

WESTERN CAPE PROVINCIAL PARLIAMENT



PART A GENERAL INFORMATION



The Speaker delivering his opening address at the Youth Programme presented at Chrysalis Academy in June 2012



Learners from Hermeslaan Primary, Atlantis, visiting the WCPP

1. Contact information

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2. List of acronyms

ACDP	African Christian Democratic Party
AGM	Annual General Meeting
AO	Accounting Officer
ANC	African National Congress
AFS	Annual Financial Statements
AGSA	Auditor-General of South Africa
BBBEE	Broad Based Black Economic Empowerment
CCMA	Commission for Conciliation, Mediation and Arbitration
CCTV	Closed-Circuit Television
CDW	Community Development Workers
CFO	Chief Financial Officer
CPC	Commonwealth Parliamentary Conference
CPA	Commonwealth Parliamentary Association
COPE	Congress of the People
CTO	Chief Treasury Officer
DA	Democratic Alliance
DSC	Department of Community Safety
D:ERM	Directorate: Enterprise Risk Management
DTPW	Department of Transport and Public Works
ERM	Enterprise Risk Management
EU	European Union
FIFO	First in First out
ID	Independent Democrats
IP	Internet Protocol
ICT	Information and Communication Technology
ISS	Integrated Safety and Security Forum
LSPSP	Legislative Sector Policy Support Programme
MTEF	Medium Term Expenditure Framework
MEC	Member of the Executive Council
MOU	Memorandum of Understanding
NCSL	National Conference of State Legislatures
NCOP	National Council of Provinces
NKP	National Key Point
PC	Personal Computer
PEO	Public Education and Outreach
PABX	Private Automatic Branch Exchange
PALAMA	Public Administration Leadership and Management Academy
SDIP	Service Delivery Improvement Plan
SITA	State Information Technology Agency
SAPS	South African Police Services
SCOF	Standing Committee on Finance
SCOPA	Standing Committee on Public Accounts
SCM	Supply Chain Management
SLA	Service Level Agreement
SOPA	State of the Province Address
TCOE	Trust for Community Organisation and Education
TR	Treasury Regulations
VoIP	Voice Over Internet Protocol
WIFI	Wireless fidelity, Wireless internet
WCED	Western Cape Education Department
WCPP	Western Cape Provincial Parliament

3. Strategic Overview

3.1 Vision:

A modern parliament serving the people of the Western Cape in accordance with the principles of an open opportunity society, promoting excellence, individual choice, dignity and responsibility.

3.2 Mission:

The Western Cape Provincial Parliament is an institution committed to providing quality procedural and administrative support to enable Members to fulfil their constitutional functions and to facilitate public involvement in its activities.

3.3 Values:

In striving for service excellence and best practice the following values are subscribed to:

Transparency

As an institution that represents the interests of the people of the Western Cape, the Western Cape Provincial Parliament will be transparent in its operations and records.

Integrity

The Western Cape Provincial Parliament strives towards integrity in its processes, systems, conduct and dealings with all stakeholders, both internal and external.

Professionalism

The Western Cape Provincial Parliament strives towards efficiency of operations, informed decision making and a general professional attitude by providing advice and services of a high quality.

Impartiality

The Western Cape Provincial Parliament will seek to retain an impartial approach to conducting its business by being non-partisan.

Efficiency

The Western Cape Provincial Parliament seeks to ensure that it renders an efficient service by utilising resources responsibly and cost effectively.

Accountability

The Western Cape Provincial Parliament is committed to conduct its business in such a manner that it can report regularly, openly and comprehensively to stakeholders on all aspects of its activities.

Respect

In the pursuit of its business, the Western Cape Provincial Parliament treats all people with respect and courtesy.

Equality

The Western Cape Provincial Parliament seeks to serve the people of the Western Cape equally while entrenching equality in every process and activity.

3.4 Strategic outcome orientated goals

During the 2011/12 Annual Performance Plan process the Provincial Parliament identified new strategic outcome orientated goals which is a consolidation of the original strategic outcome orientated goals of the Strategic Plan tabled in 2010/11.

These revised goals are presented in a more simplified format to facilitate effective implementation, monitoring, and to more effectively cater for the challenges and demands for improved service delivery.

The strategic outcome orientated goals as per the revised Strategic Plan for the 2011/12 to 2014/15 financial year is as follows:

Strategic Goal 1:

Procedural and related support to the House and committees to conduct their business of making laws and performing oversight effectively.

Strategic Goal 2:

Corporate support to Members and staff to perform their duties effectively.

Strategic goal 3:

Promote optimal public participation in parliamentary processes.

Strategic goal 4:

Promote sound administrative support to ensure organisational efficiency.

4. Legislative and other mandates

4.1 Constitutional mandates

The core objectives of the Provincial Parliament are based on the following constitutional mandates:

(i) The Constitution of the Republic of South Africa, 1996

The Provincial Parliament is established in terms of Chapter 6 of the Constitution of the Republic of South Africa, 1996 hereinafter referred to as the Constitution.

(a) S114 (1) of the Constitution confers the power to legislate on provincial legislatures.

The Standing Rules of the WCPP (October 2012) clearly spell out the role of committees and the House in the legislative process.

(b) S114 (2) provides that legislatures must put mechanisms in place to ensure that:

- *all provincial executive organs of state are accountable to it; and to*
- *maintain oversight over the exercise of provincial executive authority in the province, including the implementation of legislation, and over any provincial organ of state.*

(c) Section 116 provides that legislatures may determine and control its internal arrangements, proceedings and procedures and make rules and orders concerning its business with due

regard to representative and participatory democracy, accountability, transparency and public involvement.

The Provincial Parliament has structures in place which deal with its internal arrangements and proceedings as well as the Standing Rules.

The Standing Rules of the Western Cape provide for several mechanisms of oversight e.g. Questions to the Premier without notice, Questions for oral and written reply, Interpellations, etc. Similarly, the Rules make provision for the powers of committees to perform oversight.

(d) Section 115 provides inter alia for legislatures to summon any person to appear before it and to give evidence; require any person or provincial institution to report to it; and receive petitions, representations or submissions from any interested persons or institutions.

The Standing Rules provide for the power of the Provincial Parliament to summon persons to appear before it. *The Western Cape Witnesses Act, 2006 (Act 2 of 2006)*, further expands on this power. In the same vein the *Western Cape Provincial Parliament Petitions Act, 2006 (Act 3 of 2006)* provides a framework for the receipt and processing of petitions.

(e) Section 117 elaborates on the privileges and immunities which Members of the Provincial Parliament enjoy. It further provides that salaries, allowances and benefits payable to Members of a provincial legislature are a direct charge against the Provincial Revenue Fund.

The powers and privileges of Members have been codified in the *Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act (Act 4 of 2004)* and are also captured in the *Western Cape Law on the Powers and Privileges of the Provincial Legislature, 1995 (Act 3 of 1995)* as amended.

(f) Section 118 places a responsibility on legislatures to facilitate public involvement in the legislative and other processes of the legislature and its committees and to conduct its business in an open manner subject to reasonable measures being taken.

The Provincial Parliament involves the public in its law-making, oversight and petitions process through educational and outreach programs to encourage active participation in legislative activities.

The Provincial Parliament adheres to the principles of co-operative governance as set out in Chapter 3 of the Constitution.

(ii) The Constitution of the Western Cape, 1997

The Western Cape is the only province with its own Constitution. Subject to the national Constitution, it is the highest law in the Western Cape. It contains provisions on the powers and functions of the Western Cape Provincial Parliament.

4.2 Legislative mandates

i) Western Cape Law on the Powers and Privileges of the Provincial Legislature Act, 1995 (Act 3 of 1995)

This act defines and declares the powers and privileges of the Provincial Parliament and also deals with the financial arrangements and staffing issues.

ii) *The Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act (Act 4 of 2004)*

This act defines the powers, privileges and immunities of Parliament and the Provincial Legislature.

iii) *Financial Management of Parliament Act (Act 10 of 2009)*

This act regulates the financial management of Parliament and provides financial norms and standards for provincial legislatures.

iv) *The Public Finance Management Act (Act 1 of 1999) as amended*

This act promotes the objective of good financial management in order to maximise delivery through the efficient and effective use of limited resources and to modernise the system of financial management in the public sector.

v) *Money Bills Amendment Procedure and Related Matters Act (Act 9 of 2009)*

This act provides for a procedure to amend money bills before Parliament and for norms and standards for amending money bills before provincial legislatures.

vi) *The Western Cape Witnesses Act, 2006 (Act 2 of 2006)*

This act sets out the processes for summoning witnesses to appear before committees or the House.

vii) *The Western Cape Petitions Act, 2006 (Act 2 of 2006)*

This act provides for the public to petition the Western Cape Provincial Parliament as well as the processing of petitions in the Legislature.

viii) *The Western Cape Provincial Parliament Standing Rules (October 2012)*

The Standing Rules govern the proceedings and internal arrangements of the Provincial Parliament.

ix) *Payment of Members of the Western Cape Provincial Legislature Law, Act 3 of 1994 (as amended in 1998)*

This legislation provides for the payment of remuneration and allowances to Members of the Western Cape Provincial Legislature.

x) *Independent Commission for the Remuneration of Public Office-bearers Act (Act 92 of 1997 as amended in 2003)*

This act provides for the establishment of a commission to make recommendations concerning the salaries, allowances and benefits of public office-bearers, including those of Members of provincial legislatures.

xi) *Remuneration of Public Office-bearers Act (Act 20 of 1998 as amended up to 2009)*

This legislation provides a framework for the determination of salaries and allowances, including those of Members of provincial legislatures.

xii) *National Council of Provinces Permanent Delegates Vacancies Act (Act 17 of 1997)*

To make provision for the filling of vacancies among the permanent delegates to the National Council of Provinces.

xiii) *Determination of Delegates National Council of Provinces Act (Act 69 of 1998 as amended up to 2008)*

To provide for the determination of permanent and special delegates to the National Council of Provinces.

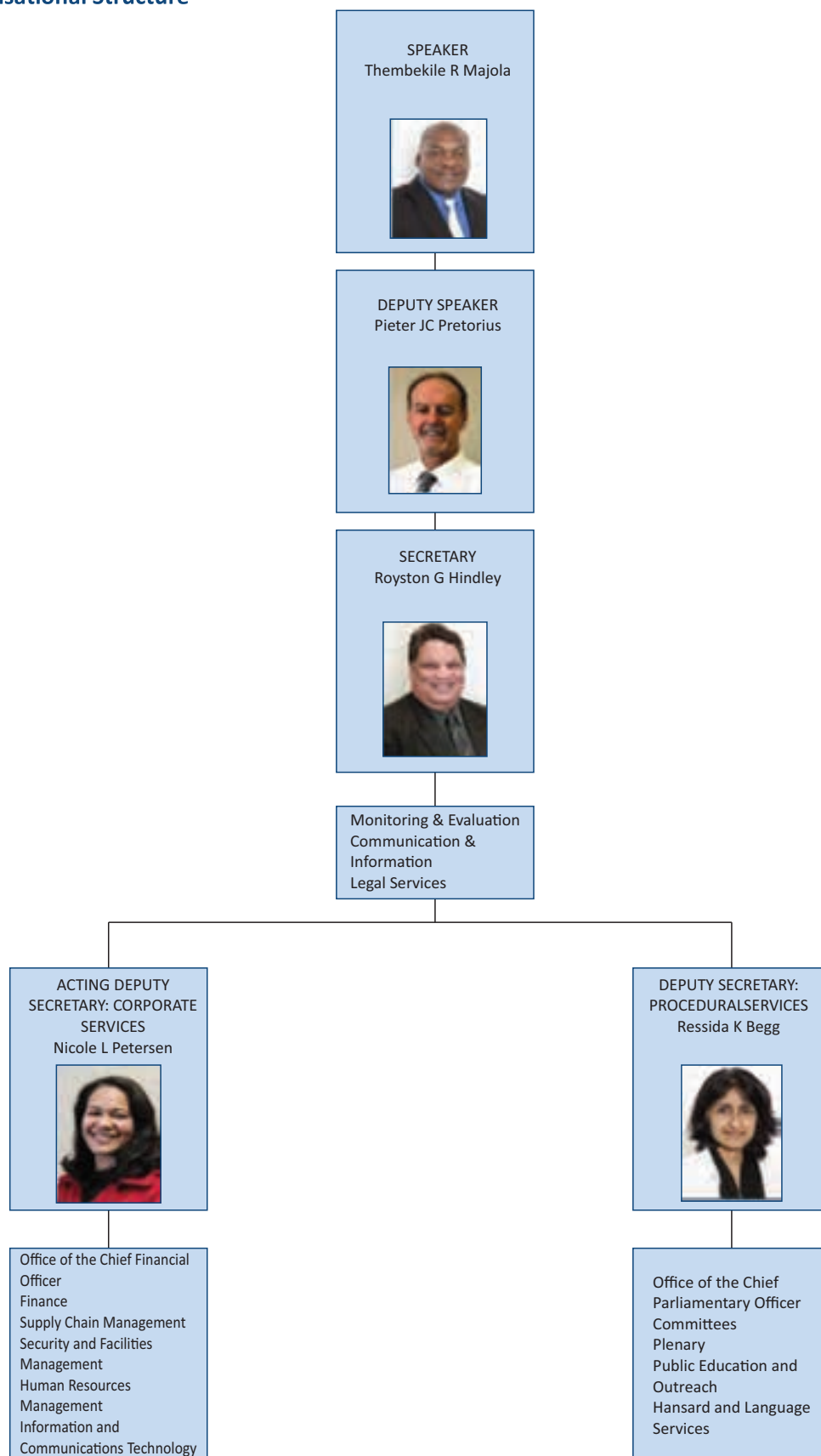
xiv) *Members of the Western Cape Provincial Parliament Code of Conduct Act, 2002*

To give effect to section 27 of the provincial Constitution, by providing for a Code of Conduct governing the conduct of Members of the Provincial Parliament. It is noted that the *Code of Conduct for Members, 2003* emanates from this legislation.

xv) *National Key Point Act (Act 102 of 1980) - as amended*

The act provides for the identification of National Key Points and for the safeguarding of such places. To this end the act makes provision for security arrangements and standards in respect of National Key Points. The precincts of the Provincial Parliament have been declared a National Key Point.

5. Organisational Structure



6. Foreword by the Speaker

I am pleased to table the Annual Report of the Western Cape Provincial Parliament for the 2012/13 reporting year and at the outset wish to convey my thanks and appreciation to all Members and the staff of the parliamentary administration for their support, commitment and hard work in their respective areas of responsibility.

The Provincial Parliament continued to fulfil its core functions as a legislative body to the full despite human resource and other constraints, and will continue to modernize the way it is doing business over a wide spectrum of activities.

The year under review has been a year of steady progress and I would like to acknowledge the role of my predecessor, the honourable Shahid Esau, in establishing a firm foundation to build on. The Provincial Parliament is well placed to continue to deliver professional services of the highest quality.



Thembekile R Majola

Speaker of the Western Cape Provincial Parliament

7. Overview of the Accounting Officer

The administration of the Western Cape Provincial Parliament takes pleasure in submitting its Annual Report for the 2012/13 financial year.

This report provides information on the activities and financial performance of the Western Cape Provincial Parliament.

This report will also attempt to provide a comprehensive overview of the parliamentary activities, which can be found in Part F.

Although we have achieved most of what we have set out to do, we recognise that the journey for improvement never stops.

I wish to convey my gratitude and thanks to the Speaker and Members for their continued support during the year.

To the staff of the Provincial Parliament who have demonstrated that they have the knowledge and skill to render outstanding services, I express my sincere gratitude.



Royston G Hindley

Secretary of the Western Cape Provincial Parliament