

# PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

## ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

TUESDAY, 22 MAY 2018

### COMMITTEE REPORTS

1. (*Negotiating mandate stage*) Report of the Standing Committee on Transport and Public Works on the Administrative Adjudication of Road Traffic Offences Amendment Bill [B 38B--2015] (NCOP), dated 8 May 2018, as follows:

The Standing Committee on Transport and Public Works, having considered the subject of the Administrative Adjudication of Road Traffic Offences Amendment Bill [B 38B-2015] (NCOP) referred to the Committee in terms of Standing Rule 220, confers on the Western Cape's delegation in the NCOP the authority not to support the Amendment Bill for the following reasons:

1. The Administrative Adjudication of Road Traffic Offences Amendment Bill [B 38B-2015] will come into operation after a proclamation by the President. In terms of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act 41 of 1998), different dates may be prescribed for different areas within the Republic. The power vests with the President. This power does not seem to be exercised responsibly given the problems with the implementation of the Act in Tshwane and Johannesburg. Therefore consideration should be given to a clause requiring agreement by provincial authorities before implementation in a particular province.
2. At present no fine revenue accrues to provincial authorities. All fines issued by the provincial traffic services accrue to the local authority in which the fine was issued. If the province becomes an issuing authority and the fine revenue that previously accrued to local municipalities falls away, it will affect municipal fine revenue and ultimately have an impact on their sustainability.
3. Creating an appeals tribunal to expedite fines and deal with appeals may seem like a good idea in theory. The idea that one tribunal could deal with all appeals against fines in the country effectively is nonsensical. This would just shift the bottleneck to the tribunal. The City of Cape Town issued more than 2 million fines in 2016.

If just a small portion of penalties issued around the country are taken to the appeals tribunal on appeal it would paralyse the system and lead to lawlessness.

4. The demerit system results in drivers losing their driving licence as a result of committing continuous transgressions. Losing a driving licence is not a deterrent in the current environment as being caught driving without one merely results in a fine. Legislation should therefore be coupled with harsher consequences for driving without a driving licence.

In terms of Standing Rule 86, the African National Congress expressed its minority view that it supports the Amendment Bill but encourages the relevant Select Committee at the National Council of Provinces to engage with affected stakeholders, in particular the taxi industry, on its implementation.

## **2. Report of the Standing Committee on Transport and Public Works on its oversight visit to George Link (Pty) Ltd as follows:**

### **Delegation**

The Delegation consisted of the following members:

Hinana, NE (Chairperson and leader of the Delegation)  
 Dugmore, CM  
 Mackenzie, RD  
 Mnqasela, M  
 Nkondlo, ND

The Committee Co-ordinator, Ms S Niekerk, accompanied the Delegation.

### **1. Introduction and background**

Section 114 (2)(b)(i) of the Constitution of the Republic of South Africa, 1996, mandates provincial legislatures to provide for mechanisms to maintain oversight over the Provincial Executive Authority in the province. To this end the Standing Committee on Transport and Public Works undertook an oversight visit to George Link (Pty) Ltd (George Link) in George. The purpose of the visit was to engage with the Vehicle Operating Company on its Corporate Social Responsibility & Corporate Social Investment Plan, Supply Chain Management Policy and Employment Equity Plan with specific reference to the representivity of Black, Coloured and Indian women on management and board level.

George Link is part of the George integrated Public Transport Network (GIPTN) and is a scheduled bus service aimed at providing reliable, accessible, safe and affordable public transport for the people of George. It is a result of a partnership between the George Municipality, the Western Cape Provincial Government, the National Department of Transport and local taxi and bus operators. George Link has been appointed as the operating company that manages the Go George bus service.

The Committee conducted an oversight visit to George Link on 25 July 2017 and resolved to visit the Vehicle Operating Company (VOC) annually in order to keep abreast of developments in the sector.

## **2. Overview**

The Committee visited George Link on 27 February 2018 where engagements ensued after a tour of the bus depot.

## **3. Findings and concerns**

### **3.1 Findings**

- 3.1.1 A consultation process was embarked upon with taxi and bus operators who were in possession of valid operating licenses. Numerous public engagements were held and all persons employed in the industry were called upon to register their names on an Affected Persons Register (APR). All the shareholders of the VOC were local taxi and bus operating license holders. The APR lists more than 1 100 affected persons against 400 available job opportunities in George Link. A skills audit was undertaken of each individual on the APR. Employment opportunities are negotiated with the George Municipality as well as with contractors executing government tenders. Plans are underway to purchase a service station and then to create work opportunities for those on the APR. Negotiations are currently underway and it is expected that a decision regarding this purchase will be made in the beginning of 2019.
- 3.1.2 The present site where the bus depot is situated is being leased for a five year period. A permanent site was identified and the George Municipality was planning to sell this site to George Link at a minimal cost. However, challenges relating to land use issues were identified and this process is now on hold. For this reason the depot comprises of temporary containers and not permanent structures. These containers are used for staff training, computer training as well as for operational needs. To this end containers are used as security offices, depot kiosks and waybill offices. This is an innovative endeavor to optimise the available space with semi-permanent structures.
- 3.1.3 George Link appoints all its staff from the APR where possible. Only 25 of the 142 shareholders are female. The female shareholders have been requested to avail themselves for the position of Directors but have declined due to the safety risk presently experienced by the current Board.
- 3.1.4 In terms of the tripartite agreement between the Department, the George Municipality and George Link, the Department receives a grant allocation from the National Department of Transport. The Department allocates approximately R150 million in terms of the operational subsidy to the municipality and in order to secure further funding, the Municipality must reach its set targets. These targets were not met for the past three years and therefore no further allocations were made to the municipality. This essentially resulted in an underspending by the Department.
- 3.1.5 The Committee is pleased to report that George Link received visits from Botswana, Cape Winelands District Municipality, Mangaung Taxi Industry, Nelson Mandela Bay Municipality, Buffalo City Municipality and Mbombela Municipality where the delegations were provided with operational information pertaining to the GIPTN model due to its success in the George area.

### 3.2 Concerns

- 3.2.1 Conflict is still prevalent between taxi owners and George Link and an intervention was sought from the George Municipality.
- 3.2.2 There appears to be tension between the Directors of George Link and the George Municipality as views expressed to the Committee by the two groups were contradictory. The Directors of George Link were of the opinion that the VOC has received minimal support from the Municipality in relation to the GIPTN, an initiative which is mutually beneficial in terms of positively impacting the industry, local business and the public by offering job security, acting as a catalyst for small local business development and also creating access to work opportunities, education, social, medical and recreational facilities. The Directors expressed grave concern for their personal safety and security and the fact that no support is forthcoming from the George Municipality in this regard. The Committee noted this concern at its engagement on 25 July 2017 and has subsequently written to the Mayor of the George Municipality and recommended the following:
- “The safety and security of the Directors are paramount and that the municipality considers ways to assist them to ensure that their lives are not under threat as it is currently;  
The mediation sub-committee that was established should work alongside all stakeholders and mitigate misinformation or stand-offs between the taxi members; and  
The George Municipality and the Department compile a safety plan with mechanisms in place to combat vandalism in order to ensure that this initiative succeeds.”
- 3.2.3 To date, the Committee has not received a response. It was ascertained that there is still no safety plan in place for both the Directors of George Link and the commuters. The municipality however does not have dedicated funding for safety and security or law enforcement staff. Staff are deployed from their normal duties and then assist in times of emergency. Security in terms of the intergovernmental agreement is solely the responsibility of the municipality. However, the Department has stepped in and appointed a private security company to do a risk assessment. This company has compiled a risk report containing recommendations. Due to the serious concern regarding the Directors’ safety, the report and recommendations have been classified as confidential.
- 3.2.4 The conflict in the organised taxi industry in Cape Town has an impact on George Link. If this conflict is resolved, it may assist in addressing the security and safety issues.
- 3.2.5 The Provincial Minister of Transport and Public Works has informed the Mayor and Council of the George Municipality that the province is in support of further roll out of the GIPTN. This however will prove to be a challenge as the Municipality, after the province placed a moratorium on the issuing of new licences, recruited approximately 80 illegal operators over the last 2 years and could not provide the operating licences for these operators.

- 3.2.6 Of further concern to the Committee is the lack of engagement at Mayoral Committee level, as well as the fact that there is no dedicated Transport Portfolio Committee. Regular monthly meetings are held with municipal and provincial officials but not with Councillors and the VOC.

#### **4. Resolutions**

- 4.1 The Committee RESOLVED that:

- 4.1.1 It would request an urgent intervention from the Ministers of Transport and Public Works and Local Government, Environmental Affairs and Development Planning with regard to the relationship between the George Municipality and George Link, the lack of engagement structures within the Municipality and the safety of the Directors; and
- 4.1.2 The conflict within the taxi industry in the Western Cape must be addressed and that it would pursue this matter with the Department.

#### **5. Recommendation**

The Committee RECOMMENDED that, as part of George Link's long term transformation plan, it must encourage gender representivity and think of innovative ways in doing so, given the safety concerns of the Directors.

#### **6. Acknowledgements**

The Chairperson thanked the Department, the George Municipality and the Directors of George Link for availing themselves to address the Committee.

### **3. Report of the Standing Committee on Transport and Public Works on its oversight visit to Hawston Primary School as follows:**

#### **Delegation**

The Delegation consisted of the following members:

Hinana, NE (Chairperson and leader of the Delegation)  
 Dugmore, CD  
 Mackenzie, RD  
 Nkondlo, ND

An apology was received from Member M Mnqasela.

The Committee Co-ordinator, Ms S Niekerk, accompanied the Delegation.

#### **2. Introduction and Background**

Section 114 (2)(b)(i) of the Constitution of the Republic of South Africa, 1996, mandates provincial legislatures to provide for mechanisms to maintain oversight over the Provincial Executive Authority in the province. To this end the Standing Committee on Transport and Public Works undertook an oversight visit to the Hawston Primary School in Hawston. The purpose of the visit was to follow up on the completion of the construction work at the school as reported by the Department of Transport and Public Works (the Department).

In October 2015 it was reported by the Department that learning at the school was disrupted following a declaration by engineers that the school was unsafe due to structural defects resulting from poor construction. A lack of requisite skills by the Project Design Engineer was cited as one reason for the defective structures. In addition, a lack of specialised structural expertise in engineering within the Department, coupled with reduced project design specifications and documentation, as well limited official scrutiny and a lack of verification of Engineering Professional Services Provider (PSP) documents were also contributing factors to the poor outcome. The Department then took the decision to evacuate the building as the possible loss of life was not worth a delay in the education programme. Temporary classrooms were then erected adjacent to the Hawston Secondary School on the Secondary school's precinct. This situation was not conducive to teaching and learning.

The Hawston Primary School Project formed part of the National Accelerated Schools Infrastructure Delivery Initiative (ASIDI) managed by the Department of Basic Education (DBE).

The Committee has relentlessly exercised its oversight role on the remedial progress at the school and expressed its concern about the impact that these delays are having on the learners. The Hawston Primary School site was visited by the Committee as part of the Service Delivery Cluster Visit week in May 2016. Following this visit, the Committee conducted follow up meetings in September 2016 and February 2017.

## **2. Overview**

The Committee visited the Hawston Primary School on Tuesday, 28 February 2018, and met with officials from the Department, the Western Cape Education Department (WCED) and the Overstrand Municipality. The engagement commenced with a site inspection followed by a brief meeting.

## **3. Findings and observations**

- 3.1 The Committee is pleased to announce that, due to its effective oversight, the new school has now been completed and the learners and educators have taken occupation of the school.
- 3.2 The school boasts modern design and technology within the norms and standards of the DBE and the WCED. It has a storm water system with a water collection tank constructed underneath the building that provides water for irrigation. This is the new sustainable environmental approach to collect as much water as possible so that the property can be self-sustainable.
- 3.3 After the removal of the mobile classrooms on the premises of the Hawston Secondary School, it was discovered that the sports field was severely damaged. As part of the agreement between the WCED and the Hawston Primary School, an undertaking was made by the WCED that the field on which the temporary accommodation was constructed will be cleared and rehabilitated once the new school has been completed. It has been more than a year since the primary school vacated the premises and more than five months since the contractor has removed the mobile classes and no attempt has been made to rehabilitate the site. Learners at the secondary school are inconvenienced as they now have to be transported to a municipal field for sports practices.

- 3.4 There is a water leakage which has had a huge impact on the school's utility bill resulting in a penalty being imposed by the Overstrand Municipality.
- 3.5 It was also reported to the Committee that there is insufficient ventilation in the hall kitchen, that there are leaking toilets and that there is irregular water supply to the toilets.

#### **4. Recommendation**

The Committee RECOMMENDED that: the Western Cape Education Department provides feedback to the Department of Basic Education in terms of their set norms and standards as well as its practicality in relation to Hawston Primary and invite the DBE to the school to discuss the norms and standards and its relevance to that particular school.

#### **5. Resolution**

The Committee RESOLVED that, as part of its oversight function, it would investigate the progress on the rehabilitation of the sports field, the ventilation in the hall kitchen and the water leakage.

#### **6. Acknowledgements**

The Chairperson thanked the officials from the Department of Transport and Public Works, the Western Cape Education Department and the Overstrand Municipality and expressed the Committee's satisfaction with progress made in respect of the infrastructure.