

*Friday, 19 April 2024]*

No 53 - 2024] SIXTH SESSION, SIXTH PARLIAMENT

# PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

## ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

FRIDAY, 19 APRIL 2024

### TABLING

The Speaker:

**Submission of a report in terms of section 196(4)(e) of the Constitution of the Republic of South Africa, Act 108 of 1996.**

#### **Public Service Commission**

Report to the Provincial Parliament 2022/23

Copy attached.

### COMMITTEE REPORTS

**1. Report of the Standing Committee on Police Oversight, Community Safety, and Cultural Affairs and Sport on the recommendations for the appointment of candidates to the Governing Board of the Western Cape Liquor Authority, dated 23 February 2024, as follows:**

- 1 The Governing Board of the Western Cape Liquor Authority (the Board) required membership for six vacancies, in order to comply with Section 3(1) of the Western Cape Liquor Act, 2008 (Act 4 of 2008).
- 2 Section 3(3) of the Western Cape Liquor Act, 2008 (Act 4 of 2008) stipulates that “the standing committee must make the recommendations referred to in subsection(1) after evaluating all candidates as to their suitability for appointment”.
- 3 The Committee, having received a list of candidates from the Minister of Police Oversight and Community Safety in the Western Cape, proceeded to interview all 11 candidates between 22 and 23 February 2024.

4. The Committee resolved to submit the following candidates, in order of preference, for the appointment to the Governing Board of the Western Cape Liquor Authority to the Minister of Police Oversight and Community Safety.

- Silochini Pillay
- Crystal Valere Abdoll
- Andre Marthinus Du Plessis
- Stephen Geoffrey Davidson Harrison
- Chuma Fani
- Thembaleni Mangena
- Gregory Allen Grootboom
- Claude Ashwin Bassuday

**2. Report of the Standing Committee on Infrastructure on its oversight visit to the Joe Slovo Housing Project in Riviersonderend on Monday 14 August 2023, as follows:**

**Delegation**

The delegation consisted of the following members:

De Villiers, P  
 Klaas, T  
 Marran, P  
 Maseko, LM (Chairperson)  
 Sileku, I

The following staff attended the oversight visit:

Cloete, L; Senior Procedural Officer  
 Jones, S; Procedural Officer  
 Naidoo, W; Security and Facilities  
 Barends, A; Driver  
 Fortuin, S; Driver

**1. Introduction**

The 2023/24 Strategic Objectives of the WCPP linked to the Speakers' Priorities which impact on committees are as follows:

Priority 1: Building a credible WCPP; and  
 Priority 3: Strengthening the core business.

The Standing Committee on Infrastructure, as part of its oversight mandate, conducted an oversight visit to the Joe Slovo Housing Project in Riviersonderend on 14 April 2023. The visit was followed by a briefing in Caledon to discuss the status of the remaining 48 incomplete houses in Joe Slovo, Riviersonderend, which the Theewaterskloof (TWK) Municipality indicated would be completed by 30 June 2023.

**2. Overview and background**

The Committee was received by Mr. K Papier, Mayor: Overberg District Municipality; Mr W Solomons, Municipal Manager; Mr S Tebele, Acting Deputy Director: Human Settlements; Ms T Lesesa, Executive Mayoral Committee, Portfolio Chair: Community Services; Mr R Nongxaza, Executive Mayoral Committee, Portfolio Chair: Community Services; Mr S Fredericks, Councillor; Ms M Mentoor, Alder Lady; Mr H Syster, Executive Mayoral Committee, Portfolio Chair: Technical Services; Ms R Mienies, Executive Mayoral Committee, Portfolio

Chair: Finance; Mr B Mkhuibiso, Member: Human Settlements Committee; Mr P Stander, Councillor; Ms C Benjamin, Councillor; Mr W Moses, Manager: Human Settlements; Mr B Benson, Councillor; and Mr D Jacobs, Councillor. From the Department of Infrastructure Mr G De Villiers, Acting Chief Director: Implementation; Mr J Brieks, Chief Engineer and Mr S Matshisi, Project Manager.

In a meeting that took place on 14 April 2023, the TWK Municipality invited the Committee to revisit the area for the housing handover after three months had expired from April 2023 of this project. The Committee, for this reason, resolved to revisit the Joe Slovo Housing Project to observe the remaining completed 48 houses in Joe Slovo, Riviersonderend.

On 1 November 2017, approval was granted to build 135 Breaking New Ground housing units in Joe Slovo at a cost of R19 342 885,00. Due to pricing disagreements between the TWK municipality and several service providers, only 87 top structures were completed. The 7 SIR's Group was appointed in July 2022 to complete the remaining 48 top structures. A total of 21 foundations were excavated before the contractor abandoned the site.

This report highlights the findings, key issues discussed and recommendations stemming from the oversight visit.

### **3. Observations and concerns**

During the walk-about in Joe Slovo on 14 April 2023, the Committee observed that waste material was disposed in a nearby stream by the residents of Joe Slovo. There was a concern regarding the waste material jeopardising the ecological health of the stream and that it could have a hazardous impact on the community.

Following the walk-about on 14 April 2023, the Committee conducted a follow-up visit on 14 August 2023, to the Joe Slovo Housing Project in Riviersonderend. During the walk-about, the Committee observed the excavation of the waste material from the nearby stream by the TWK Municipality. Upon further inspection of the area, the Committee observed that the waste material excavated from the stream was transferred to the opposite end of the stream.

Concerns were raised once again regarding waste material and the ecological impact this would have on the stream and the community should the matter not be resolved. The Municipality advised the Committee that skips for waste removal would be placed in the area as part of its plan for refuse removal. The Committee was informed that awareness programmes would be held in the community as part of the TWK Municipality's drive for clean neighbourhoods.

### **4. Key issues discussed.**

- 4.1 The Committee was informed that construction on the 48 housing units did not commence due to the prescripts of the Western Cape Land Use Planning Act (Act 3 of 2014) (LUPA). The Act governs planning permissions, approvals, and sets parameters for new developments and provides for different lawful land uses that must be adhered to for all housing developments. The Joe Slovo housing project required subdivision approvals, without which the project could not continue.
- 4.2 The Contractor 7 SIR's was requested to halt construction until compliance in terms of the LUPA prescripts was met. Due to a lengthy delay in the finalisation of the compulsory compliance approvals and the fact that the contract did not make

provision for standing time, the contractor abandoned the site, and no further progress was made to the project.

- 4.3 The Municipality sent correspondence to Minister Bredell, the Minister for Local Government, Environmental Affairs and Development Planning, informing the Minister of the challenges to completing the 48 houses in Joe Slovo. The Minister afforded the municipality the opportunity to utilise the Emergency Housing Project funds to complete the project. Funding was made available in the 2022/23 financial year business plan from R17 656 504,00 to R19 415 925,00 based on the subsidy quantum for the 48 houses. The funding was subsequently rolled over to the 2023/24 financial year due to the lack of progress at the site.
- 4.4 The TWK municipality approached the 7 SIRS's contractor, instructing him to finalise the housing project. The municipality after several attempts to engage with the contractor, was advised to terminate the contract and appoint a new contractor to complete the remaining 48 units. A formal letter was sent to 7 SIR's informing them that their contract would be terminated if they failed to finalise the construction of the 48 houses, and in failing to finalise the construction would mean that they are in breach of their contract, which could result in contractual termination.
- 4.5 The Committee raised concerns that three years have passed and the beneficiaries of the 48 housing units are still waiting for their houses to be completed. Further concerns were raised regarding the consequences of the termination of the contract with 7 SIR's, and whether the terms of the contract could be negotiated amicably with the contractor.

## **5. Resolutions/Actions**

- 5.1 The Committee REQUESTED that the Theewaterskloof Municipality provide it with:
  - 5.1.1 A reconciliation of the construction costs of the Joe Slovo Housing Project from inception to date;
  - 5.1.2 A report that defines and details the responsibility of the Theewaterskloof Municipality and that of the Department of Infrastructure with regards to the Joe Slovo Housing project;
  - 5.1.3 A business plan on the revised Joe Slovo Housing Project;
  - 5.1.4 A report on the steps that will be taken by the Municipality after the 14-day notice period to 7 SIR's has expired; and
  - 5.1.5 A monthly progress report on the Joe Slovo Housing Project.

## **6. Acknowledgements**

The Committee expressed its appreciation to the Members, the Mayor of Theewaterskloof, ward councillors, officials from the Department of Infrastructure and the Theewaterskloof Municipality officials for their participation in the meeting and oversight visit.

## **3. Annual Report of the Standing Committee on Infrastructure for the 2023/2024 financial year, as follows:**

### **Members**

The Committee comprised of the following members:

De Villiers, P (GOOD) (Until 25 March 2024)  
 Little, S (From 25 March 2024)  
 Marran, P (ANC)  
 Maseko, L (Chairperson) (DA)  
 Murray, C (From 27 February 2023)  
 Sileku, I (From 27 February 2023)

### **Alternate Members**

America, D (DA) (From 27 February 2023)  
 Kama, M (ANC)  
 Klaas, TM (EFF) (From 6 February 2023)  
 Smith, D (ANC)  
 Van der Westhuizen, A (DA) (From 27 February 2023)

## **1. Introduction**

- 1.1 The 2023/24 Strategic Objectives of the WCPP linked to the Speakers' Priorities which impact on committees are as follows:  
 Priority 1: Building a credible WCPP; and  
 Priority 3: strengthening the core business.
- 1.2 The mandate of the Committee was to-
- 1.2.1 maintain oversight over the Executive member and the Department and its Entity, of the way in which they perform their responsibilities including the implementation of legislation and to hold them accountable to the Western Cape Provincial Parliament; and
- 1.2.2 consider and report on legislation, other matters and the Annual Reports referred to by the Speaker.
- 1.3 In fulfilment of its mandate the Committee -
- 1.3.1 facilitated public participation and involvement in the legislative and other processes of the Committee;
- 1.3.2 conducted its business in a fair, open and transparent manner;
- 1.3.3 promoted co-operative governance; and
- 1.3.4 reported regularly to the House.

## **2. Reporting Department and Entity**

The Department of Infrastructure and its entity the Western Cape Rental Housing Tribunal

## **3. Overview of Committees Activities**

No of Committee Meetings	27
No of Public Hearings	08
No of Oversight Visits	06
No of Provincial Bills considered	02

## **4. Oversight activities**

The 2023/24 financial year commenced with briefings by the National Department of Public Works and Infrastructure on the Expropriation Bill [B 23B-2020] (NCOP) and the National Department of Human Settlements on the Housing Consumer Protection Bill [B 10B-2021] (NCOP). Members of the public were provided with

an opportunity to submit written and oral submissions on the bill. The Committee finalised the Negotiating Mandates on both Bills. The Committee conducted an oversight visit to observe the Joe Slovo Housing Project in Riviersonderend and interacted with community members during the visit and walkabout. The visit was followed by a meeting with the Department of Infrastructure and the Theewaterskloof Municipality.

As part of its oversight mandate, the Committee conducted urgent oversight visits to flood damaged buildings and road infrastructure in Citrusdal, Cederberg, Clanwilliam, Matzikama and Bergrivier. The oversight visits commenced with a visit to the flood damaged areas specifically the road infrastructure commencing with the main road in Citrusdal, and then proceeding to the Uitkyk Pass, DR2184 in the Cederberg region and finally concluding the visit, with a site visit to the MR310DR1487 in Clanwilliam. In Matzikama the Committee looked at the Troe-Troe Bridge, the restoration of the bridge and discussed the water shortage issue in the area. The Committee was also able to observe the derelict condition of the Moravian houses, road infrastructure and bulk infrastructure in Wittewater and Goedverwacht respectively. The Bergrivier Municipality informed the Committee that they were experiencing flooding in all three of its major towns. The costs to upgrade the storm water system in Bergrivier would amount to R80 million. Further challenges were raised regarding heavy trucks that accesses the area, causing damage to the road infrastructure. The Committee received a briefing on the extent of the disaster and the budgetary requirements to rehabilitate the flood damaged infrastructure.

The Department of Infrastructure briefed the Committee on the Annual Reports of the Department of Human Settlements and its Entity the Western Cape Rental Housing Tribunal, for the 2022/2023 financial year. The Committee held discussions on Vote 10 in the Schedule to the Western Cape Adjustments Appropriation Bill [B 1-2024]. The Committee also received a briefing on the public comments on the Matrix of submissions on the Expropriation Bill [B 23B-2020] (NCOP). Further discussions were held on the Preferential Procurement Policy of the province with specific reference to local SMME's.

The Committee dealt with the final mandates on the Housing Consumer Protection Bill and the Expropriation Bill. Concern was raised regarding the recurring complaints throughout the public hearing phase on the limited number of public hearings on the Expropriation Bill. The public advised the Committee, that not all members of the public in the respective areas in the province were present to attend the public hearings. The public that participated, indicated that the Bill impacts so many people and that all affected persons should have been present and consulted to raise their views on the Bill. For this reason, the Committee was urged to consider hosting additional public hearings in areas not covered by the Committee during its initial public hearing phase. Due to the interest in, and the impact of the Expropriation Bill [B 23D-2020] (NCOP), the Committee requested that an extension be granted to February 2024, to enable the Committee to conduct additional public hearings. The NCOP however granted an extension of one week. The Committee advised that this extension was not adequate to allow the Committee to host additional public hearings. The Committee once again raised concerns regarding the limited time allocated to the provinces to conduct sufficient public hearings, and to meet on the negotiating mandate and final mandate.

The Department of Infrastructure held its first and last meeting on Vote 10 to the Schedule to the Western Cape Appropriation Bill [B 1-2024] with the 6th Parliament. The Committee was able to discuss the Departments challenges with the

extortion of catalytic projects by the construction mafia. The Department advised the Committee that extortion was becoming a growing problem that needed to be addressed. Further discussions were held on the housing allocation to Ms Bess and her disabled son, the request for flood disaster funding from national that was not received and the reduced budget allocation for projects.

## **5. Legislation**

In the 2023/24 Financial Year, the Committee dealt with the following items of legislation:

### **5.1 Provincial Bills**

5.1.1 Western Cape Adjustments Appropriation Bill [B 7–2023]: Vote 10: Infrastructure.

5.1.2 Western Cape Appropriation Bill [B 1—2024]: Vote 10: Infrastructure.

### **5.2 NCOP Bills/Legislation**

5.2.1 Expropriation Bill [B 23B-2020] (NCOP)

5.2.2 Housing Consumer Protection Bill [B 10D-2021] (NCOP)

## **6. Facilitation of Public Involvement and Participation**

As part of the Committee’s mandate to facilitate public participation as part of the legislative process, the Committee held eight public hearings. To this extent the Committee advertised extensively on the Annual Report public meetings and on legislation such as the Western Cape Adjustments Appropriation Bill [B 7–2023], the Western Cape Appropriation Bill [B 1–2024], the Expropriation Bill [B 23B-2020] (NCOP) and the Housing Consumer Protection Bill [B 10D-2021] (NCOP), informing and inviting interested stakeholders to participate in processes.

## **7. Financial particulars**

The Standing Committee was allocated an amount of R200 000,00 and the adjusted budget amounted to R478 100,00. At the close of the 2023/24 financial year, expenditure attributed to the activities of the Standing Committee on Infrastructure amounted to a total of R487 477,00 and an overspend of – R9 377,00 (expenditure after the Adjusted budget) was reported.