

Thursday, 2 May 2024]

No 59 - 2024] SIXTH SESSION, SIXTH PARLIAMENT

# PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

## ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

THURSDAY, 2 MAY 2024

### COMMITTEE REPORTS

1. ***(Final mandate stage)* Report of the Standing Committee on Education on the Basic Education Laws Amendment Bill [B 2D-2022], dated 29 April 2024, as follows:**

The Western Cape Provincial Parliament confers on the Western Cape's delegation in the National Council of Provinces the Authority not to support the Bill.

2. **Annual Committee Activity Report of the Standing Committee on Agriculture, Environmental Affairs and Development Planning for the 2023/24 financial year as follows:**

#### Members

The Committee comprised of the following members:

Van der Westhuizen, AP (DA) (Chairperson)

America, D (DA)

August, SN (Environmental Affairs and Development Planning) (GOOD) until 12 May 2023

De Villiers PT (GOOD) from 5 June 2023 until 25 March 2024

Little, S (GOOD) from 25 March 2024

Marais, PJ (Agriculture) (FF Plus)

Marran, P (ANC)

Murray, C (DA)

#### Alternate Members

Lili, A (ANC)

Maseko, LM (DA)

Sileku, I (DA)

Smith, D (ANC)

#### 1. Introduction

The mandate of the Committee was to -

- 1.1 maintain oversight over the Executive Members and the Departments and its Entities, 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 consider and report on legislation, other matters and the Annual Reports referred to it by the Speaker.

In fulfillment of 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; and
- 1.6 reported regularly to the House.

## **2. Reporting Department(s) and Entities**

- 2.1 Department of Environmental Affairs and Development Planning
- 2.2 Department of Agriculture
- 2.3 CapeNature
- 2.4 Casidra

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

No of Committee Meetings	20
No of Public Hearings	6
No of Oversight Visits	2

## **4. Oversight activities**

The 2023/24 year was considered a productive year in which interactions with the Departments and Entities and the many stakeholders consulted were both cordial and beneficial and ensured that Committee members could approach their oversight function with objectivity and insight. The Committee successfully conducted most of its business by way of virtual meetings on Microsoft Teams.

The financial year was a challenging year due to the lingering impact caused by the COVID-19 pandemic and the effects of loadshedding, exacerbated by limited fiscal resources. The Committee continued with its mandate and embarked on several initiatives having resulted in follow-up activities and meetings. The Committee focused on legislation, current and regulatory matters as well as overseeing the implementation of policies and programmes related to the Department of Agriculture, the Department of Environmental Affairs and Development Planning, Casidra and CapeNature. The following is a summary of the Committee's activities during the 2023/24 financial year.

- 4.1 In terms of NCOP Bills, the Committee focused and concluded its processes on the National Veld and Forest Fire Amendment Bill [B 24B—2021] (NCOP) and the Agricultural Product Standards Amendment Bill [B 15B—2021] (NCOP). The processes in respect of the Marine Pollution (Prevention of Pollution from Ships) Amendment Bill [B 5—2022] (NCOP) and the Climate Change Bill [B 9B—2022] (NCOP) was concluded up to the Negotiating Mandate Stage. Final Mandate Reports in respect of these bills will be considered and submitted to the respective NCOP Select Committees early in the 2024/25 financial year.

The Preservation and Development of Agricultural Land Bill [B 8B—2021] (NCOP) and the Plant Health (Phytosanitary) Bill [B14B-21] (NCOP) were referred to the Committee in the third and fourth quarters of the 2023/24 financial year respectively.

In terms of the Preservation and Development of Agricultural Land Bill [B 8B—2021] (NCOP), the Committee requested clarity from the Chairperson of the NCOP Select Committee on Land Reform, Environment, and Mineral Resources & Energy as to whether the Bill will be addressed before the end of the current term or administration.

Regrettably, attempts to elicit a response from the Chairperson of the Select Committee proved unsuccessful. The Committee in turn, highlighted this matter with the Western Cape Permanent Delegate in the NCOP, to assist in seeking clarification on whether the NCOP intends to proceed with the Preservation and Development of Agricultural Land Bill and the Plant Health (Phytosanitary) Bills. Clarity was eventually provided in a letter to the Secretary of the Western Cape Provincial Parliament dated 25 March 2024 that these bills will be dealt with from the latter half of April 2024 onwards.

The Preservation and Development of Agricultural Land Bill and Plant Health (Phytosanitary) Bills carried significant implications and required thorough deliberation to ensure that it reflected the diverse perspectives and interests of our communities. Substantial public interest was likely, specifically in relation to the Preservation and Development of Agricultural Land Bill. Agricultural land and matters connected thereto was of significant economic importance to the Republic, to persons employed in these industries as well as to persons that had a direct or indirect interest in the well-being of the industry.

It was therefore not possible for the Committee to fulfil its constitutional duty to facilitate public involvement in its legislative processes as it related to these Bills. It was not even possible for the Committee to give adequate and reasonable notice to the populace of the province that the Bills were being dealt with by the Western Cape Provincial Parliament. The process therefore violated section 118 of the Constitution.

The Committee could not participate in an unconstitutional process and recommended that the legislation be withdrawn and revived in the new administration with a renewed commitment from the NCOP that ensured sufficient time for robust public participation by providing more realistic timelines to provinces.

- 4.2 In terms of Money Bills, the Committee deliberated on Vote 9: Environmental Affairs and Development Planning and Vote 11: Agriculture, in the Schedule to the Western Cape Adjustments Appropriation Bill [B 7–2023]. Similarly, the main appropriated budget for the 2024/25 financial year for Vote 9: Environmental Affairs and Development Planning and Vote 11: Agriculture, in the Schedule to the Western Cape Appropriation Bill [B 1–2024] was considered.
- 4.3 In terms of regulatory matters, The Western Cape Biodiversity Act, 2021 (Act 6 of 2021), which was assented to by the Premier on 14 December 2021, continued to be implemented in a phased process during the year under review. The status of the phased implementation approach of certain sections of the Western Cape Biodiversity Act, 2021 (Act 6 of 2021) was a focus area of the Committee with the purpose of ensuring that the phased implementation of the Act proceeded with consideration for public participation and the alignment to national policies.

- 4.4 Current matters that were addressed by the Committee included water consumption management, particularly in agriculture, with a focus on the Clanwilliam Dam. This dam was a crucial source of water for the Western Cape region, and it played an important role in ensuring sufficient water supply as it provided water for irrigation, industrial, and domestic use to the surrounding communities. The Committee therefore invited the national Department of Water and Sanitation to discuss the progress on the construction work of the Clanwilliam Dam as well as the subject of the allocation of additional water rights, both in terms of the Clanwilliam Dam as well as the Brandvlei Dam.
- 4.5 The Committee reported in previous financial years on the status of the turnaround strategies for the Amalienstein and Waaikraal farms and continued to follow up in this regard in the year under review with a focus on ascertaining under what conditions transfer could take place to the relevant communities. These farms were managed by Casidra on behalf of the Department of Agriculture. Both farms were financially unsustainable due to limited funding and the lack of a constant supply of water for irrigation. The Committee had previously requested a three-year summary of the financial results of the farms and it was clear that the farms were not financially sustainable. It was also clear that the farms were unlikely to ever make profit given the infrastructure issues, the climatic issues that impacted them, and the fact that they annually required government subsidies. The Committee recommended the possibility of seeking additional investment to make the farms viable and the possible establishment of a legal entity as there was a need for a significant investment in water infrastructure on these farms. Despite these challenges, the Department of Agriculture and Casidra were committed to finding solutions for these farms and reported to the Committee on its progress on a bi-annual basis.
- 4.6 The Committee also received regular updates, in writing, from the Department of Environmental Affairs and Development Planning and CapeNature as well as from the Department of Agriculture and Casidra on its quarterly performance where non-financial performance targets were evaluated and where performance indicators that were not achieved and/or partly achieved were highlighted.
- 4.7 The Committee conducted two oversight visits, one to the Cederberg area, and another to the Beaufort West area.

The floods that occurred in the Cederberg area on 15 June 2023 caused considerable devastation to the farming community and Nature Reserves in the area. The Committee therefore undertook an oversight visit to the Algeria Camping Site, met with the Department of Agriculture and the Citrus Growers Association and visited affected farms in the area. The purpose of the visit to the Algeria Camping Site was to discuss and observe the impact these floods have had on the Reserve and surrounding areas, to assess the impact of the flood damage to infrastructure and biodiversity and to discuss the impact on tourism revenue. Similarly, the purpose of the meeting and visit to the agricultural affected areas was to discuss the impact these floods have had on the agricultural industry, particularly the citrus sector, and to observe firsthand the extent of the damage. The Committee also engaged with the Citrus Growers Association on challenges experienced in the export of citrus and other crops.

The Committee also undertook an oversight visit to the Beaufort West area with a focus on projects associated with the Department of Agriculture and the Department of Environmental Affairs and Development Planning.

Projects visited included a visit to Murraysburg as the Department of Agriculture appropriated approximately R1,5 million to a garlic project in the area. The Committee also engaged with small-scale livestock farmers who were assisted during the last drought and with the Department of Agriculture on the assistance that was offered to fight locust swarms. To this end the Committee met with Mr Jan Bostander and the Department of Agriculture in its district office in Beaufort West. Mr Bostander was actively involved in the operation to eradicate locust swarms in 2022 and relayed his experience to the Committee, including challenges that he experienced.

The Committee further explored the environmental impact of fracking together with the Standing Committee on Finance, Economic Opportunities and Tourism and met with officials from the Department of Environmental Affairs and Development Planning, the Central Karoo District Municipality and representatives from Geoscience at the precinct of the Central Karoo District Municipality in Beaufort West. The Department of Environmental Affairs and Development Planning, and Geoscience provided the Committees with information pertaining to the status of regulatory applications for shale gas development, key policy and law reform initiatives related to shale gas, research related to shale gas and the readiness for large scale development in the Karoo.

The Committee attended the Department of Agriculture's Career Open Day in Beaufort West. The specific goal regarding the Career Open Day was to expose local youth (not limited to those at school) to career opportunities and associated support mechanisms. As the youth of Murraysburg did not have the means of attending open days of tertiary and skills institutions, the intention was to bring truncated versions of these open days to the town. As it was clear the agricultural sector would not be able to absorb all these young people, the Department of Agriculture decided that such an open day should move beyond the agricultural sector and include all sectors of the economy. For this reason, all learning and tertiary institutions as well as government departments in the province formed part of this initiative.

The Committee recognised the challenges faced by small-scale farmers in Murraysburg, the outstanding community service by individuals, such as Mr Jan Bostander in terms of the locust swarms and the uncertainty around fracking and the future of shale gas extraction.

- 4.8 The Committee, together with the Standing Committee on Infrastructure and the Standing Committee on Finance, Economic Opportunities and Tourism, conducted an International Study Visit to the State of California from 15 – 19 May 2023.

Prior to its International Study Visit to the State of California, the Committee engaged with the Department of Agriculture on the implementation of the Memorandum of Understanding between the Department and the California Department of Food and Agriculture with specific reference to the benefits attained for the Western Cape, challenges, and interventions.

Mitigation measures to deal with the effects of climate change continued to be of concern to the Committee. The objective of the signed Memorandum of Understanding between the Western Cape Department of Agriculture and the California Department of Food and Agriculture was to promote the co-operation between the regions that shared similar challenges and climates and to deal with the effects of climate change.

The Committees therefore undertook the study visit to the State of California to observe best practices in the areas of climate change, agriculture, housing and economic development. Relationship building and the enhancement of capacity and knowledge were also key objectives.

The delegation met with representatives from the California State Senate, the California Secretary of State, the California Legislative Assembly, and Chairpersons of the Portfolio Committees on Housing, Agriculture and Environmental Quality. The delegation also engaged with the California Department of Food and Agriculture, the University of California (Davis Campus), attended a hearing on the Budget and Fiscal Review on Resources, Environmental Protection and Energy and visited a farm that employed Climate Smart agricultural practices.

Furthermore, the delegation also embarked on an unaccompanied tour of Silicon Valley and Napa Valley and engaged with locals on various matters as both regions offered significant economic benefits to the State.

- 4.9 Annual reports were the key instruments for departments to report on performance measured against their performance targets and budgets as outlined in their Strategic Plans and Annual Performance Plans. To this end, the Committee deliberated on the Annual Reports of the Department of Agriculture and the Department of Environmental Affairs and Development Planning as well their respective entities, Casidra and CapeNature, for the 2022/23 financial year.

## **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 9 - Environmental Affairs and Development Planning  
 5.1.2 Western Cape Adjustments Appropriation Bill [B 7—2023]: Vote 11 - Agriculture  
 5.1.3 Western Cape Appropriation Bill [B 1—2024]: Vote 9 - Environmental Affairs and Development Planning  
 5.1.4 Western Cape Appropriation Bill [B 1—2024]: Vote 11 - Agriculture

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

- 5.2.1 National Veld and Forest Fire Amendment Bill [B 24B—2021] (NCOP)  
 5.2.2 Agricultural Product Standards Amendment Bill [B 15B—2021] (NCOP)  
 5.2.3 Marine Pollution (Prevention of Pollution from Ships) Amendment Bill [B 5—2022] (NCOP) to be finalised by the Committee in the new financial year.  
 5.2.4 Climate Change Bill [B 9B—2022] (NCOP) to be finalised by the Committee in the new financial year.

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

In line with its mandate to facilitate public participation as part of the legislative process, the Committee created awareness and opportunity for the public to participate in the legislative process by advertising in print media, using social media such as Facebook, Twitter and Instagram as well as drafting specific letters to affected and interested stakeholders to comment on legislation.

The public was therefore given the opportunity to request to make verbal presentations to the Committee, to submit written comments and to submit oral submissions via WhatsApp voice notes.

## **7. Financial Particulars**

The Committee's actual expenditure for the 2023/24 financial year as at 31 March 2024 was R143 812.57 against an adjusted budget of R158 551.00.