

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

MONDAY, 16 MAY 2022

COMMITTEE REPORT

Annual Committee Activity Report of the Standing Committee on Agriculture, Environmental Affairs and Development Planning for the 2021/22 financial year as follows:

Members

The Committee comprised of the following members:

Van Der Westhuizen, AP (DA) (Chairperson)
August, SN (Environmental Affairs and Development Planning) (GOOD) from 15 March 2022
Bartman, DM (DA) until 27 February 2022
Bosman, G (DA) from 28 February 2022
Botha, LJ (DA) from 28 February 2022
Herron, BN (Environmental Affairs and Development Planning) (GOOD) until 3 February 2022
Marais, PJ (Agriculture) (FF Plus)
Marran, P (ANC)
Maseko, LM (DA) until 27 February 2022

Alternate Members

America, D (DA)
Mackenzie, RD (DA) from 28 February 2022
Maseko, LM (DA) from 28 February 2022
Plato, D (DA) from 28 February 2022
Schäfer, BA (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	27
No of Public Hearings	6
No of Oversight Visits	4

4. Oversight activities

The 2021/22 year was considered a challenging, yet productive year in which interactions with the Departments and Entities and the many stakeholders consulted were both cordial and productive and ensured that committee members could approach their oversight function with objectivity and insight. Due to the COVID-19 pandemic, the Committee successfully conducted its business by way of virtual meetings on Microsoft Teams.

The financial year was eventful and several initiatives having resulted in follow-up activities and meetings. Legislation took preference over other committee activities. The following is a summary of the Committee's activities during the year.

- 4.1 The Committee's main focus for the year was on the processing of section 76 legislation, provincial bills, including money bills. Regarding section 76 bills, the Committee finalised the Upgrading of Land Tenure Rights Amendment Bill [B 6B—2020] (NCOP) (s76); the National Forests Amendment Bill [B 11B—2016] (NCOP) and the National Environmental Management Laws Amendment Bill [B 14F—2017] (NCOP) and

submitted its final mandates timeously to the Select Committee on Land Reform, Environment, Mineral Resources and Energy in the NCOP. The Bills are listed below.

- 4.2 In terms of provincial legislation, the Committee concluded its processes on the Western Cape Land Use Planning Amendment Bill [B 6–2020]. The Western Cape Biodiversity Bill [B 2–2021] was referred to the Committee on 9 June 2021. The Committee received a briefing from the Department of Environmental Affairs and Development Planning on the content and impact of the Bill on 15 June 2021. The Committee then decided on its public participation process. The Bill was advertised in print media, on social media and specific stakeholder letters, which included municipalities, were distributed. Stakeholders were invited to submit written submissions and indicate if they would want to make oral submissions before the Committee. The closing date for comment was 10 August 2021. The Committee received 12 substantive written comments by 10 August 2021 with seven stakeholders requesting an extension to submit their comments, which was granted. The Committee, together with the Department of Environmental Affairs and Development Planning, worked through the submissions received over a span of many meetings and then, based on the submissions received and members input, agreed to amendments to the Bill. The Committee reported the Bill with amendments [B 2A-2021] and [B 2B-2021] to the House. The bills are listed below.
- 4.3 In terms of Money Bills, the Committee deliberated on Vote 9: Environmental Affairs and Development Planning, in the Schedule to the Western Cape Third Adjustments Appropriation Bill (2020/21 Financial Year) [B 3–2021] as well as Vote 9: Environmental Affairs and Development Planning and Vote 11: Agriculture, in the Schedule to the Western Cape Adjustments Appropriation Bill [B 6–2021]. Similarly, the main appropriated budget for the 2022/23 financial year for Vote 9: Environmental Affairs and Development Planning and Vote 11: Agriculture, in the Schedule to the Western Cape Appropriation Bill [B 2–2022] was deliberated on. The bills are listed below.
- 4.4 The Committee continued to be concerned about the safe transportation of farm workers and met with trade union representatives in this regard who provided the Committee with an update on what their respective organisations were doing to assist the plight of farm workers in relation to safety while being transported to and from their places of employment on the back of vehicles. Challenges in this regard were highlighted and risk mitigating factors were discussed. The Committee encouraged the trade unions to remain the voice of workers and to not only advocate for better wages but also to pursue the safe transportation of farm workers.

The Committee was pleased to determine that since the previous meetings on the subject matter that took place in the previous financial year, several law enforcement actions were undertaken that focused on the transport of workers on the back of vehicles, especially in those areas well known for providing transport to seasonal workers. The Committee commended the Department of Transport and Public Works for acting on this. The Committee was also pleased to determine that the Department of Agriculture now included road safety as one of the aspects in its Rural Safety Plan.

- 4.5 Alien invasive vegetation clearing was another focus area of the Committee. The Committee communicated with the Department of Environmental Affairs and Development Planning in respect of water losses within municipalities and how this was

linked to the non-availability of water, particularly for human consumption. The presence of alien vegetation, including pine trees that were originally introduced by the then Department of Forestry, in the water catchment areas that could possibly hamper the maximisation of the runoff water from dams in the Western Cape was of concern. CapeNature and the provincial Department of Environmental Affairs and Development Planning briefed the Committee on the strategic context of Ecological Infrastructure and Alien Invasive Plants. The Ecological Infrastructure Investment Framework and Biomass value chain development was explained and an overview of the National Programme and the criteria for the prioritisation of certain areas was provided. The Department and CapeNature further provided the Committee with the status of their respective Alien Vegetation Clearing Programmes, the integration thereof as well as challenges experienced.

The national Department of Forestry, Fisheries and the Environment were requested to contribute to this discussion, particularly on how water management programmes collectively are incorporated into Alien Invasive Clearing Programmes. Unfortunately, the invitation was declined.

- 4.6 The future curricula of the Elsenburg Agricultural Training Institute with specific reference to tertiary institutions and qualifications that fall within the ambit of the national sphere of government were of concern to the Committee. To this end, the Committee met with the Department of Agriculture to determine if there was communication with the relevant national authority, how this would affect the future of the Training Institute and how the Department was dealing with this matter.

The Department provided the Committee with a brief overview of the Training Institute and outlined its current skills programmes and future offerings in terms of these programmes, both for Agricultural Skills Development and Higher Education and Training. The accreditation status of programmes and partnership agreements in place were also provided to the Committee as well as statistical information spanning over a five year period that portrayed the number of student registrations versus the number of students who graduated. Based on this, the Committee expressed concern regarding the throughput rate as it appeared that the dropout rate was high based on the statistics provided. Other issues raised, included the finalisation and securing of funding for staff establishments, operating budgets, as well as the scope for provinces or college councils to determine curricula in line with, among other things, provincial training needs.

The Committee also raised concern about the plan of national government to move Agricultural Colleges to their higher education and training portfolio and met with the Department on this matter in February 2022. The Department of Agriculture informed the Committee that the intention of the national Department of Agriculture, Land Reform and Rural Development, in conjunction with the Department of Higher Education and Training, was for agricultural colleges to move from provinces to national with effect from 1 April 2022 and that the Western Cape was the only province that objected to this move. This objection was in light of statutory and regulatory processes that were not in place, particularly the consultation process between the provincial Minister of Agriculture and the National Ministers of Higher Education and Training and Agriculture, Land Reform and Rural Development.

The Committee was further informed that the move has been deferred to 1 April 2023 subject to all regulatory processes being concluded. During the discussion, the Department of Agriculture eluded to five other options that could be explored and that this would form part of the consultative process. This will be explored by the Committee in the 2022/23 financial year.

- 4.7 The Department of Environmental Affairs and Development Planning briefed the Committee on the Aviation Fuel Study undertaken and its Biomass Programme by providing the Committee with the pre-feasibility study of ethanol supply for the production of sustainable aviation fuel by outlining the study's background, main objectives, partnerships and also providing a summary of the ethanol supply cost for single and combination feedstock scenarios. Stakeholders involved were mentioned as well as alternative feedstock options in the form of various wastes that could be converted to sustainable advanced liquid fuels. The Department also provided the Committee with the rationale for a biomass economy. The strategic context and status of the Departmental Biomass Programmes were outlined that focused on various business models for Biochar, Activated Carbon and Wood Vinegar sourced from alien invasive plant clearing. The value chain and benefits regarding alien invasive plants as well as the market opportunities for the above-mentioned commodities were provided. In this regard the Department provided the Committee with an overview of the Karatara Catchment and Restore Eden Projects. The Committee will be visiting these projects in the 2022/23 financial year.

- 4.8 The Draft Western Cape Inclusionary Housing Policy Framework was published for comment by the Department of Environmental Affairs and Development Planning during the 2021/22 financial year. The Draft Policy Framework aimed to assist municipalities in the Western Cape to facilitate inclusion of more affordable housing units in developments in their municipal areas. This will be done in partnership with the private sector with the goal of creating more opportunities for people to live in better locations.

The Committee received a briefing on the Draft Policy with specific reference to its content, impact, the public consultation process and public comments received as well as the extent to which public input will be incorporated into the Policy Framework. The Committee will continue to follow up on the implementation of the said Draft Policy.

- 4.9 The Agricultural Producer Support and Development Programme within the Department of Agriculture was also an area of focus. The Programme focused on subsistence and smallholder farmers. The Department of Agriculture provided the Committee with information pertaining to Western Cape's contribution to national agricultural exports as well as the Western Cape's contribution to agricultural employment within the Province. The Commodity Approach and Black Producers Commercial Programme within the Agricultural Producer Support and Development Programme was explained. The support to and constraints experienced by smallholder and subsistence farmers as well as the challenges regarding land access, COVID-19 responses and the drought were outlined. Reference was also made to challenges in respect of the low ratio of Extension Officers to farmers. The Department also highlighted elements of certain disasters and constraints facing small holder and subsistence farmers.

The Committee will be visiting farms that have been enrolled in the Agricultural Producer and Support Programme in the new financial year in order to engage with the

farmers to determine their challenges, successes as well as the type and level of support from the Provincial and respective National Department that will improve the prospects of some of these emerging farmers.

- 4.10 Another focus area was the agreement between the Western Cape Department of Agriculture and the California Department of Food and Agriculture. The Department of Agriculture provided the Committee with the rationale behind the agreement and key elements and components of the agreement in terms of its goals and objectives were highlighted. The state of California's economy, agricultural production and climate were outlined as well as initiatives by the California Department of Food and Agriculture and areas of co-operation between itself and the Western Cape Government. The Committee resolved that, as the final responsibility for agricultural policy falls within the Western Cape Government and the Western Cape Provincial Parliament's domains, it would endeavour to undertake an international study visit to the state of California to improve relationships, to support the implementation of the agreement, to monitor the benefits to be gained, and to identify possible amendments to existing policies and legislation.
- 4.11 Emphasis was also placed on the subject of waste management. The Department of Environmental Affairs and Development Planning provided the Committee with an overview of the State of Waste Report 2022 for the Western Cape. The Western Cape Integrated Waste Management Plan inclusive of waste generation, diversion and disposal as well as the state of municipal waste by-laws were expanded upon. The waste management facilities and compliance status as well as the status of organic waste diversion plans were highlighted and the Committee was provided with a synopsis of the challenges faced by municipalities. The Committee raised numerous issues that included waste separation at source, incentives, dealing with red tape, the safety of waste pickers at landfill sites, municipalities that do not have by-laws and waste management plans in place, illegal dumping of waste, awareness campaigns in communities as well as multiple households on one erf being allocated only one municipal bin.
- 4.12 The Committee conducted four oversight visits, one to the Breede River Valley Region, another to Elsenburg and two visits to the West Coast. The latter formed part of the Service Delivery Cluster Visit Week.

The purpose of the visit to the Breede River Valley Region stemmed from the deliberation on the Department of Agriculture's Annual Report for the 2019/20 financial year, where the Committee was informed that the Department submitted a proposal for funding to the Department of Water Affairs (DWS) to raise the current Brandvlei Feeder Canal by 30cm and that this would allow an additional amount of water to be diverted during the winter months for storage which would bring a significant additional area under irrigation. The Committee further determined that, due to an undertaking by the national Minister of Water and Sanitation, the DWS would undertake the construction work and that the R20 million budgeted by the Department of Agriculture for this project was surrendered to the Provincial Revenue Fund for COVID-19 related expenditure. The Committee was concerned about the continued delays in respect of this beneficial project but was pleased that the Department of Agriculture indicated willingness to pursue this matter with the DWS.

To this end, the Committee resolved that it would request regular updates on this matter and further resolved to conduct an oversight visit to the Brandvlei Dam and related

projects in the Breede River Valley area to observe progress made in terms of construction and to gain a better understanding of the potential benefits of the projects once completed. The Committee then visited the Brandvlei Dam Project, Holsloot Weir and Papenkuil Pump Station in Worcester where the focus was on water security. This visit concluded with a visit to a farm near De Doorns where good design structures were in place for transporting farm workers.

The purpose of the visit to Elsenburg was to observe a demonstration on the use of unmanned aerial vehicles in the agricultural sector and the Committee also engaged with entrepreneurs who were assisted with product development and business advice by the Department of Agriculture.

The Committee, as part of the Service Delivery Cluster of Committees, participated in a Cluster Visit Week that took place in the West Coast District. This visit week included a visit to the Colenso Farm in Darling and the Rocherpan Nature Reserve in Velddrif. Engagements with the farmer at the Colenso farm centred around the farmer's battle to obtain a lease agreement from the national Department of Agriculture, Land Reform and Rural Development, the support required from the Western Cape Department of Agriculture to ensure that he emerges as a successful farmer and his experience of the support given by the Department. The visit to the Rocherpan Nature Reserve provided the delegation with an understanding of the biodiversity and conservation issues of Rocherpan Nature Reserve and the marine protected area, the tourism and economic growth in the area as well as community involvement and educational programmes offered. The Committee also attended and participated in the meetings of the other committees within the Cluster during the Visit Week.

- 4.13 The Annual Reports of the Department of Environmental Affairs and Development Planning and its Entity, CapeNature, as well as the Annual Reports of the Department of Agriculture and its entity, Casidra for 2020/21 were evaluated.

5. Legislation

In the 2021/22 Financial Year, the Committee dealt with the following items of legislation:

5.1 Provincial Bills

- 5.1.1 Western Cape Land Use Planning Amendment Bill [B 6–2020]
- 5.1.2 Western Cape Third Adjustments Appropriation Bill (2020/21 Financial Year) [B 3–2021]: Vote 9 – Environmental Affairs and Development Planning
- 5.1.3 Western Cape Adjustments Appropriation [B 6–2021]: Vote 9 - Environmental Affairs and Development Planning
- 5.1.4 Western Cape Adjustments Appropriation [B 6–2021]: Vote 11 - Agriculture
- 5.1.5 Western Cape Appropriation Bill [B 2–2022]: Vote 9 - Environmental Affairs and Development Planning
- 5.1.6 Western Cape Appropriation Bill [B 2–2022]: Vote 11 - Agriculture
- 5.1.7 Western Cape Biodiversity Bill [B 2A–2021] and [B 2B–2021]

5.2 NCOP Bills (Section 76)

- 5.2.1 National Forests Amendment Bill [B 11B–2016] (NCOP)

5.2.2 National Environmental Management Laws Amendment Bill [B 14F–22017] (NCOP)

5.2.3 Upgrading of Land Tenure Rights Amendment Bill [B 6B–2020] (NCOP)

6. Facilitation of Public Involvement and Participation

In line with its mandate to facilitate public participation as part of the legislative process and to manage this within the parameters of compliance with COVID-19 protocols, 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 2021/22 financial year as at 31 March 2022 was R66 455 against an adjusted budget of R93 881. The underspending was due to an oversight visit that, for various reasons, could not take place during the 2021/22 financial year. This visit has been scheduled to take place in the 2022/ 2023 financial year.