

**MINISTRY**

**PUBLIC WORKS**

**REPUBLIC OF SOUTH AFRICA**

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**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION NUMBER: 2724 [NW3016E]**

**INTERNAL QUESTION PAPER NO.: No. 30 of 2018**

**DATE OF PUBLICATION: 14 SEPTEMBER 2018**

**DATE OF REPLY: 19 NOVEMBER 2018**

**2724. Mr W Wessels (FF Plus) asked the Minister of Public Works:**

(1) Whether his department conducts regular health and safety inspections as required by the Occupational Health and Safety Act, Act 85 of 1993 (OHSA), at both state-owned and rented buildings under its control; if not, why not; if so, what is the frequency of the inspections;

(2) Which (a) state-owned and (b) rented buildings have been found not to meet the minimum requirements in terms of the OHSA in each of the specified metropolitan municipalities (details furnished);

(3) What (a) measures has his department put in place to meet the Act’s safety requirements, (b) is the estimated cost in each case and (c) are the projected timelines;

(4) Whether he will make a statement on the matter?

 **NW3016E**

**The Minister of Public Works**

**REPLY:**

(1) Yes, the Department of Public Works, through its Facilities Management Branch (Occupational Health and Safety Unit) conducts regular inspections for both state - owned and leased facilities as per Occupational Health and Safety Act, (Act No. 85 of 1993) (herein after referred to as the OHS Act) and the Municipal by-laws to identify all building compliance issues. These inspections are conducted on a monthly basis (against annual targets) and any non-compliance is reported to relevant departmental branches for rectification.

(2) (a) Buildings are inspected on a monthly basis and referred to relevant branches as and when compliance issues arise. The list of buildings is not static due to the fact that all emergency compliance issues are attended to as and when these issues arise – whilst upgrades, improvements and refurbishments are handled through longer term processes.

(b) The leased buildings are also inspected on a monthly basis according to an approved plan. The reports thereof are submitted to the Real Estate Management Services (REMS) Branch to take up the non-compliance and maintenance issues with the relevant Landlords, by invoking the relevant clauses in the lease agreements. The list of buildings is also not static due to the fact that all emergency compliance issues are attended to as and when these issues are raised – whilst upgrades, improvements and refurbishments are handled through longer term processes.

(3) (a) In the case of State-owned facilities – after each and every inspection – the inspectors compile a report with a list of defects or any compliance issues to the relevant branches within the Department. This is an on-going exercise.

If emergency and minor maintenance works are required the rectification works are referred to the Regional Offices for implementation using the day-to-day maintenance strategy. This usually takes a week up to a month to implement – depending on the complexity of the works and availability of materials.

If major works are required the reports are then referred to relevant branches in the Department for Budgeting, Design and Execution (this is medium to long term). The medium to long term major works projects will take up to a year and may even be multi-year projects. This is due to the magnitude of the projects, which may involve budgeting in terms of medium term expenditure framework (MTEF), a process that involves planning and design, public tendering, adjudication and project execution.

This means that whilst other buildings may not be fully compliant – plans and / or projects are made to rectify them. Unfortunately, we have a backlog on addressing the OHS compliance issues and this is due to the sheer size of the portfolio of Public Works and the fact that maintenance is heavily underfunded. The asset portfolio of the Department is vast, making up over 90 000 buildings, 70 percent of which are in a fair state of repair

As evidenced by various incidences concerning operational emergencies, it is apparent that the lack of adequate maintenance has resulted in numerous contraventions of Occupational Health and Safety (OHS) standards, which tends to affect service delivery and more so the health of Government officials. Even more severe, is the risk of equipment failure (boilers, lifts air-conditioning systems, etc.), which could potentially lead to catastrophic consequences for both the Department and the State.

The challenge however, I that over time the infrastructure budgets in the User Departments have reduced or been diverted to other key service delivery activities. The reduction in infrastructure budgets presents a significant risk with regard to the repair, refurbishment and maintenance of the portfolio and consequently renders the upkeep of the portfolio unaffordable. One of the pre-conditions for the existence and operationalization of the Property Management Trading Entity (PMTE) is that it must adopt business-like principle and operate on a cost recovery basis. However, the PMTE is dealing with a historical challenge of Inadequate funding due to low tariffs charged to User departments. These tariffs do not adequately make provision for capital expenditure and also do not adequately make adequate provision for maintenance.

With respect to the maintenance backlog, the financial impact of improving the condition of the portfolio to an acceptable level is being quantified.

The Department, through the PMTE, is in discussion with the National Treasury to highlight the extent of the backlog and seek innovative solutions along with User departments to address this.

(b) The standard lease agreement contains provisions of how the Department is to handle maintenance and non-compliance issues. These range between minor works and major works. Minor works may be completed within a week to a month – whilst major works may take longer.

If a Landlord does not comply with the OHS Act (Act No. 85 of 1993) the Department reserves the right to put the Landlord into terms – failing which, the lease agreement may be terminated.

(c) Time Lines are dependent on the works:

Emergency and Minor Works – Within one week up to a month to implement – depending on the complexity of the works and availability of materials.

The medium to long term major works projects will take up to a year and may even be multi-year projects. This is due to the magnitude of the projects that involve budgeting (in line with MTEF processes); planning and design, public tendering, adjudication and project execution.

(4) A statement will be made as and when it is necessary to do so.