

**DRAFT LEGACY REPORT OF THE SELECT COMMITTEE ON PETITIONS AND EXECUTIVE UNDERTAKINGS ON THE ACTIVITIES IT UNDERTOOK DURING THE 5TH PARLIAMENT (MAY 2014 – MARCH 2019)**

**Key Highlights**

1. **Reflection on Committee Programme Per Year and on Whether the Objectives of Such Programmes were Achieved:**

The compilation of the programme of the Select Committee on Petitions and Executive Undertakings (“Committee”), for each financial year, was consistently influenced and guided by *inter alia* the mandate of the Committee; Annual Plan of the Committee; Five Year Strategic Plan of the Committee; National Development Plan; Strategic Plan of Parliament; and MTSF 2014 – 2019.

1.1 **2014/15 Financial Year Programme**

During the 2014/15 financial year, the programme of the Committee, focussed on: the on-boarding of new Committee members (99% of its Members were new to the Committee); understanding and exploring its newly accorded executive undertakings mandate (the Committee was accorded this mandate in the absence of any rules or guidelines to guide it in this regard); developing detailed and comprehensive guidelines on its petitions and executive undertakings guidelines (to address the scantiness of Rules on petitions at Parliament and address the absence of rules or guidelines on the executive undertakings mandate); and clearing the backlog of approximately 60 petitions that it inherited from the Fourth Parliament; and table reports in the House on the petitions it has considered and finalised (in the Fourth Parliament the Committee was unable to table a single report in the House due to the challenges it was experiencing at the time).

In the financial year under review, the objectives of the Committee were largely achieved given that it was able to consider the petitions from the previous Parliament (“inherited petitions”) as well as the petitions referred to it in the Fifth Parliament (“newly referred petitions”). In this respect, the Committee finalised 3 reports on the petitions referred to it. Also of significance the Committee was able to start developing detailed guidelines on its petitions and executive undertakings mandate. The Committee was however unable to start executing or carrying out its executive undertakings mandate as it had no rules or guidelines to guide it in this respect.

1.2 **2015/16 Financial Year Programme**

In the 2015/16 financial year, the programme of the Committee was again focussed on the clearing the backlog of inherited petitions by holding hearings on these petitions and the newly referred petitions. Also in the financial year concerned, the Committee was also able to finalise reports on 6 of the petitions referred to it and subsequently table 5 reports in the House on the petitions it had considered and finalised. This was an achievement on the part of the Committee seeing as in the previous Parliament it was unable to table a single report on the petitions it had considered. In the same financial year, the Committee also set out to develop and introduce a draft National Petitions Bill (“Bill”). But, prior to the introduction of the Bill, it had planned to host a Petitions Indaba aimed at involving all the relevant stakeholders (such as the Provincial Legislature and Municipalities) in the development and crafting of the Bill. The purpose of the Bill is to integrate the best petitions practices and processes in one document and also ensure the manner in which petitions are processed is aligned and coordinated across the board. That having been said, the Committee was, however, unable to host the Petitions Indaba as planned due to programming challenges. Notwithstanding this, the Committee was able to develop, with the assistance of Parliament’s Legal Drafting Unit, a first draft of the Bill for consideration by the Committee. Another major achievement for the Committee in this financial year was the adoption of both the petitions and executive guidelines it has developed. The Committee also undertook 3 petitions related oversight visits to the provinces of the Free State, North West and Eastern Cape.

1.3 **2016/17 Financial Year Programme**

During the 2016/17 financial year, the programme of the Committee, in addition to focussing on the consideration of petitions referred to it, further focussed on conducting public awareness activities. In the latter regard, the Committee held its first public awareness activity in the Northern Cape wherein the Committee was able to educate members of the public on the petitions process at Parliament. The Committee further shared the contents of a booklet it had developed on the petitions process at Parliament with members of the public. Furthermore, in the same financial year, the Committee was able to finalise the consideration of 7 of the petitions referred to it.

1.4 **2017/18 Financial Year Programme**

The 2017/18 financial year programme of the Committee again placed a marked emphasis on the consideration and finalisation of the petitions referred to the Committee in the previous and Fifth Parliaments. In this respect, in addition to holding hearings on the petitions referred to it at Parliament, the Committee further undertook 2 oversight visits to the provinces of the Free State and Eastern Cape aimed at considering the petitions referred to it and interacting with the affected stakeholders. Also in the financial year concerned, the Committee undertook a study to Sweden in relation to one of the petitions referred to it, namely the Embrace Dignity petition. The study tour enabled the Committee to finalise its consideration of the petition. Of particular importance, the Committee was further able to start executing or carrying out its executive undertakings mandate after it had adopted the guidelines it had developed in the preceding financial year and to date the Committee has scrutinised a total of 12 executive undertakings.

1. **Committee’s Focus Areas During the Fifth Parliament:**

The Committee’s focus areas during the Fifth Parliament were the following:

2.1 To initiate the introduction of a draft National Petitions Bill aimed at improving the petitions process in Parliament and within the sector;

2.2 To enhance and strengthen the manner in which the Committee carries out its dual mandate of considering petitions and overseeing the implementation of executive undertakings by developing or augmenting rules or guidelines to enable the Committee to effectively and systematically carry out these mandates;

2.3 To enhance and strengthen the Committee’s oversight and accountability role by considering and finalising the inherited and newly referred petitions referred to the Committee and overseeing the implementation of executive undertakings referred to the Committee;

2.4 To enhance and strengthen the Committee’s co-operation and collaboration with other spheres of government, in particular the provincial and local government in an effort to, amongst other things, ensure the speedy resolution of the petitions;

2.5 To strengthen and bolster public involvement and participation in the processes of Parliament and in the work of the Committee by conducting petitions related public awareness activities or exercises and developing public education material in this regard;

2.6 To undertake regional and international study visits to the Parliaments of India and Ghana aimed at strengthening and improving the work of the Committee and sharing best practice with other parliaments on the executive undertakings mandate of the Committee; and

2.7 To empower and capacitate Members of the Committee by increasing their knowledge and access to information and developments in the petitions sector.

1. **Key Areas for Future Work:**

The Committee is to explore the following key areas for its work going forward:

* 1. Introduce the Draft National Petitions Bill developed by the Committee in the National Assembly to ensure that, similar to the provincial legislatures, Parliament has formalised and institutionalised the manner in which it processes petitions;
	2. Continue to move for the inclusion of the petitions and executive guidelines adopted by the Committee in the Rules of the NCOP;
	3. Undertake study visits to both the Indian and Ghanaian Parliament aimed at augmenting and increasing the Committee’s understanding of its executive undertakings mandate;
	4. Conduct public education exercises and develop the related public education material with the assistance of the Public Education Unit of Parliament to improve and raise general awareness on the petitions process at Parliament;
	5. Work closely with the relevant provincial and local government petitions committees in considering and finalising petitions;
	6. Propose and champion for the establishment of a petitions office in the NCOP;
	7. Collaborate with the Office of the Secretary of the NCOP in ensuring that only petitions (and not submissions) are considered by the Committee; and
	8. Continue to extend support to the Chairperson of the Committee by allowing him to conduct oversight visits and petitions hearings on behalf of the Committee as guided by the Rule 91 (2) of the Rules of the NCOP.
1. **Key Challenges Emerging:**

The following challenges emerged in the Fifth Parliament:

* 1. Difficulties in dealing conclusively with the backlog of inherited petitions given the fact that a majority of these petitions do not qualify as petitions and were not properly vetted prior to their referral to the Committee;
	2. Delays and difficulties in executing or carrying out the executive undertakings mandate of the Committee due to the absence of rules or guidelines to guide the Committee;
	3. The non-attendance of key stakeholders during hearings on petitions, in particular provincial and national government departments;
	4. Changes in the NCOP Parliamentary Programme affected the ability of the Committee to stick to its approved programme;
	5. Limited awareness on the part of members of the public of the mandate of the Committee and the petitions process at Parliament;
	6. Limited or no interaction with the petitions committees at q provincial and local government level;
	7. Limited time allocated to the Committee in order for it to consider petitions and scrutinise the implementation of executive undertakings;
	8. Limited or no capacity building for staff and Members to enable them to effectively execute the dual mandate of the Committee; and
	9. Delays in the approval of the Committee political application for oversight visits and in certain instances Committee political applications were turned down for unclear reasons or without seeking clarity from the relevant Members of the Committee on the purpose of the proposed oversight visit.
1. **Recommendations**:

The Committee recommends the following as a response to the challenges highlight above:

* 1. The introduction of the Draft National Petitions Bill in Parliament;
	2. The establishment of a petitions office in the NCOP;
	3. The allocation of greater time to the Committee to enable it to do justice to the petitions and executive undertakings referred to it;
	4. Capacity building for Members and staff of the Committee that goes beyond the NCOP Annual Committee Strategic Planning Session;
	5. The Committee to solicit the continuous assistance of the Public Education Unit of Parliament when conducting its public awareness exercises and in developing public education material for the Committee;
	6. The Committee to subpoena stakeholders who fail appear before the Committee when requested to do so;
	7. The unique nature and mandate of the Committee to be taken into consideration by the NCOP; and
	8. The Committee to assist the Office of the Secretary of the NCOP in vetting the petitions referred to it.
1. **Introduction**
	1. **Department/s and Entities Falling Within the Committee’s Portfolio**

In contrast to other committees of Parliament, the Committee does have specific department or entities falling within its portfolio and instead deals with Government Departments or entities to the extent that it has referred the subject matter of a petition or executive undertaking to a particular department or entity. Moreover, because the petitions and executive undertakings referred to the Committee cover a range or spectrum of issues, the Committee constantly finds itself dealing with a continuum of sectors, departments, institutions and entities.

* 1. **Functions of Committee:**

At present, the Committee has two mandates or function, namely considering the petitions referred to it and scrutinising the implementation of executive undertakings referred to it.

1.2.1 **Petitions**

Section 69 (d) of the Constitution provides that the National Council of Provinces (“NCOP”) may receive petitions, representations or submissions. What is more, Rule 103 (b) of the Rules of the NCOP stipulates that one of the general powers of all Committees of the NCOP is to receive petitions, representations or submissions from interested persons on institutions. The receipt of petitions in the NCOP in this sense, is further strengthened by the establishment of the Committee which is expressly or specifically mandated to consider the petitions referred to it. To be precise, Rules 147 to 150 of the NCOP Rules provide for the establishment the Committee and further stipulate that the core mandate of the Committee is to consider all petitions referred to the NCOP.

The mandate or function of the Committee, in this regard, is also reinforced by the following extensive powers and responsibilities:

* To refer the subject matter of a petition referred to it to the Executive or particular department or another administrative agency for further attention;
* 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 reason thereof.

In summary, the Committee enables Parliament (via the NCOP) to constructively deal with petitions and further enhances Parliament’s role in the petitioning process. Put differently, the mandate or function 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 each petition that it accepts.

1.2.2 **Executive Undertakings**

During the configuration of the NCOP Committees for the Fifth Parliament, the Committee was accorded the additional mandate of scrutinising and overseeing the implementation of executive undertakings made on the floor of the House, from time to time, by members of the Executive. Despite being accorded the additional mandate of scrutinising and overseeing the implementation of executive undertakings, the rules or guidelines enabling the Committee to fulfil this mandate have yet to be developed by Parliament and this has hampered (and continues to hamper) the ability of the Committee to fulfil this particular mandate. Notwithstanding the absence of such rules or guidelines, the Committee resolved, at the beginning of the Fifth Parliament, to be proactive around the development of rules or guidelines in relation to the mandate and accordingly developed and adopted a set of executive undertakings guidelines on 28 October 2015.

* 1. **Purpose of the Report**

The purpose of this report is to provide an account of the work of the Committee during the Fifth Parliament and to inform the members of the new Parliament of key outstanding issues that should be considered for follow up during the Sixth Parliament.

This report provides an overview of the activities the Committee undertook during the Fifth Parliament, the outcome of key activities, as well as any challenges that emerged during the period under review and issues that should be considered for follow up during the Sixth Parliament. It summarises the key issues for follow-up and concludes with recommendations to strengthen operational and procedural processes to enhance the committee’s oversight and public participation roles in future.

1. **Key Statistics**

The table below provides an overview of the number of meetings held, petitions considered and the number of oversight trips and study tours undertaken by the committee, as well as the executive undertakings scrutinised by the Committee during the Fifth Parliament:

| **Activity** | **2014/15** | **2015/16** | **2016/17** | **2017/18** | **2019** | **Total** |
| --- | --- | --- | --- | --- | --- | --- |
| Meetings Held | **8** | **20** | **19** | **16** | **4** | **67** |
| Oversight Trips Undertaken | **2** |  **3** |  **1** |  **2** |  |  **8** |
| Study Tours Undertaken |  |  |  |  **1** |  |  **1** |
| Petitions Considered and Finalised | **3** |  **6** |  **7** |  **9** | **2** | **25** |
| Executive Undertakings Scrutinised and Finalised |  |  |  |  **12** | **2** | **12** |

1. **Oversight Trips Undertaken**

The following oversight trips were undertaken by the Committee during the Fifth Parliament:

| **Date** | **Area Visited** | **Objective** | **Recommendations** | **Status of Report** |
| --- | --- | --- | --- | --- |
| 5 August 2015 | Maluti-A-Phofung Petition Hearing: The Committee held a hearing and conducted an inspection in loco was conducted at in Bokamoso Village, in Phuthaditijhaba, Maluti-A-Phofung Municipality Free State Province | The Committee undertook an oversight visit in an effort to establish the facts surrounding the petition and to ensure the petitioners are properly relocate and to further hold the Municipality to some of the undertakings it made to the petitioners. | The Maluti-A-Phofung Municipality (Municipality”) is to ensure the traditional leadership participates in council activities in keeping with legal prescripts, in particular, section 81 of the Municipal Structures Act 117 of 1998. The Municipality is to further work on improving relations with the traditional leadership in the area and accord the traditional leadership the necessary recognition as mandated by Chapter 12 of the Constitution.The Municipality is to to accommodate the evicted families in its housing programme, in a manner that is fair and just.The Municipality is to to clearly ascertain and determine how many individuals were evicted from the Village.The Municipality is to provide the Committee with a written submission on how it arrived at the determination that only 39 families would be left destitute following the eviction and would therefore qualify for sites.The relevant Departments, such as the National Department of Water and Sanitation and the Provincial Department of Human Settlements, be engaged on some of the issues raised in the petition.The Municipality is to provide the NCOP with quarterly reports on the progress made in complying with the recommendations made in this report. | The Committee adopted a report on the petition hearing on 24 February 2016 and referred it to the House for consideration. |
| 20-21 August 2015 | Bafokeng Petition Hearing:The Committee held a hearing on the petition at the Royal Maranga Hotel, Rustenburg, North West Province | To listen to oral submissions from the petitioners and relevant stakeholders and confirm the veracity of the facts surrounding the petition. |  | The draft report on the petition has yet to be considered by the Committee and appropriate recommendations formulated. |
| 10 September 2015 | Lunga Kona Petition Hearing:The Committee held a hearing on the petition at the Garden Court Hotel, in Mthatha, Eastern Cape | To listen to oral submissions from the petitioners and relevant stakeholders and confirm the veracity of the facts surrounding the petition. | The Eastern Cape Department of Provincial Treasury (Provincial Treasury) is to expedite the implementation of Phase 2 of the Rural Roads Programme that covers 13 of the roads identified in the petition.The Provincial Treasury is to appear before the Committee and provide a progress report on the implementation of Phase 2 of the Rural Roads Programme, 6 months from the tabling of this report in the House.The Provincial Department of Roads and Public Works and Provincial Treasury are to work together in ensuring that SANRAL is handed additional roads, particularly those identified in the petition, for their inclusion in SANRAL’s network of roads.The Provincial Department of Roads and Public Works, Provincial Treasury and SANRAL are to appear before the Committee and provide progress reports on the handing over of roads to SANRAL, 6 months from the tabling of this report in the House. | The Committee adopted the report on the petition hearing on 13 June 2018 and referred it to the House for consideration. |
| 10 September 2015 | Transkei Road Transport Corporation Petition Hearing:The Committee held a hearing on the petition at the Garden Court Hotel, in Mthatha, Eastern Cape Province | To assist the petitioners to receive various benefits (namely pension benefits, unpaid leave and UIF related benefits) which they are entitled to receive from their previous employer TRTC | The Office of the Premier of the Eastern Cape (OTP) is to commission a forensic investigation aimed at conclusively determining, amongst others, the number of employees TRTC had prior to its liquidation; the number of (former) employees of TRTC that received their benefits (i.e. pension, unpaid leave and UIF related benefits) post its liquidation; and the value of the assets held by TRTC prior to its liquidation; the role played by Umanyano Transport post the dissolution of TRTC; and the reasons for the non-payment of various benefits to the petitioners. The forensic investigation to be commissioned by the Office of the Premier is to ensure that:Alexander Forbes provides evidence on the unclaimed benefits fund that it made reference to during the first hearing on the petition;Ernst and Young provides evidence on the liquidation process that TRTC underwent; andEastern Cape Provincial Department of Transport provides evidence on the events leading up to the liquidation of TRTC.Alexander Forbes is to assist the petitioners in claiming from the unclaimed benefit fund that it made reference to during the first hearing on the petition.The SIU is to provide a written report to the House and Office of the Premier on what happened to the proceeds of the properties that it was able to recover and dispose of following the liquidation of the SIU.The Office of the Pension Funds Adjudicator is to investigate the non-payment of pension and provident related benefits to the petitioners. | The Committee adopted a second report on the petition on 13 June 2018 and referred it to the House for consideration. |
| 11 November 2015 | Chiawelo Petition Hearing: The Committee held a hearing on the petition and inspection in loco at the Unity Fellowship Church, Extension 5 Chiawelo, Gauteng Province. | To listen to oral submissions from the petitioners and relevant stakeholders and confirm the veracity of the facts surrounding the petition. | The legal processes underway be allowed to unfold and reach their logical conclusion.The City of Johannesburg to provide the Committee with reports on the progress made in relation to the legal processes underway as well as in relation to the rezoning application by the Church’s, upon adoption of this report by the House.The City of Johannesburg to continue with engagements which are aimed at reaching an amicable settlement to the issues raised in the petition outside of the legal process.The City of Johannesburg is to ensure the following in relation to the engagements referred to above.The engagements are premised on clearly developed terms of reference which outline, amongst other things, what informs the engagements and the binding issues during the engagements. That the engagements are facilitated by a mediator (preferably a body such as the Commission for the Promotion and Protection of the Rights of Cultural, Religious, and Linguistic Communities).The engagements are to also include the petitioners and not just the Church, political structures and the Management of the City of Johannesburg.The engagements are conducted in a conducive environment and manner. | The Committee adopted a report on the petition on 7 September 2016 and referred it to the House for consideration. |
| 02 September 2016 | Ga-Sekhaolelo Petition Hearing: The Committee held a hearing on the petition at the Park Hotel, in Mokopane Limpopo Province | To gain a better understanding of the issues raised in the petition and to allow the affected stakeholders to make both oral and written submissions on the petition to the Committee.  | Anglo American Platinum Limited is to ensure compliance with the provisions of the Broad Based Socio-Economic Empowerment Charter for the South African Mining and Mineral Industry, particularly the provisions relating to beneficiation, ownership, procurement and enterprise development and mine community development, in its operations at the Mine;Anglo American Platinum Limited is to expedite the process of exhuming and relocating the 1400 remaining graves on the farm Overysel as well as the 9 graves located in the yard of one of the houses visited during the inspection in loco;The Mogalakwena Mine is to inspect all the houses it has built for the Community in order for it to identify and expediently attend to the structural defects;The Department of Rural Development and Land Reform is to fast track and expedite the signing of the notarial lease;The Mogalakwena Municipality is to directly involve and engage the Community and Mine in addressing the service delivery challenges facing the Community; andThe recently elected Trustees of the Community Trust (Trust) are to ensure the Trust is operated and managed in a manner that benefits the Community as a whole and not just a select few.  | The Committee adopted a report on the petition hearing on 26 October 2016 and referred it to the House for consideration |
| 16 August 2017 | Hlabana/Mantsopa Petition Hearing: The Committee conducted both a petition hearing and inspection in loco in Manyatseng Township, in Landybrand, Free State Province  | To gain a better and first hand understanding of the issues raised in the petition and to allow the affected stakeholders to make both oral and written submissions on the petition to the Committee. | The Office of the Premier is to develop a skills development or learnership programme that will incorporate qualifying learners from the failed 2010 Municipality run skills development or learnership programme.The petitioner (the owner of Lihlomo Guest House) is to pursue a civil claim against Mbonelaphanda on the strength of the written acknowledgment by Mbonelaphanda that it had erroneously engaged Lihlomo in the absence of a Service Level Agreement between itself and the Municipality.The Committee is to conduct an inspection in loco at the Municipality, before the end of the current financial year, in an effort to determine the progress made in upgrading roads and storm water infrastructure in Masakeng and Metempelong and in maintaining the sewer network within the Municipality.Provincial Treasury is to assist and support local suppliers, within the Municipality, to register on its Centralised Supplier Database.COGTA is to ensure there is greater transparency and communication around the Municipality’s procurement processes.COGTA is to ensure the Municipality improves its relations and communication with members of the public by, amongst others, hosting regular Mayoral Imbizos and public meetings.The Committee notes the submissions by the Municipality that it has with effect from 1 October 2017 permanently appointed all of its causal workers who had been on contract for a period exceeding six (6) months.COGTA is to ensure there is greater transparency and openness in relation to the allocation of RDP housing within the Municipality.COGTA and Provincial Treasury are to assist the Municipality in developing and implementing a business plan that is aimed at addressing the maladministration and inefficiencies plaguing the Municipality. COGTA is to assist the Municipality in dealing with the issues it raises in its section 47 (of the Municipal Systems Act (Act 32 of 2000) reports in order to avoid the escalation of such issues to national government.Provincial Treasury is to share the findings of the forensic audit conducted by the Office of the Auditor General, looking back into the Municipality’s audit filings from the 2006/2007 financial year to the 2009/2010 financial year, with the Committee. | The Committee adopted a report on the petition hearing on 24 October 2018 and referred it to the House for consideration. |
| 12 April 2018 | Fuzane Petition Hearing: The Committee conducted an announced visit to Khayelitsha District Hospital, Western Cape Province unannounced  | To follow up on the complaints raised in the Fuzane petition, particularly those in relation to the Khayelitsha District Hospital. | The National Department of Health is to conduct a thorough investigation into the complaints raised by Ms Fuzane in the petition, against Khayelitsha District Hospital and Groote Schuur Hospital. The investigation by the National Department of Health is to take into account the following: The fact that no statements were taken from the relevant medical personnel, at both Khayelitsha District Hospital and Groote Schuur Hospital, during internal investigations into the complaints by Ms Fuzane;The reluctance, on the part of the Provincial Department of Health, to allow the relevant medical personnel, from Khayelitsha District Hospital, to make oral submissions to the Committee on the issues raised in the petition;The poor and incomplete record keeping at Khayelitsha District Hospital;The outcomes of the investigation conducted by Dr Carter concluding that Tamara Fuzane was likely assaulted whilst admitted at Khayelitsha District Hospital; andThe medical report by Professor Saayman which concluded that the injuries which Tamara Fuzane sustained, whilst admitted at Khayelitsha District Hospital, could be attributed to an assault, with an object resembling a cane or stick.The House is to refer the investigation, by the National Department of Health to the Select Committee on Social Services for oversight and further require the Select Committee on Social Services to request a progress report on the investigation, within 90 days of the tabling of this report in the House.The National Prosecuting Authority and the Independent Police Investigative Directorate are to investigate the assault allegations raised by Ms Fuzane as well as whether appropriate action was taken by the South African Police Services in investigating the allegations. The House is to refer the investigations by the Independent Police Investigative Directorate investigate and the National Prosecuting Authority to the Select Committee on Security for oversight and require the Select Committee on Security to request a progress report on the investigations, within 90 days of the tabling of this report in the House.The House is to assist Ms Fuzane to refer the complaints, against both Khayelitsha District Hospital and Groote Schuur Hospital, to the Office of the Health Ombud for further investigation. | The draft report on the petition has yet to be considered by the Committee and appropriate recommendations formulated. |
| 02 August 2018 | Nqgushwa Petition Hearing: The Committee conducted a hearing on the petition at the Premier Hotel Regent, East London, Eastern Cape Province | To gain a better and first hand understanding of the issues raised in the petition and to allow the affected stakeholders to make both oral and written submissions on the petition to the Committee. |  | The draft report on the petition has yet to be considered by the Committee and appropriate recommendations formulated. |
| 02 August 2018 | Cakwebe Petition Hearing: The Committee held a hearing at the Premier Hotel Regent, East London, Eastern Cape Province | To gain a better and first hand understanding of the issues raised in the petition and to allow the affected stakeholders to make both oral and written submissions on the petition to the Committee. |  | The draft report on the petition has yet to be considered by the Committee and appropriate recommendations formulated. |
| 16 October 2018 | Khalo/Vosloorus Petition Hearing: The Committee held a hearing at the Birchwood Hotel in Boksburg, Gauteng Province | To gain a better and first hand understanding of the issues raised in the petition and to allow the affected stakeholders to make both oral and written submissions on the petition to the Committee. |  | The draft report on the petition has yet to be considered by the Committee and appropriate recommendations formulated. |
| 16 October 2018 | Alexandra Land and Property Owners Association Petition Hearing:The Committee held a hearing at the Birchwood Hotel in Boksburg, Gauteng Province | To gain a better and first hand understanding of the issues raised in the petition and to allow the affected stakeholders to make both oral and written submissions on the petition to the Committee. |  | The draft report on the petition has yet to be considered by the Committee and appropriate recommendations formulated. |

1. **Challenges Emerging**

The following challenges emerged during the oversight visits:

* The absence of language practitioners to provide language interpretation support to the Committee;
* The absence of a dedicated communications or media official to provide media coverage and related support to the Committee;
* The delays in the approval of Committee political applications;
* The security of Members and officials supporting the Committee was compromised during the hearings of the Chiawelo and Bafokeng petition hearings; and
* The non-attendance of relevant stakeholders for e.g. during the Kona, TRTC and Nqushwa petition hearings.
1. **Issues for Follow-Up**

The Committee in the Sixth Parliament is to follow up on the following issues that arose:

• The availability of language practitioners to provide language interpretation support to the Committee;

• The deployment of a dedicated communications or media official to the Committee;

• The timeous approval of Committee political applications;

• The status of petitions that the Committee has been unable to finalise in the Fifth Parliament;

• The provision of security to Members and officials supporting the Committee as and when the need arises; and

• The subpoenaing of relevant stakeholders for petition hearings.

1. **Study Tours Undertaken**

The following study tours were undertaken by the Committee during the Fifth Parliament:

| **Date** | **Places Visited** | **Objective** | **Lessons Learned** | **Status of Report** |
| --- | --- | --- | --- | --- |
| 2-6 October 2017 | Sweden, Stockholm | To enable the Committee to better understand and comprehend the legal approaches or models adopted by Sweden in response to the issues of prostitution and human trafficking. | The Committee learned of the successes and challenges in the partial decriminalisation approach that Sweden has adopted in response to the issues prostitution and human trafficking. | The Committee adopted a report on the study tour on 2 May 2018 and referred it to the House for consideration. |

1. **Challenges Emerging**

The following challenges emerged in this respect:

* The delay in the approval of the Committee political application lead to last minute changes in the logistical arrangements of the study tour trip; and
* Unclear reasons given for the non-approval of the Committee study tour to the Parliament of Ghana.
1. **Issues for Follow-Up**

The Committee in the Sixth Parliament is to follow up on the following issues that arose:

• The prioritisation of the approval of the Committee political application for international study tours; and

• The provision of clear reasons for the non-approval of a Committee political application for an international study tour.

1. **Petitions**

Please see Annexure A and B attached hereto. Annexure A reflects a table of petitions that were considered by the Committee and referred to the Committee in the Fifth Parliament. Whereas Annexure B reflects a table of petitions that were considered by the Committee and referred to the Committee in the Fourth Parliament.

1. **Challenges Emerging**

The following challenges were experienced in the consideration of petitions referred to the Committee:

* The scantiness of the existing Rules on petitions at Parliament;
* The non-vetting of petitions referred to the Committee;
* The absence of a petitions office at Parliament;
* The non-attendance of stakeholders, in particular provincial and national departments;
* The non-implementation of recommendations contained in the Committee reports tabled in the House;
* The status of petitions that the Committee has been unable to finalise in the Fifth Parliament; and
* Insufficient time allocated to the Committee for the consideration of petitions.
1. **Issues for Follow-Up**

The Committee in the Sixth Parliament is to follow up on the following issues that arose:

• The incorporation of the petitions guidelines into the Rules of Parliament;

• The consistent vetting of petitions referred to the Committee by the Office of the Secretary to Parliament;

• The subpoenaing of stakeholders;

• The implementation of recommendations contained in the Committee reports tabled in the House;

• The allocation of sufficient time to the Committee for the consideration of petitions;

• The status of petitions that the Committee has been unable to finalise in the Fifth Parliament; and

• The establishment of a petitions office at Parliament.

1. **Executive Undertakings**

The following executive undertakings were referred to and considered by the Committee during the Fifth Parliament:

| **Title** | **Date Referred to the Committee** | **Current Status** |
| --- | --- | --- |
| The Minister of Social Development made the undertaking during the Policy Debate on 26 May 2015:1. “Early childhood development, ECD, remains a priority and has been declared a public good by this government. The year we will continue to extend ECD services to children in the zero to five years’ age cohort and increase the number of registered ECD facilities”
2. “In this financial year, we will establish additional 81 projects and train more than 2000 child and youth care worker”.
3. “The department will ensure that all the existing community nutrition and development centres as well as the provincial food and distribution centres buy from local co-operatives through preferential procurement framework.”.
 | 29 February 2016 | The Committee adopted its report on the executive undertakings on 16 May 2018. |
| The Minister of Small Business Development made the undertaking during Policy debate on 26 May 2015:1. “The 30-day payment delay for SMMEs and cooperatives will be looked at by the Minister of Small Business Development in Partnership with the Minister of Monitoring and Evaluation”.
2. “The department will expedite the implementation of the National Informal Business Upliftment Strategy which Nibus seeks to create an enabling legal and regulatory environment and provide financial and non-financial support”.
3. “We shall be working metros, municipalities, the South African Local Government Association, and the National House of Traditional Leaders to review by-laws that may be hindrance to the advancement of township and rural economies”.
4. “With regard to people with disabilities, previously, the department did not have any dedicated programmes to support this important sector of our community. Working closely with relevant organisations the department will develop incentives and programme that are directed to this sector”.
 | 29 February 2016 | The Committee adopted its report on the executive undertakings on 16 May 2018. |
| The Minister of Higher Education and Training made the following undertaking during policy debate on Budget Vote 15: Higher Education and Training 9 June 2015:1. “We are also pleased to announce that with the support of a number of partners, we have established the first Centre for African Languages Teaching that been established as part of the University of Mpumalanga’s Siyabuswa Campus. This centre will promote research into teaching African Languages, particularly the dominant languages of Mpumalanga provinces, IsiNdebele and SiSwati”.
2. “The 2011 Census tells us that there are 18 million South Africans who need Adult Basic Education and Training of one kind or the other. For this reason, I will therefore establish a fully-fledged branch on adult education and community college education in my department, headed by a Deputy Director-General”.
3. “We are also very pleased that we are going to expand what we call Higher Certificate, basically targeting students who have not made it in matric to be able to bridge to go to university or colleges or so that some of them to actually get employment”.
 | 29 February 2016 | The Committee adopted its report on the executive undertakings on 30 May 2018. |
| The Minister of Justice and Correctional Service made the following undertaking during policy debate on Budget Vote 21: Justice and Constitutional Development on 4 June 2015:1. “We have successfully implemented the rationalisation of magisterial districts in Gauteng and North West with effect from 1 December 2014 and have commenced with the roll-out of the project to Limpopo and Mpumalanga provinces. In the latter provinces this exercise will culminate in the official opening of the Limpopo Division of the High Court earmarked for later this year and the Mpumalanga Division of the High Court planned for early 2016”.
2. “We intend to expand the mediation services to additional courts and this will happen as soon as we have built sufficient capacity at courts to carry out the mediation function.”
3. “We will also run 24 workshops to train officials on ethics and to strengthen our collective vigilance against fraud, corruption and serious maladministration”.
4. “A number of strategic positions including that of national commissioner and chief deputy commissioner for strategic management will be filled soon as recommendations have been made for appointments. Filling other strategic positions including the regional commissioner of the Limpopo, Mpumalanga and North West regions is receiving priority attention”.
 | 29 February 2016 | The Committee adopted its report on the executive undertakings on 30 May 2018. |
| The Minister of Health made the following undertaking during the question and reply session for the Social Services Cluster on 7 May 2015:Undertook to follow up on the matter of insufficient standby generators at the District Pelenomi and Universitas Hospitals in Bloemfontein, Little Fort England in Grahamstown and PZ Meyer in Humansdorp. | 14 May 2015 | The Committee adopted its report on the executive undertakings on 6 June 2018. |
| The Minister of Human Settlements made the following undertaking during the Policy Debate on Budget Vote No 38: Human Settlements on 12 May 2015:“The backlog that we have for military veterans is only 5 0000 houses. We have promised to build 1, 5 million houses, which means that in this country we build 1000 houses a day. We can finish the backlog for military veterans in one year, and that is what I promise”. | 14 May 2015 | The Committee adopted its report on the executive undertakings on 6 June 2018. |
| The Minister of Environmental Affairs made the following undertakings during the question and reply session for the Economic Cluster on 27 October 2015:1. “The first part of the plan going forward is to ensure that there are training opportunities for all our people in the programme especially those who are from disadvantage communities”.
2. “This campaign will bring about more job opportunities as it aimed at finding new partners”.
3. “The Minister committed to come back to the House with the response in respect of the progress of the research on foam bomb to extinguish fires, by Carletonville Station in Gauteng.
 | 18 April 2016 | The Committee adopted its report on the executive undertakings on 15 August 2018. |
| The Minister of Mineral Resources made the following undertaking during the question and reply session for the Economic Cluster on 27 October 2015“The board the member is talking about belongs to the Department of Mineral Resources as far as I know but we’ll look into the issue of our representation as we also take keen interest in the beneficiation of the minerals that we are directly responsible for.” | 08 April 2016 | The Committee adopted its report on the executive undertakings on 15 August 2018. |
| The Minister of Police made the undertaking during the question and reply session in the House on 23 February 2016:1. “Our commitment is at the level of reviewing the resources allocation guide, precisely because we also extremely concerned about these discrepancies, particularly between urban and rural areas, as well as between rich and poor. It is quite concerning”.
2. Specific cases for instance with regards to eGgaka in eNgcobo. “I think I can do consultations after this session to follow up on these specific cases about issues of electricity, and so forth”.
 | 08 April 2016 | The Committee adopted its report on the executive undertakings on 24 October 2018. |
| The Deputy Minister of Economic Development the following undertakings during the question and reply session on 03 May 2016:1. “This financial year, the Department of Economic Development will focus on strengthening co-ordination and support to provinces to ensure unblocking constraints to economic development and unlocking funding for economic development programmes at a provincial level”
2. “The department will focus on tracing progress on the Medium-Term Strategic Framework (MTSF) plans, assess their impact and assist provinces to unlock further opportunities for taking forward their plans”.
3. “We will assess the impact of interventions on skills and youth employment accords. We will have public report-backs on the progress made. We will work with the Mpumalanga TVet Council to explore a workable partnership that can give us examples of an ideal TVet”
4. “On the nine-point plan, we will work with the lead departments to accelerate the implementation of specific areas of the nine-point plans from which to draw lessons”.
5. “In the Eastern Cape, we will focus on the ocean economy; in Limpopo, agriparks; in Mpumalanga, on industrial parks around steel beneficiation; in Gauteng on township economies, focusing on spaza shops and access to finance; in the North West, on small dorpie development; in the Free State, on the poultry and beef value chain; and in KwaZulu-Natal, on the aerotropolis”.
6. “This year, we will work with the leading national department to accelerate the implementation of the Agri-park in Musina.We will use this as a base to understand the dynamics, challenges and opportunities involved in the process. We will use the lessons learnt to provide guidance in the implementation of the similar programmes in other municipalities”.
7. “We will also work closely with the Eastern Cape and other coastal provinces to identify strategic bankable programmes exploiting opportunities presented by the oceans economy, especially for the SMME’s, cooperatives and supplier establishments”.
8. “In Mpumalanga, we will focus our attention on the incubation programmes of steel products in the Steve Tshwete Municipality”
9. “We will also link these developments to the streamlining of our financial assistance between the private sector and government, and between national government assistance and provincial and local assistance”.
 | 1 June 2016 | The Committee adopted its report on the executive undertakings on 24 October 2018. |
| Minister of Cooperative Governance and Traditional Affaire, during sitting 4 May 2016:1. “To this end, we are developing ward-based service delivery dashboards and implementing ward improvement plans. This will ensure basic services, such as the cutting of grass, working streetlights and the timeous fixing of water leaks, are delivered easily”.
2. “Over the next year, we want to increase public participation platforms so that councillors engaged more regularly with their constituencies and provide constant feedback on progress. We aim to ensure the election of more credible ward committees and will introduce a national induction programme for newly elected ward committee members”.
3. “We also intend institutionalising community complaints management systems and processes in municipalities”.
4. “In the forthcoming year, Misa will implement the regional management support contracts to improve infrastructure delivery, management and operations. This project will assist municipalities to put in place improved management systems and processes for infrastructure delivery and management of services provision”.
5. “We are going to expend all effort in pursuit of providing support to the traditional councils, individually and collectively, in order to improve the level of functionality and strengthen their performance. Through these efforts, we seek to position traditional leadership as a key player in local governance, whilst contributing to Back to Basic programme”.
 | 1 June 2016 | The Committee adopted its report on the executive undertakings on 24 October 2018. |
| The Minister of Tourism made the following executive undertakings during the policy debate on 17 May 2016:1. “This year, we will also enhance four iconic national heritage sites that depict significant milestones in the life of our former President Nelson Mandela.”

 (b) “This year the Social Responsibility Implementation Programme, SRI programme will provide 7000 work opportunities across our country”.(c) “The department will also promote access to selected government-owned attractions through negotiated discounted rates. We want more South Africans to be able to afford to visit our botanical gardens, game reserves, world heritage sites, and other places, which have cultural and historic significance. This project will target learners, youth, pensioners, and people with disabilities and others who cannot afford to go to these places” (d)The new Tourism Charter Council will be tasked with developing transformative strategies, as well as monitoring and reporting on the state of transformation in the industry | 01 June 2016 | The Committee has yet to adopt the draft report on the executive undertakings. |
| The Minister of Public Works made the following executive undertakings during the policy debate on 4 May 2016:(a) “We have now started serious talks with Minister Nzimande and with the various landlords around how they can utilise their properties. How can we make them utilise our empty buildings in order to accommodate the students at the various universities? It is a very huge project and we think that it will work.”(b) “The PMTE (Property Management Trading Entity) will also provide opportunities for letting some of the vacant properties to the public and private sectors, in particular, availing properties to emerging black and female entrepreneurs”.(c) “A challenge that we are still faced with, however, is that numerous state properties are vacant, leaving them susceptible to theft, vandalism, and illegal occupation. To address this, the PMTE is developing capacity to implement our maintenance strategy. This approach will also reduce the incidents and cost of unplanned maintenance, and preserve the longevity and condition of the department’s immovable assets”. | 01 June 2016 | The Committee has yet to adopt the draft report on the executive undertakings. |

1. **Challenges Emerging**

The following challenges were experienced during the scrutinising of the implementation of executive undertakings referred to the Committee:

* Ministers and Deputy Ministers are unable to provide progress reports on Wednesdays as this particular day has been set aside for Cabinet meetings;
* There are currently no institutional or formal rules or guidelines in place to guide the Committee in executing its executive undertakings mandate; and
* Members of the executive not providing relevant progress reports on the implementation of the executive undertakings they made or gave on the floor of the House.
1. **Issues for Follow-Up**

The Sixth Parliament should consider following up on the following issues that arose:

* The Committee to programme the scrutinising of executive undertakings on a day that does not clash with Cabinet meetings or other cabinet appointments;
* The Committee to continue pushing for incorporation of the executive guidelines into the Rules of the NCOP; and
* NCOP to inform Members of the Executive about the work of the Committee in relation to its executive undertakings mandate.
1. **Recommendations**

The Committee proposes the following recommendations to resolve the operational and/or procedural challenged encountered by the Committee during the Fifth Parliament:

* 1. The Committee to seek an audience with the NCOP aimed at addressing the challenges it faced during the Fifth Parliament;
	2. The establishment of a petitions office to be prioritised given that most of the country’s legislatures have a Petitions Office supporting the work of the Committee;
	3. The deployment of a dedicated media or communications official to support the Committee;
	4. The deployment of a dedicated legal adviser to provide legal advisory support services to the Committee;
	5. The introduction of a Draft National Petitions Bill in Parliament;
	6. The incorporation or inclusion of the petitions and executive undertakings guidelines developed by the Committee into the Rules of the NCOP;
	7. The allocation of greater time to the Committee to enable it to do justice to the petitions and executive undertakings referred to it;
	8. Capacity building for Members and staff of the Committee that goes beyond the NCOP Annual Committee Strategic Planning Session;
	9. The Committee to solicit the continuous assistance of the Public Education Unit of Parliament when conducting its public awareness exercises and in developing public education material for the Committee;
	10. The Committee to subpoena stakeholders who fail to attend hearings on petitions; and
	11. The Committee to assist the Office of the Secretary of the NCOP in vetting the petitions referred to it.
1. **Committee Strategic Plan**

Please see the attached Committee Five Year Strategic Plan, attached hereto as Annexure C.