



# Wes-Kaapse Provinsiale Parlement Western Cape Provincial Parliament IPalamente yePhondo leNtshona Koloni

Ref Number: 11/4/1/2/7

Annual Report of the Standing Committee on Transport and Public Works for the 2018/19 financial year, dated 14 March 2019, as follows:

## Members

The Committee comprises of the following members:

Hinana, NE (Chairperson) (DA)  
Dugmore, CM (ANC)  
Mackenzie, RD (DA) – until 10 July 2018  
Maseko, LM (DA) – from 6 November 2018  
Mnqasela, M (DA) – until 16 August 2018  
Nkondlo, ND (ANC)  
Philander, WF (DA) – from 17 August 2018  
Schäfer, BA (DA) – from 11 July 2018 to 5 November 2018

## Alternate Members

Lekker, PZ (ANC)  
Maseko, LM (DA) – until 5 November 2018  
Schäfer, BA (DA) – until 10 July 2018  
Simmers, TA (DA)

## 1. Introduction

The mandate of the Committee is to -

- 1.1 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 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 Transport and Public Works
- 2.2 Government Motor Transport

## **3. Overview of committee activities**

No of Committee Meetings	21
No of Public Hearings	5
No of Oversight Visits	2
No of NCOP Bills considered	1

## **4. Oversight activities**

The 2018/19 year was considered a productive year in which interactions with the Department and the many stakeholders consulted were both cordial and productive and ensured that committee members could approach their oversight functions with objectivity and insight.

The financial year was eventful and several initiatives have resulted in follow-up activities and meetings. The following is a summary of the Committee's activities during the year.

- 4.1 The promotion of employment equity within the Department and Government Motor Transport's organisational structure to correct the imbalance in terms of race and gender was, and continues to be concerning and has consistently been raised by the Committee. Although some measures were taken by the Department to address this issue, more needs to be done. The Committee has actively pursued progress in this regard.
- 4.2 The Kwa-Faku Primary School in Philippi was a flagship project of the Department using alternative building technology. However, many problems were experienced, to such an extent that the parents of learners at the school had denied their children access to the school for fear that the classrooms could collapse. Blocked drains, cracked walls and the fact that the learners and educators had to use buckets to flush the toilets, were among some of the problems that were highlighted to the Committee by the community. This state of affairs at the school resulted in the Committee requesting the Department to brief it on this matter. The feedback from the Department in terms of the time-frames which were presented to the Committee to correct the situation was unacceptable. The Committee further expressed its apprehension with the fact that accountability for the current state of affairs was lacking.

The Committee also extended an invitation to the Standing Committee on Education to accompany it on its oversight visit to the school and subsequent meetings. Members of the community were also afforded an opportunity to raise their concerns. The defective school had become a derelict building that became a haven for various types of criminal activities. The building was also infested with rodents and reptiles.

An urgent meeting was requested with the Minister of Transport and Public Works and the Minister of Education to discuss the possibility of re-prioritisation in order to yield an earlier completion and delivery date for the replacement school and employing an emergency

procurement process if necessary. Unfortunately the Ministers were unable to attend the engagement and the meeting took place with senior officials instead.

It is thus evident that the Committee has relentlessly followed up on this serious state of affairs and is pleased to report 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 has been fumigated. The Committee is further pleased to report that the site was handed over to the contractor on 24 August 2018 and that building works have progressed with a contractual practical completion date of 18 December 2019. The Committee is elated that the Project Steering Committee has a firm grip on community matters and that it is working closely with the business forums in the Philippi area. The community of Philippi has expressed its appreciation to the Committee for their intervention and concern displayed for the well-being of the learners at the school.

- 4.3 The Western Cape Provincial Property Committee was established in terms of Regulation 3(1) of the Western Cape Land Administration Act, 1998 (Act 6 of 1998). The Committee consists of officials from provincial and national government departments and four external members not employed by government with proven property expertise. The Department was challenged on its disposal policy for immovable property as the Provincial Property Committee's Annual Report, as provided for in the Regulations, had never been tabled in the Western Cape Provincial Parliament. The Committee submitted an enquiry to the Department in this regard. The Department has acknowledged that there was non-compliance in terms of providing the necessary reports in terms of legislation and committed to ensure that proper and complete records are maintained in order for this provision to be adhered to. As a result of the Committee's persistence in following up on this important matter, the Department, for the first time, submitted their Provincial Property Annual Reports for the years 2016 and 2017.
- 4.4 Another focus area of the Committee, in terms of the Department's disposal policy, related to the Helen Bowden Nurses Home in Green Point and the state of affairs at the site. Key issues discussed were tension between occupants and the fact that one person had died and another brutally attacked, the amount of money that was spent on security at the site, the process of engaging occupants as well as the building not having running water and electricity. Several housing activists and occupants of the building were present at the meeting and were allowed to address the Committee. The Committee remains concerned about the state of affairs at the Nurses Home.
- 4.5 As part of the Cluster B Visit Week, the Committee visited the Groot Brakrivier Road Infrastructure Upgrade Project in the Garden Route Municipal area. The Groot Brakrivier Road Infrastructure Upgrade Project, funded by the Department, was undertaken to perform upgrades, maintenance and repair work on the MR344 (R102) between Hartenbos and Groot Brak as well as on the DR1578 between Tergniet and Wolwedans to better accommodate the growth in traffic volumes as a result of the increase in the number of residences in the surrounding area. Although the Committee welcomed the upgrade project it expressed its concern that, although the project allows for the creation of job opportunities in the area, local enterprises were being excluded. The Department has undertaken to address this issue and has since employed various strategies to include emerging contractors and sub-contractors from the surrounding areas.

- 4.6 The state of the taxi industry in the Western Cape was disconcerting to the Committee and it engaged with the Department in this regard in order to understand the nature of the volatility and the root causes thereof. Certain sensitive cases that were under investigation, projects and plans that were in the pipeline with the South African Police Service and the National Prosecuting Authority and statistics received from the South African Police Service were discussed with the Committee. The Department also outlined the regulatory environment for public transport as well as the regulatory challenges and interventions.

The root causes of conflict and violence were highlighted as well as measures to address this. Various applications to the High Court were highlighted as well as various illegal activities linked to specific taxi associations.

The issuing of new operator licences and the renewal of the same, in particular the time-frames associated with this was of concern to the Committee and the Department was requested to remedy this matter. The year under review also saw the election of the new South African National Taxi Council's (SANTACO) leadership.

- 4.7 The specific proposals that the Department made to Provincial Treasury with regards to the utilisation of invested cash reserves that originated from Government Motor Transport was probed by the Committee. The Committee was briefed on this matter where the governance principles relating to retracting the reserves was outlined as well as the impact and approach to investment reserve management. The funds were invested through Provincial Treasury to attract a higher investment return than was possible in the Entity's bank account. The Committee has received regular updates on the infrastructure development projects that are linked to the utilisation of these investment reserves.
- 4.8 The Department provided the Committee with a briefing on its 2018 Festive Season Road Traffic Safety Plan outlining the operational objectives, critical days, critical data and hazardous routes. Mechanisms to be used over the Festive Season to promote road safety for both drivers and pedestrians were expanded upon as well as monitoring and evaluation tools used to evaluate operational activities to ensure operational compliance. The Department's Communication Strategy, Media Plan and identified operational partners and operational challenges were highlighted. The Department further provided the Committee with traffic law enforcement focal areas as well as road safety management initiatives. Interprovincial law enforcement activities were expanded upon as well as the impact of evidentiary breath alcohol testing and random alcohol testing on reducing the fatality rate. Fatigue Management was also highlighted and the Department's endeavors to curb this was underlined. The Department also showcased its technological advancements to advance the prosecution of offenders and also to decrease road fatalities. The impact of the Traffic Plan was assessed and operational challenges, successes and achievements were highlighted. The shortage of Traffic Officers in the Western Cape remains of concern to the Committee.
- 4.9 The Western Cape Provincial Road Traffic Administration Amendment Bill [B 3–2017] was referred to the Committee on 15 August 2017. The Department briefed the Committee on the content and impact of the Amendment Bill on 22 August 2017 and three public hearings were held between 31 October and 14 November 2017. The Legal Advisor of the Western Cape Provincial Parliament, Adv le Roux, raised concern that the Amendment Bill purports to give the Provincial Minister of Transport the power to impound vehicles for certain road traffic offences without any structure or guidance in terms of the application of this power. Various case law was expanded upon outlining the constitutional impermissibility for the legislature to assign its own plenary law-making powers to the executive. Based on this legal opinion, the Committee requested the Department to expedite the process of compiling the business case

relative to the Amendment Bill so that once it is finalised, the Department could introduce more detailed provisions relating to the impoundment of vehicles. The Committee further resolved that it would suspend its consideration of the Amendment Bill until the Department introduced the more detailed provisions relating to impoundment.

In February 2019, the Department informed the Committee that it had completed its compilation of the business case to determine the scope for the impoundment of vehicles and that this in turn resulted in a substantial redraft of the Amendment Bill. On the advice from the Legal Services Department in the Office of the Premier, the Department announced its withdrawal of the Amendment Bill.

- 4.10 The Committee also evaluated the Annual Reports of the Department of Transport and Public Works and its Trading Entity, Government Motor Transport. The Western Cape Adjustments Appropriation Bill [B 6–2018]: Vote 10 and the Western Cape Appropriation Bill [B 1–2019]: Vote 10 were the subjects of a public participation exercise and also of intense discussion.

## **5. Legislation**

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

### **5.1 Provincial Bills**

- 5.1.1 Western Cape Adjustments Appropriation Bill [B 6–2018]: Vote 10 – Transport and Public Works  
5.1.2 Western Cape Appropriation Bill [B 1–2019]: Vote 10 – Transport and Public Works  
5.1.3 Western Cape Provincial Road Traffic Administration Amendment Bill [B 3–2017]

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

- 5.2.1 The Administrative Adjudication of Road Traffic Offences (Aarto) Amendment Bill [B 38B–2015] (NCOP) was referred to the Committee on 4 October 2017. In accordance with the NCOP timeframes, the National Department of Transport briefed the Committee on the Amendment Bill on 14 November 2017. After due deliberation and consideration, the Committee then conducted five public hearings on the Amendment Bill. The public hearings took place during the 2017/18 financial year in each of the following areas; Bellville, Khayelitsha, Mossel Bay, Hermanus and Clanwilliam.

The Committee's Negotiating and Final Mandate Reports were submitted to the NCOP during the 2018/19 financial year in accordance with the Mandating Procedures of Provinces Act, 2008 (Act 52 of 2008) and the timeframes as stipulated by the relevant NCOP Select Committee.

- 5.2.2 The National Land Transport Amendment Bill [B 7B–2016] (NCOP) was referred to the Committee on 17 May 2018. After due deliberation and consideration, the Committee then conducted two public hearings, in George and Cape Town.

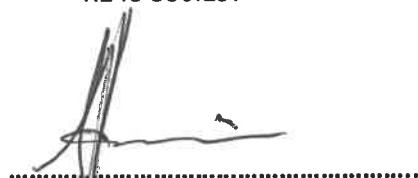
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## **6. Facilitation of public involvement and participation**

In line with its mandate to facilitate public participation as part of the legislative process, the Committee held two public hearings in consideration of the Provincial Money Bills, one public hearing in consideration of the Department and Entity's Annual Reports and two public hearings on the National Land Transport Amendment Bill [B 7B-2016] (NCOP).

## **7. Financial particulars**

The Committee's actual expenditure for the 2018/19 financial year as at 14 March 2019 was R148 886.19.



NE HINANA, MPP

**CHAIRPERSON STANDING COMMITTEE ON TRANSPORT AND PUBLIC WORKS**

DATE: 14/3/2019