the following matters:

- The pronouncements on the emerging risks which relates to the accounting, performance management/reporting and compliance matters;
- The mid-year Quarterly Key Control Review; and
- The required disclosure within the financial statements of the departments and entities of the WCG, for the economic classification of “goods and services” and “transfers and subsidies”.

These aforementioned matters were deemed important to the Committee due to the fact that the Committee wanted to understand the pronouncements that would impact on the audit outcomes of the departments and entities of the Western Cape Government. This would set the framework against which the Committee would conduct oversight over the annual reports of the Western Cape Government for the 2017/18 financial year.

The Committee also engaged the Provincial Forensic Services on the investigations that were undertaken during the 1st, 2nd and 3rd quarters of the 2017/18 financial year.

The Committee ended its meetings for the 2018/19 financial year by conducting oversight over the annual reports of the Department of Agriculture and CASIDRA for the 2016/17 and 2017/18 financial years.

6. Legislation

During the 2017/18 financial year, the Committee dealt with no legislation.

7. Facilitation of Public Participation

In line with its mandate to facilitate public participation as part of the legislative process, the Committee held 26 public meetings during the 2018/19 financial year.

8. Financial particulars

The Standing Committee was allocated a budget of 134 364,74 for the 2018/19 financial year. At the close of the financial year, the expenditure which attributed to the activities of the Committee accumulated to an amount of R67 239,37. There was thus an underspending of R67 125,37.

2. Annual Report of the Standing Committee on Education for the 2018/19 financial year, dated 31 March 2019, as follows:

Members

The Committee comprised of the following members:

Kivedo, BD (Chairperson) (DA)
 Botha, LJ (DA)
 Christians, FC (ACDP)
 Max, LH (DA) (until June 2018)
 Mitchell, DG (DA) (from June 2018)
 Olivier, RT (ANC)

Alternate members:

Dugmore, CM (ANC)
 Wenger, MM (DA)
 Wiley, MGE (DA)

1. Introduction

The mandate of the Committee is to:

- 1.1 Maintain oversight over the Western Cape Education Department, the way in which the Department performs its responsibilities, including the implementation of legislation and holding the Executive Authority accountable.

- 1.2 Consider and report on legislation, the Annual Reports and matters referred to it by the Speaker.

In fulfilling its mandate the Committee:

- 1.3 Facilitated public participation and involvement in the legislative and other processes of the Committee.
- 1.4 Conducted its business in a fair, open and transparent manner.
- 1.5 Promoted co-operative governance.
- 1.6 Reported regularly to the House.

2. Reporting Department

- 2.1. Western Cape Education Department

3. Overview of Committee's activities

Number of Committee meetings	12
Number of public hearings	8
Number of oversight visits	2
Number of Provincial bills considered	1

4. Oversight activities

Standing Committee on Education

- 4.1. The year under review was considered to be productive. There were interactions with the Western Cape Education Department (hereafter the WCED) and many stakeholders were consulted to ensure that the Committee could approach its oversight function with objectivity and insight. Several initiatives led to follow-up meetings and oversight visits. The following is a summary of the Committee's activities during the 2018/19 financial year.
- 4.2. The Committee commenced the 2018/19 financial year by examining the 2018 National Senior Certificate results and the pass rate of 2018. A standard start to each year, as this sets the tone for the school year ahead.
- 4.3. The Western Cape Provincial School Education Amendment Bill [B1-2019] was referred to the Committee by the Speaker in January 2018. During the initial meeting on the Bill, the Committee discussed its public participation process on the Bill. The Committee conducted six public hearings in Caledon, Riversdale, Oudsthoorn, Klawer, Paarl and Cape Town. The public hearings were well attended by 493 members of the public and 85 oral and written submissions were received during these hearings. The Committee successfully completed the legislative process. The committee finalised and reported on the Bill on 18 October 2018.
- 4.4. The Standing Committee received an invitation to accompany the Standing Committee on Transport and Public Works on its oversight visit to Kwa-Faku Primary School in Philippi. The school was a flagship project of the Department of Public Works and Transport using alternative technology in building a school.

This school experienced many problems even to such an extent that parents stopped their children from attending school for fear that the classrooms could collapse. The Standing Committee on Transport and Public Works reported that due to its persistent follow-up and vigorous oversight, the derelict building has now been demolished and the main building site, as well as the mobile school, have been fumigated.

- 4.5. The Committee was also briefed in May 2018 by the WCED and the Department of Cultural Affairs and Sport on the After School Game Changer.
- 4.6. As part of the Cluster A Visit Week from 23 – 27 July 2018 in the West Coast District, the Committee visited the following sites/schools: West Coast Education District Office in Vredendal, Elizabethfontein Primary School in Clanwilliam, and Darling Primary School in Darling. The meetings with various schools and officials were a constructive interaction where officials provided an in-depth and honest account of the situation at schools in the West Coast District.
- 4.7. In line with the Committee's oversight function, the Committee conducted two oversight visits, one to Zeekoevlei Primary School in Lotus River. In scheduling this visit, the Committee envisaged an in-depth insight into the situation learners, teachers, and other staff have to deal with on daily basis and how gang violence and drug abuse by learners affect this school. Mr Ritchie presented to the Committee on, inter alia, the school's history, the demographics of the surrounding community and the effects of these demographics, the effects of trauma on staff and learners, classroom management and staffing, the distances that some learners have to undertake, as well as suggestions to improve the teaching environment at the Zeekoevlei Primary School. The second oversight visit was to Mikro Primary School in Kuils River. The purpose of the visit was to engage with the school given that this school is fully functional and completely integrated. It was also to look at best practices and whether the lessons learned could be shared with other schools.
- 4.8. The Committee also evaluated the Annual Report of the Western Cape Education Department, which was the subjects of intense discussion.

5. Legislation

In the 2018/19 Financial Year, the Committee dealt with the following items of legislation:

- 5.1 Vote 5 – Education in the Schedule to the Western Cape Adjustments Appropriation Bill [B 6–2018]
- 5.2 Western Cape Provincial School Education Amendment Bill [B1 - 2018]
- 5.3 Vote 5 – Education in the Schedule to the Western Cape Appropriation Bill [B 1–2019]

6. Facilitation of public involvement and participation

In line with its mandate to facilitate public participation as part of the legislative and oversight processes, the Committee held two public hearings on the consideration of the provincial money bills, six public hearings on the Western Cape Provincial School

Education Amendment Bill [B1- 2019] and one public hearing on the Annual Report of the Department. The dates for the hearings were advertised in the mainstream and community newspapers in the Western Cape.

7. Financial particulars

The Standing Committee was allocated a budget of R122 928. At the close of the 2018/19 financial year, expenditure attributed to the activities of the Committee was R287 821.

3. The Annual Report of the Petitions Committee for the 2018/19 financial year is as follows:

Members

The Committee comprised the following members:

Davids, SW (ANC)
 Gillion, MN (ANC)
 Hinana, NE (DA)
 Kivedo, BD (DA)
 Mitchell, DG (DA) (Chairperson from July 2018)
 Max, LH (DA) (Chairperson until June 2018)
 Mitchell, DG (DA)

Alternate members:

Joseph, D (DA)
 Mngasela, M (DA)
 Wenger, MM (DA)

1. Introduction

The mandate of the Petitions Committee is to facilitate public participation and to monitor the oversight function over legislation relating to petitions in conferring with the relevant government and civil society organs. The Petitions Committee must report to the Provincial Parliament on each petition and make appropriate recommendations.

2. Overview of committee's activities

Number of committee meetings	8
Number of public hearings	0
Number of international study tours	0
Number of fact-finding visits	0
Number of cluster visits	0
Number of provincial bills considered	0
Number of NCOP bills considered	0
Workshops or conferences attended	0

3. Oversight activities

- 3.1. In the Petitions Committee's fifth year of the Fifth Parliament, the Committee strove to focus on engaging with communities in order to promote its work. The Committee commenced the 2018/19 financial year by dealing with three new petitions, namely: Trauma Centre for Survivors of Violence and Torture (hereafter to be called the Centre), Riemvasmaak squatter camp at Ashton and the Dennehof Centre at Villiersdorp. It is the Committee's mandate to investigate all petitions before making insightful recommendations to the House. The Committee discussed all three petitions referred to it and requested an additional session to analyse the information received from each petitioner.
- 3.2. During that first meeting in April 2018 the Committee resolved to conclude the petition from the Citrusdal Community Police Forum as the Committee had resolved the issue of demolishing the Forever Tavern in the Riversview informal settlement at Citrusdal.
- 3.3. During the meeting of 20 April 2018 the Committee engaged with the Centre with regard to its petition. The Director of the Centre, Ms V van Reenen-Le Roux, briefed the Committee on the petition. The Committee resolved and requested the Centre to schedule a meeting or workshop with the Department of Social Development in order to consider and develop an action plan or proposal on the submitted petition. This action plan or proposal should then be presented to the Committee.
- 3.4. In May 2018 the Committee deliberated on documentation received from the Department of Human Settlements and the Langeberg Municipality pertaining to the Riemvasmaak informal settlement at Ashton. The Municipality indicated that an ad-hoc committee of the Municipal Council had resolved to take pro-active steps by providing basic services to the community of Riemvasmaak. The Committee requested further clarity about the timelines for the provisioning of these services and about the duration of the delivery of these services.
- 3.5. At the end of May 2018 the Committee resolved and requested the Centre, the Department of the Premier and the Department of Social Development to reconvene in order to consider an action plan or proposal on the submitted petition, as this was not concluded at the first engagement session with the role-players. The Committee further resolved that it would engage with the Department of Premier on the possibility of new research to be conducted. The research should be conducted in respect of child deaths, murders, violence, and torture in the Western Cape. The Committee also resolved to conduct two public hearings in conjunction with other non-profit organisations (NPOs) and the Centre.
- 3.6. Towards the end of the first quarter of 2018/19 the Committee held meetings with the Mayor of the Langeberg Municipality, Mr HM Jansen, and the Municipal Manager, Mr SA Mokweni. The Committee took matters a step further and engaged directly with the petitioners and provided them with the recommendations of the AD-Hoc Committee of the Langeberg Municipality.

- 3.7. In September 2018 the Committee resolved to conclude the petition from the community of Riemvasmaak. The Committee further resolved that this petition be referred to the Standing Committee on Local Government as the matter falls within the competence of that Committee and the recommendation was subsequently made in terms of section 5(3)(b) of the Western Cape Petitions Act, 2006 (Act 3 of 2006). The Committee also resolved that when the Standing Committee on Local Government discusses the petition from the Riemvasmaak informal settlement, an invitation should be extended to the Petitions Committee.

4. Financial particulars

The Petitions Committee was allocated an amount of R122 928 for the 2018/19 financial year. At the close of the 2018/19 financial year the expenditure attributed to the activities of the Petitions Committee accumulated to an amount of R8 545.