



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

COMMITTEES

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**SELECT COMMITTEE ON PETITIONS AND EXECUTIVE
UNDERTAKINGS:
ANNUAL PERFORMANCE PLAN FOR THE
2017/2018 FINANCIAL YEAR**

3. Values of Parliament

According to the Strategic Plan of Parliament, the values of an institution identify the principles for the conduct of the institution in carrying out its mission. What is more an institution's values have to be derived in conjunction with its mission. An institution's values further direct and guide the nature of the organisational leadership, decision-making, actions and the culture of the organisation. The Strategic Plan for Parliament accordingly proposes **openness, responsiveness, accountability, team work, professionalism and integrity** as the values for Parliament.⁵

4. Mandate of Parliament

The Strategic Plan of Parliament affirms that the mandate of Parliament is based on the provisions of the Constitution of the Republic of South Africa, 1996, which establish Parliament and set out the functions that Parliament performs.⁶ The Constitution, in turn, stipulates our country is a single, sovereign democratic state where governance is effected through Parliament, the Executive and the Judiciary. The Constitution further stipulates that in our country the legislative authority is vested in Parliament, the executive authority is vested in the President, and the judicial authority is vested in the Courts.

One of Parliament's role is to represent the people and ensure government by the people under the Constitution and the other particularly that of the National Council of Provinces (NCOP), is to represent the provinces in the national sphere of government. Such representation is realised by public representatives who represent the will of the people, in the process of passing legislation, overseeing executive action, and the facilitation of public involvement, co-operative government and international engagement.⁷

The role of Parliament also includes the promotion of the values of human dignity, equality, non-racialism, non-sexism, the supremacy of the Constitution, universal adult suffrage and a multi-party system of democratic government. Parliament further upholds the political rights of its citizens and the basic values and principles governing public administration. Parliament also oversees the implementation of the various constitutional imperatives.

The mandate and functions of Parliament are based on the following pieces of legislation:

⁵ Strategic Plan of Parliament 2014 – 2019, page 9.

⁶ Strategic Plan of Parliament 2014 – 2019, page 10.

⁷ *Ibid.*

5. Strategic Goals of Parliament

The Fifth Parliament has identified the following as its core strategic priorities:

- **Strengthening oversight and accountability:** In order to strengthen and enhance its oversight and accountability over the work of the executive Parliament will amongst other things allocate sufficient time for committees in the programme of Parliament; increase the capacity building of committees and members in this area; and ensure adequate facilities and an environment conducive to the meetings of committees.⁹
- **Enhancing public involvement and participation:** In order to enhance public involvement and participation Parliament will amongst others improve public education and participation programmes; establish feedback and engagement mechanisms; increase citizen access to participate in its processes; and implement the Public Participation Model.¹⁰
- **Deepening international engagement and co-operation:** In order to deepen and enhance international engagement and co-operation Parliament will amongst others increase its capacity to represent the interests of South Africa in the international area; build strategic partnerships around mutual interests and solidarity; and prioritise its focus on promoting the African Agenda, especially with regard to its role in regional and continental integration, manifesting in the formation of a SADC Parliament, and transformation of the Pan-African Parliament as regards its legislative powers.¹¹
- **Strengthening co-operative government:** In order to strengthen and enhance co-operative government Parliament will amongst other things ensure greater legislative sector, House and committee co-operation and coordination; develop a co-operative government mechanism and integrating principles of co-operative government in the functions of Parliament; and develop more efficient models of governance at executive level and to mirror these in the legislative sector for purposes of increasing oversight and accountability.¹²
- **Strengthening legislative capacity:** In order to strengthen and enhance its legislative capacity Parliament will amongst others identify legislation where implementation has been slow or ineffective; review the Parliamentary Programme based on the volume of legislation, further build Parliament's capacity to initiate and amend legislation; and identify gaps and bottlenecks in policies and legislation for the effective implementation of the NDP.¹³

⁹ Strategic Plan of Parliament 2014 – 2019, page 19.

¹⁰ Strategic Plan of Parliament 2014 – 2019, page 20.

¹¹ *Ibid.*

¹² Strategic Plan of Parliament 2014 – 2019, page 20.

¹³ Strategic Plan of Parliament 2014 – 2019, page 21.

Loosely and simply defined petitions can be defined as complaints, requests, representations or submissions addressed to an authority and requesting that certain action be taken. The purpose or functions of petitions, broadly speaking, include the following:

- **Petitions foster public participation:** Petitions foster public participation in that they permit members of the public to directly communicate with elected public representatives. Petitions further permit members of the public to make requests and voice their grievances, to elected public representatives, in relation to Government policies, programmes or structures.
- **Petitions reflect the perceptions and views of members of the public:** Petitions reflect the views and perceptions of those affected by Government policies, programmes and structures.
- **Petitions assist public representatives in identifying and isolating issues that need special attention:** Petitions can further assist elected public representatives to identify or prioritise issues that may have not been included or adequately addressed in Government policies, programmes and structures.
- **Petitions serve as a barometer or seismograph for evaluating the impact of Government policy:** Petitions can aid Government in assessing and evaluating policy implementation and whether Government is on track in terms of responding to the needs of its citizenry.

Within the Parliamentary framework, petitions serve similar purposes or functions. Petitions ensure members of the public directly engage with MPs and have their voices heard by those they have elected into public office. More importantly, the submission of petitions by members of the public to Parliament feeds into Parliament's broad oversight role by enhancing the knowledge and awareness of MPs around issues affecting members of the public. Petitions further afford members of the public added involvement and participation in the decision making processes of Government.

Executive undertakings, on the other hand, are those assurances, commitments, resolutions, pledges or promises that are given or made by the Ministers or any organ of state from time to time on the floor of the House. Executive undertakings may be made or given by Ministers or organs of state during question hour, statements, speeches, presentations or tabling of reports and debates, during discussions on Bills, resolutions, motions or any other proceedings taking place on the floor of the House.¹⁷ Take for instance, where a Minister in the course of responding to a question or discussions or reporting on a matter in the Parliament gives an undertaking which involves further action on the part of his or her ministry – such an undertaking by the Minister constitutes an executive undertaking.¹⁸ By scrutinising and overseeing the implementation of executive undertakings, Parliament is able to hold the Executive and other organs of state accountable for the undertakings they make, from time to time, on the floor of the House. Parliament can hold the Executive accountable by scrutinising and overseeing the implementation of executive undertakings and by also:

¹⁷ Rajya Sabha Practice and Procedures Series (2005), page 1. Committee on Government Assurances. Available from <http://rajyasabha.nic.in> . [Accessed 30 June 2014].

¹⁸ Ibid.

- To recommend to the NCOP any course of action it deems fit and proper; and
- To keep the petitioner informed of the decision or other course of action with regard to the petition and the reasons thereof.

In sum, the Committee enables Parliament to constructively deal with petitions and enhance Parliament's role in the petitioning process. Put differently, the role of the Committee is to ensure that appropriate action is taken in respect of each petition accepted by Parliament and to take responsibility for ensuring the resolution of the petition. However in contrast to other Parliamentary committees, there are no specific or particular departments or entities falling with the Committee's portfolio. The Committee deals with Government Departments or entities only to the extent that it has referred the subject matter of a petition to a particular department or entity. Moreover, because the petitions referred to Committee cover issues ranging from service delivery to the reopening of inquests, the Committee engages and interacts with a spectrum of sectors and Departments or entities in the course of processing petitions.

6.2.1.1 Petitions Guidelines

In carrying out its petitions mandate, the Committee is chiefly guided by the NCOP Rules. However as far back as the Fourth Parliament, concerns have been raised around the adequacy and suitability of the Rules. The Rules do not, for instance, clearly define what a petition is nor do they elucidate the purpose of a petition. Moreover the Rules do not set out time frames in relation to the consideration and processing of a petition by the Committee. As such during the NCOP's Annual Strategic Planning Session in March 2015, the Committee resolved to be proactive around the development of a set of Draft Petitions Guidelines (Petitions Guidelines) and develop. In the same year, the Committee developed a set of detailed Petitions Guidelines and on 5 August 2015, the Committee these Guidelines. The NCOP's Sub-Committee on the Review of Rules (Sub-Committee of the Review of Rules) briefly considered the Petitions Guidelines on 8 September 2016 and the Committee is still awaiting feedback from the Sub-Committee of the Review Rules on the Guidelines.

6.2.1.2 National Petitions Bill

Towards the latter part of 2015, the Committee developed a framework for a National Petitions Bill (Bill) with the assistance of Parliament's Legal Drafting Unit. The overarching purpose of the Bill is to ensure there is synergy and alignment in the manner in which petitions are processed within the petitions sector. More specifically, the Bill aims to amongst other things provide for the right to submit a petition to a House of Parliament; for the referral of a petition to the Committee; for the establishment of a Committee to deal with petitions; for the powers and functions of the Committee; and processing of petitions in the Committee.

At a meeting held on 2 September 2015, the Committee, on the advice of Parliament's Legal Drafting Unit, resolved to prepare a memorandum requesting the National Assembly to establish an ad hoc committee for the specific purpose of introducing the Bill in the National Assembly. The

Parliament and this has hampered (and continues to hamper) the ability of the Committee to fulfil this particular mandate. Notwithstanding this, the Committee resolved to be proactive around the development of rules or guidelines in relation to the mandate.

Accordingly, the Committee developed a set of Draft Executive Undertakings Guidelines (Executive Undertaking Guidelines) and proceeded to formally adopt the set of Guidelines on 28 October 2015. The Executive Undertaking Guidelines were briefly considered by the Sub Committee on the Review of Rules (together with the Draft Executive Undertakings Guidelines) on 8 September 2016. And at the meeting, the Sub Committee on the Review of Rules requested that the Committee undertake the study tour to India/Ghana before submitting a final version of the Guidelines for consideration.

That being said, it has now become imperative for the Committee to begin scrutinising and overseeing the implementation of executive undertakings, in the current financial cycle, seeing as to date it has a total of 12 executive undertaking referred to it (as at 17 February 2017).

7. Strategic Priorities of the Committee

It is against the Committee's situational analysis, the NDP, the MTSF 2014-2019, the Strategic Plan of Parliament, SONA and other key policy documents that the key strategic priorities of the Committee for the 2017/2018 financial year are the following:

- Clear the backlog of inherited petitions from the Fourth Parliament by actively considering inherited petitions;
- Consider newly referred petitions;
- Hold regular and frequent meetings;
- Adopt Committee minutes and reports within suitable time frames;
- Ensure that the adopted reports are tabled in the House and the recommendations in the reports are following upon by the House;
- Conduct petitions and executive undertakings related oversight visits;
- Scrutinise and oversee the implementation of executive undertakings by the Executive;
- Ensure Draft National Petitions Bill is introduced in the National Assembly;
- Undertake a study visit to the Indian and/or Ghanaian Parliament in relation to the executive undertakings mandate of the Committee;
- Undertake a study visit to the Sweden and Holland in accordance with the recommendation made in the Embrace Dignity Petition Report tabled in the House;
- Conduct public awareness exercises/activities aimed at educating and sensitising members of the public on the right to petition, the work of the Committee and promoting public involvement and participation in the activities of the Committee; and

Strengthen and enhance scrutiny and accountability	Executive feedback on the implementation of undertakings and table reports in the House	Oversee the implementation of executive undertakings	xx	Identify executive undertakings to be scrutinised Request progress reports from relevant Departments Produce, table and adopt reports on the implementation of executive undertakings Table reports in the House on the implementation of executive undertakings	Ongoing	Ongoing	Ongoing
Enhance and increase Committee accountability	Hold 20 meetings and table and adopt 20 sets of minutes	Hold regular and frequent meetings	20 meetings held and 17 sets of minutes tabled and adopted	Produce minutes Consider minutes Adopt minutes	Ongoing	Ongoing	Ongoing

	undertakings mandate of the Committee	adopted by the House	Undertakings Guidelines	considered by the NCOP Sub-Committee on the Review of Rules	Guidelines as per recommendations of the NCOP Sub-Committee on the Review of Rules	adopted by the NCOP Rules Committee	tabled in the House	Undertakings Guidelines
Enhance public involvement and participation	Enhance and increase public participation and involvement	3 public awareness exercise/activity conducted in 3 province	Conduct 3 public awareness exercise/activity on the work of Committee and right to petition	1 public awareness exercise/activity conducted in the Northern Cape Province (on petitioning Parliament and the mandate of the Committee)	Identify format/nature of public awareness exercise/activity to be conducted as well as province to be visited Approve of public awareness exercise/activity to be conducted as well as province to be visited Conduct public awareness exercise/activity in 1 province	Ongoing	Ongoing	Ongoing

Strengthen and enhance co-operative government	Strengthen and enhance co-operation with sister committees and Government departments	2 executive undertakings workshop and seminars with sister committees and Government departments facilitated and hosted	Facilitate and host 2 executive undertakings workshop/ seminar with sister committees and Government departments	xx	Develop concept paper for workshop/seminar Consider and adopt concept paper	Invite sister committees and departments to the workshop/seminar	Develop concept paper for workshop/seminar Consider and adopt concept paper	Invite sister committees and departments to the workshop/seminar
					Finalise planning and submit the political and financial application for the workshop/seminar	Facilitate and host workshop/seminar	Produce, table and adopt report on	Table report on workshop/seminar

Annexure A

SELECT COMMITTEE ON PETITIONS AND EXECUTIVE UNDERTAKINGS: LIST OF PENDING PETITIONS TO BE RESOLVED BY THE COMMITTEE IN THE 2017/18 FINANCIAL YEAR

No.	Petitioner, Subject Matter and Province	Date Referred to the Committee	Date Considered by the Committee	Reasons for Pending Status
	<p>Ms Nobuntu Fuzane</p> <p>(Petition on the alleged ill treatment of the petitioner's daughter whilst admitted at Groote Schuur Hospital and Khayelitsha District Hospital, Western Cape Province)</p> <p>Western Cape</p>	<p>25 November 2014</p> <p>(Newly Referred)</p>	<p>4 May 2016</p>	<p>The Committee resolved that it could not unilaterally consider and adopt the Report without inputs from the PC on Health given that it held the hearing on the petition with the PC on Health.</p>
	<p>Ms Keamogetse Vos and Ms Loreto Lobelo (obo students of Africa Skills College)</p> <p>(Petition requesting the intervention of the NCOP on the alleged ill-treatment of students, corruption and racism by Africa Skills FET College in Western Cape Province)</p> <p>Western Cape</p>	<p>30 March 2015</p> <p>(Newly Referred)</p>	<p>12 October 2016 and 23 November 2016</p>	<p>The Committee resolved that it will be premature to consider and adopt the Report without first listening to oral submissions or receiving written submissions from the Offices of the Premier of the Northern Cape and the Premier of the Western Cape given that the petition implicates both Offices.</p>

			Western Cape Municipality, Knyrna taking place at Western Cape)
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Annexure B

SELECT COMMITTEE ON PETITIONS AND EXECUTIVE UNDERTAKINGS: PETITIONS TO BE CONSIDERED BY THE COMMITTEE IN THE 2017/18 FINANCIAL YEAR

No.	Petitioner, Subject Matter and Province	Date Referred to the Committee	Quarter
1.	<p>Ms M Khoase (obo of the Abazimeli Squatters Association)</p> <p>(Petition calling for the intervention of the NCOP in the failure by the Tumahole Local Municipality to provide basic services 10012)</p> <p>Free State</p>	21 August 2014 (Newly referred)	First Quarter
2.	<p>Mr ME Hlabana</p> <p>(Petition on the failure by the Mantsopa Municipality to provide basic service to the community)</p> <p>Free State</p>	29 October 2010 (Inherited petition)	First Quarter
3.	<p>Mr Velile Waxa (obo the concerned communities of Phelandaba)</p> <p>(Petition requesting the intervention of the NCOP in the proposed Knysna N2 Toll high way development)</p> <p>Western Cape</p>	20 March 2014 (Newly referred)	Second Quarter
4.	<p>Mr Hermanus Baatjies (obo the Ga'ibhaiqua Community in Oudtshoorn)</p> <p>(Petition requesting intervention of the NCOP in the failure by the Council of the Eden District Municipality to engage the affected communities in leasing out the ancestral land within the Municipality)</p> <p>Western Cape</p>	5 May 2015 (Newly referred)	Second Quarter
5.	<p>Hon C J De Beer, MP (obo Dr Johann Kotze, Director of GameTech Hunters Training)</p> <p>(Petition calling for the normalisation and commercial transformation of the professional hunting sector)</p> <p>Western Cape</p>	5 May 2015 (Newly referred)	Second Quarter

		(Petition requesting the intervention of the NCOP in the dispute relating to the RDP housing subsidy and bond repayments)	Gauteng
13.	Mr Phetoe	(Petition on the alleged non-payment of pension by former Bophuthatswana government)	Northwest
	16 August 2012	(Inherited petition)	Fourth Quarter
14.	Mr Joseph Mahlangu	(Petition requesting the intervention of the NCOP in securing farming land)	Mpumalanga
	20 January 2011	(Inherited petition)	Fourth Quarter
15.	Mr Johannes Nhlapo	(Petition on the alleged fraud, nepotism and unethical taking place in Steve Tshwete Municipality)	Mpumalanga
	8 April 2011	(Inherited petition)	Fourth Quarter

