

SECOND TERM QUARTERLY REPORT



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

COMMITTEES

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QUARTELY REPORT ON THE ACTIVITIES OF THE SELECT COMMITTEE ON PETITIONS AND EXECUTIVE UNDERTAKINGS FROM JANUARY 27 TO 26 JUNE 2015

The purpose of this report is to provide an account of the Committee's work and activities for the 2nd quarter of the Fifth Parliament.

This report provides an overview of the activities the Committee undertook during the relevant quarter, the outcome of key activities, as well as the challenges that emerged during the period under review and issues that should be considered and followed up on in the upcoming 3rd quarter.

1. VISION AND MANDATE OF THE COMMITTEE

1.1. Vision

To promote the spirit, purport and object of the Constitution of the Republic of South Africa, 1996¹ in the considering petitions and overseeing the implementation of executive undertakings referred to the Committee.

To protect the constitutional interests and rights of the people of the Republic of South Africa through the consideration of petitions and overseeing the implementation of executive undertakings referred to the Committee.

To give expression to the idea of participatory democracy, as endorsed by the Constitution, through the consideration of petitions and overseeing the implementation of executive undertakings.

¹ Hereinafter referred to as 'the Constitution'.

1.2. Mandate of the Committee

In the Fourth Parliament the Select Committee on Petitions and Executive Undertakings (Committee) was known as the Select Committee on Petitions and Private Members' Legislative Proposals and its core mandate was to consider all petitions referred to it by the Chairperson of the National Council of Provinces (NCOP).

With the rising of the Fifth Parliament, a large component of the Committee's mandate remained the consideration of petitions referred to it however the Committee was also conferred the additional mandate of scrutinising and overseeing the implementation of executive undertakings. And the Committee consequently became known as the Select Committee on Petitions and Executive Undertakings.

2. Membership of the Committee

The Committee currently has a membership of 11 Members and below is a table detailing the present membership of the Committee.

Members	Province	Political Party
Hon Thobejane	Limpopo	ANC
Hon T Wana	Eastern Cape	ANC
Hon DL Ximbi	Western Cape	ANC
Hon MJ Mohapi	Free State	ANC
Hon LP Nzimande	KZN	ANC
Hon G M Manopole	Northern Cape	ANC
Hon M T Mhlanga	Mpumalanga	ANC
Hon G Michalakis	Free State	DA
Hon J W Julius	Gauteng	DA
Hon M Chetty	KZN	DA
Hon T J Mokwele	North West	EFF

3. LIST OF ENTITIES REPORTING TO THE COMMITTEE

None.

4. COMMITTEE STRATEGIC PLAN

In March 2015, the Committee along with other committees in the NCOP attended a strategic planning session (session) aimed at ensuring their planning was aligned and informed by broader policy documents including the National Development Plan, the MTSF 2014 – 2019 and the Strategic Plan of Parliament 2014 - 2019.

The session further allowed the various NCOP committees to identify their key priorities for the relevant financial year. The priorities identified by the Committee at the session were then incorporated into its annual performance (APP) and Five Year Strategic Plan (2014 – 2019).

8. BUDGET VOTE/FISCAL FRAMEWORK CONSIDERATION BY RELEVANT COMMITTEES

None.

9. OVERSIGHT TRIPS

None

9. CONFERENCE/WORKSHOP/SEMINAR

None

10. INTERNATIONAL TRIPS/STUDY TOURS UNDERTAKEN
None

11. PETITIONS AND EXECUTIVE UNDERTAKINGS REFERRAL TO THE COMMITTEE AND BEFORE THE NCOP PROGRAMME
TECHNICAL COMMITTEE

12.1. Petitions

Relevant government priority (if applicable)	Recommendation on	Referral date	Withdrawal date	Consideration on date	Adoption on date	Publication date of report in the ATC	Consideration on date by the House
Submission of Babanango Municipality Petition and the Bhekingolo municipality both with regard to service delivery (oversight visit to Kwa Zulu-Natal from 21-24 October 2014)	Improving Governance			A report on the oversight trip was tabled and adopted during a Committee meeting held on 25 November		The report on the oversight visit has been adopted by the Committee but it has not been published in the ATC.	The report has been considered and adopted by the House in accordance with section 65 of the
Submission of a petition requesting the NCOP to facilitate the provision of water and electricity at Mangoloaneng (Ward 12) in	Improving Governance	16 Jul 2014		Committee to schedule			

Mount Fletcher, Eastern Cape. (From Mr F N Tshoba).									
Submission of a petition from Mr Sello B Gatebe and Mr Mokoena, Free State province regarding the alleged illegal eviction by Maluti-A-Phofung Municipality.	Improving Governance		21 Aug 2014			26 & 27 May 2015 Finalization: 09 September 2015			
Submission of a petition from Mr Mnikeli Kawa, Eastern Cape Province regarding the alleged corruption and lack of service delivery in Well's Estate at the Nelson Mandela Metropolitan Municipality.	Improving Governance		27 Aug 2014			Committee to schedule			
Submission of a petition calling for Parliament's intervention on alleged unpaid pensions, unpaid wages and non-payment of UIF benefits. (From Mr M Matshaya, on behalf of the	Improving Governance		1 Oct 2014			26 November 2014			

Mr David Moselakgomo, on behalf of the concerned Ga-Sekhaolelo Community).									
Submission of a petition calling for the amendment of the Basic Conditions of Employment Act, 2007. (From Mr H P Terblanche of Paarl, Western Cape Province).	Improving Governance		14 Oct 2014			26 November 2014			
Submission of a petition calling for the amendment of the Compensation for Occupational Injuries and Diseases Act (COIDA). (From Mr Wilson Babheke Dumzela, on behalf of the disabled ex-miners).	Improving Governance		3 Nov 2014			6 May 2015			
Submission of a petition from Mr Lunga Kona, Eastern Cape Province, calling for National Council of Province's intervention on the upgrades of gravel roads to tar roads and construction of bridges in	Improving Governance		25 Nov 2014			Committee to schedule			

Submission of a petition calling upon the NCOP's assistance in resolving community land use and ownership in the township of Alexandra Township, Gauteng Province (from Mr Jacob Mogoai, Chairman of the Alexandra Land & Property Owners Association).	Improving Governance		27 Feb 2015			Committee to schedule			
Submission of a petition calling upon the NCOP's assistance on the rejection of Mr Wandile Laurence Daku's application for special pension by the Special Pension Appeal Board (from Mr Wandile Laurence Daku).	Improving Governance		27 Feb 2015			Committee to schedule			

Submission of a petition calling upon the NCO's assistance on alleged illegal occupation of RDP house belonging to Mr Pumiani Tolbati in the township of Mdantsane, Eastern Cape Province (from Mr M S Nkoha).	Improving Governance	11 Sep 2015 (p)	11 Sep 2015 (p)	Committee to schedule					
Submission of a petition calling for Parliament's intervention on alleged unpaid pensions, unpaid leave gratuity and non-payment of the pro-rata bonus by the Eastern Cape Department of Health (From Mr Miyelani Mashaba).	Improving Governance	12 Mar 2015	12 Mar 2015	Committee to schedule					
Submission of a petition calling for National Council of Province's intervention on the social impact assessment with regards to the proposed Kynsa N2 Toll highway development by Sanral in Kynsa, Western Cape. (From Mr	Improving Governance	20 Mar 2015	20 Mar 2015	Committee to schedule					

Velile Waxa, on behalf of the concerned communities of Phelandaba and Rhobololo).									
Submission of a petition calling for National Council of Province's urgent intervention on the alleged ill-treatment of students, corruption and racism by the Africa Skills FET College in George, Western Cape Province (From Ms Keamogetse Vos and Ms Loreto Lobelo on behalf of the students).	Improving Governance		25 Mar 2015			Committee to schedule			
Submission of a petition calling for National Council of Province's intervention on the alleged corruption, maladministration, unlawful and unregulated establishment of private commercial flight training operations at the Oudtshoorn Local Municipality. (From Mr R H			30 Mar 2015			Committee to schedule			

									<p>Keen on behalf of the Oudtshoorn Ratepayers Association, Oudtshoorn Arriforum, Oudtshoorn Burgerlike Beweging and Affiliated affected parties).</p>
				<p>Committee to schedule</p>		<p>21 Apr 2015</p>		<p>Improving Governance</p>	<p>Submission of a petition from the representative of the Embrace Dignity in the Western Cape, calling for an end of oppression, prostitution and sex trafficking. (From Ms N Madlala-Routedge, Executive Director of Embrace Dignity).</p>

11.2. Executive Undertakings referred for consideration and report

Subject of Executive Undertaking	Recommendation	Referral date	Consideration date	Adoption date	Publication date of report in the ATC	Consideration date by the House
During the sitting of 7 May 2015, the Minister of Health undertook to follow up on the matter of insufficient standby generators at the National District, Pelenomi and Universitas Hospitals in Bloemfontein, Little Fort England in Grahamstown and P Z Meyer in Humansdorp.		14 May 2015	Committee to schedule on guidelines on executive undertakings are in place			
During the sitting of 12 May 2015, the Minister of Human Settlements made the following undertaking: "The backlog that we have for military veterans is only 5 000 houses. We have promised to build 1, 5 million houses, which means that in this country we build 1 000 houses a day. We can finish the backlog for military veterans in one year, and that is what I promise".		14 May 2015	Committee to schedule on guidelines on executive undertakings are in place			
Commitments made by various Ministers in 2012 during visit of the National Council of Provinces to Ngqushwa Local Municipality.		2 March 2015	Committee to schedule on guidelines on executive undertakings			

			are in place		
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12. MEETINGS HELD BY THE COMMITTEE

Total Number: 9

Date	Agenda	Adopted date
18 February 2015	<ul style="list-style-type: none"> • Consideration of the reports on the hearings of the Sehume Petition, Mikhize Petition, Transnet - Mayibuye Petition and Paternity Leave Petition • Tabling of the Abazimeli Squatters Association Petition • Tabling of the Transkei Road Transport Corporation Petition • Tabling of the Fuzane Petition • Tabling of the Alexander Land Association Petition 	20 May 2015
18 March 2015 (morning)	<ul style="list-style-type: none"> • Consideration of the report on the hearing of the Transnet-Mayibuye Petition • Consideration of draft Minutes dated 18 February 2015 • Consideration of the 2014 Third Term Quarterly Report • Consideration of the 2015 Second Term Committee Programme 	20 May 2015
18 March 2015 (afternoon)	<ul style="list-style-type: none"> • Consideration of and adoption of the 2014 Third Term Quarterly Report • Consideration of and Adoption of the second Term Programme • Tabling of petitions referred to the Committee to date (attached) 	20 May 2015
6 May 2015	<ul style="list-style-type: none"> • Hearing of COIDA Petition (Petition calling for the amendment of the 	20 May 2015

	<p>Compensation for Occupational Injuries and Diseases Act)</p> <ul style="list-style-type: none"> • Hearing of Fuzane Petition (Petition on alleged assaults on her child whilst in Groote Schuur Hospital, Western Cape). 	
13 May 2015	<ul style="list-style-type: none"> • Continuation of hearing on Fuzane Petition (Petition on alleged assaults on her child whilst in Groote Schuur Hospital, Western Cape). 	
26 May 2015	<ul style="list-style-type: none"> • Hearing on Maluti-A-Phofung Petition (Petition from Mr Sello B Gatebe and Mr Mokoena, Free State Province regarding the alleged illegal eviction by the Maluti-A-Phofung Municipality). 	
27 May 2015	<ul style="list-style-type: none"> • Continuation of hearing on Maluti-A-Phofung Municipality Petition (Petition from Mr Sello B Gatebe and Mr Mokoena, Free State Province regarding the alleged illegal eviction by the Maluti-A-Phofung Municipality). • Consideration and adoption of draft minutes and reports 	
3 June 2015	<ul style="list-style-type: none"> • Continuation of hearing of Fuzane Petition (Petition on alleged assaults on her child whilst in Groote Schuur Hospital, Western Cape) 	

13. CANCELLED MEETINGS

Date of meeting	Agenda	Reason for cancellation
9 June 2015	<ul style="list-style-type: none"> Hearing on Transkei Road Transport Corporation (TRTC) (TRTC) Petition on the alleged failure by the TRTC to pay pension monies and severance packages to former employees subsequent to its liquidation) 	Petitioner has passed on.
10 June 2015	<ul style="list-style-type: none"> Abazimeli Petition (Petition calling for National Council of Provinces' intervention on alleged failure by the Tumahole Local Municipality in Parys, to provide basic services to the community residing at eRF10012) 	Petitioner has passed on.

14. PUBLIC HEARINGS

None. It is however important to note that because the activities of the Committee are specifically guided by the petitions and executive undertakings referred to it, the Committee regularly holds hearings on the petitions referred to it. As such, under the quarter in review, the Committee has held a considerable hearings solely related to the consideration of the petitions referred to it.

15. CONSIDERATION OF SECTION 32 REPORTS (OF PFMA) PUBLISHED BY NATIONAL TREASURY

None. The mandate of the Committee does not require it to carry out this activity.

16. CONSIDERATION OF ANNUAL REPORTS TABLED IN PARLIAMENT IN TERMS OF PFMA

None. The mandate of the Committee does not require it to carry out this activity.

17. APPLICATIONS/ACTIVITIES NOT APPROVED

The political application by the Committee for it to host a National Petitions Indaba in Gauteng on the 31 July to the 1st of August 2015 was declined by the Office of the NCOP Chief Whip.

18. SPONSORSHIP RECEIVED BY THE COMMITTEE

None

19. BUDGET OF THE COMMITTEE AS AT JANUARY 2015

Line/Items	Costs
Catering	Processes ongoing
Oversight	Processes ongoing
Conference/Workshop	None
Study tour/international	None
Witness expenses	None
Public hearings (outside Parliament)	None
Other activities	None
Consultants/facilitators/experts	None
Total	R750 000

Initial Budget Allocated: R750 000.

Total expenditure/Commitment: The Committee's total expenditure/commitment had not yet been captured as at 13 March 2015.

Virements: None

Budget Available: Committee budgets have not been allocated and therefore no budget statement.

20. SUPPORT STAFF:

Position	Name of staff
Section Manager	Mr S Tshabalala
Unit Manager	Ms N Giba
Content Advisor	Dr M Gondwe
Committee Secretary	Mr N Mkhize
Researcher	Adv. T Steeris
Executive Secretary	Ms N Fakier

21. Budget Vote/Fiscal Framework Consideration

The mandate of the Committee does not require it to carry out this activity.

22. Bills considered by the Committee

The mandate of the Committee does not require it to carry out this activity.

23. International Agreements/Protocols/Conventions considered by the Committee

The mandate of the Committee does not require it to carry out this activity.

24. Conference/Workshop/Seminar:

The Committee did not hold or attend a conference, workshop or seminar in the period under review.

25. Consideration of Annual Reports tabled in Parliament in terms of PFMA

The mandate of the Committee does not require it to carry out this activity.

26. Applications / activities not approved

The political application by the Committee for it to host a National Petitions Indaba in Gauteng on the 31 July to the 1st of August 2015 was declined by the Office of the NCOP Chief Whip.

27. Sponsorship received by the Committee:

The Committee received no sponsorship for the period under review.

2.8 GENERAL COMMENTS ON THE QUARTER (JANUARY 2015 – JUNE 2015)

1. CHALLENGES AND CONSTRAINTS

The following are the challenges and constraints the Committee faced during the quarter under review:

- 1.1 Dealing with the backlog of the inherited petitions.
- 1.2 Inability to carry out the executive undertakings mandate given that there are no guidelines and rules pertaining to the mandate.
- 1.3 Limited time allocated to Committee to hold its petitions related hearings.
- 1.4 Failure by certain stakeholders to attend petitions related hearings.

2. PROPOSALS AND RECOMMENDATIONS

It is proposed that in the upcoming 3rd quarter, the Committee should endeavour to:

- Conduct more petitions related oversight visits in carrying out its mandate in an effort to enhance the participation of members of the public.
- Schedule more and lengthier meetings so as to ensure that it gets through the backlog of inherited petitions.
- Increase its focus on resolving the recently referred petitions and set aside at least a week per term to deal with these petitions.

- Consider and adopt executive undertakings guidelines as a number of executive undertakings have been already been referred to the Committee;
- Consider and adopt the draft petition Bill which is aimed at ensuring there is synergy and alignment is the country's petitions processes; and
- Resubmit its application to visit the Indian Parliament in an effort to learn more about its executive undertakings.

COMMITTEE ON PRIVATE MEMBERS' LEGISLATIVE PROPOSALS AND SPECIAL PETITIONS

**P - PRESENT
A- ABSENT
AP- APOLOGY**

MEMBERS	180215	180315	180315	060515	130515	Total number meetings
African National Congress						
Hon Thobejane	P	P	P	P	P	5
Hon T Wana	A	A	A	A	P	1
Hon DL Ximbi	P	P	P	P	P	5
Hon MJ Mohapi	P	P	P	AP	AP	3
Hon LP Nzimande	AP	P	P	AP	P	3
Hon G M Manopole	P	P	P	P	P	5
Hon M T Mhlanga	A	P	P	P	P	4
Democratic party						
Hon G Michalakis	P	P	P	P	AP	4
Hon J W Julius	P	P	P	AP	P	4
Hon M Chetty	P	P	P	AP	P	4
Economic Freedom Fighter						
Hon T J Mokwele	A	A	A	A	P	1

COMMITTEE ON PRIVATE MEMBERS' LEGISLATIVE PROPOSALS AND SPECIAL PETITIONS

**P – PRESENT
A- ABSENT
AP- APOLOGY**

MEMBERS	200515	260515	270515	030615	170615	Total number meetings
African National Congress						
Hon Thobejane	P	P	P	P		4
Hon T Wana	A	P	P	P		3
Hon DL Ximbi	P	P	P	P		4
Hon MJ Mohapi	AP	P	P	AP		3
Hon LP Nzimande	P	AP	AP	P		2
Hon G M Manopole	P	P	P	P		4
Hon M T Mhlanga	P	P	P	P		4
Democratic party						
Hon G Michalakis	A	AP	P	P		3
Hon J W W Julius	P	P	P	P		4
Hon M Chetty	P	P	P	P		4
Economic Freedom Fighter						
Hon T J Mokwele	P	P	P	P		4

