

GAUTENG PROVINCIAL LEGISLATURE

**ANNOUNCEMENTS,
TABLINGS AND
COMMITTEE REPORTS**

Monday, 21 March 2022

ANNOUNCEMENTS

none

TABLINGS

none

COMMITTEE REPORTS

1. The Chairperson of the Petitions Standing Committee, Hon. B E Letsoalo, tabled the Committee's Third Quarterly Performance Report for the 2021/22 financial year, as attached:



GAUTENG

LEGISLATURE

PETITIONS STANDING COMMITTEE

**COMMITTEE'S 3RD QUARTER PERFORMANCE REPORT FOR THE 2021/2022
FINANCIAL YEAR**

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ACRONYMS/ABBREVIATIONS

FY	- Financial Year
GPG	- Gauteng Provincial Government
PSC	- Petitions Standing Committee
RDP	-Reconstruction and Development Programme
COGTA	- Co-operative Governance and Traditional Affairs
MPL	- Member of Provincial Legislature
MMC	- Member of the Mayoral Committee

It gives me great pleasure as the Chairperson of the Petitions Standing Committee (PSC), to table the Committee's 3rd Quarter Performance Report for the 2021/2022 financial year as follows:

1. INTRODUCTION

This report which is drafted in accordance with Section 6(f) of the Gauteng Petitions Act (Act 5 of 2002), hereinafter referred to as "the Act". Section 6(f) prescribes that *"the Committee must, on a quarterly basis report to the Legislature on the petitions submitted to it during that period and all its activities in respect thereof."*

In his 21st of February 2022 State of the Province Address (SOPA), the Premier of Gauteng, Honourable D Makhura delivered an aptly titled speech, under the name, *From Public Health Emergency to The Economic and Service Delivery Emergency*. As the Petitions Standing Committee (PSC) we are happy to see a greater focus and proposed intervention on service delivery issues as the PSC is the key provincial service delivery barometer. The PSC is pleased with the announced intervention in the SOPA that the Premier, working with MEC's and Mayors will be embarking on weekly site visits across the province to tackle service delivery issues and ideate solutions. The Committee looks forward to potential informing some of these weekly engagements as we are the service delivery barometer. With this intervention we are hopeful that it will surely lead to the closure of more petitions as over 90% of the petitions are service delivery orientated.

2. EXECUTIVE SUMMARY

The petitions process remains the foundation to fulfil the Legislature's mandate of creating an enabling platform for the people of Gauteng to bring forth matters regarding service delivery in a manner that legitimizes representative agency. As a crucial responsibility of government to deliver services that a society requires to maintain and improve its well-being. The Committee values the role that petitioners play in raising awareness of issues that may not otherwise reach the attention of authorities and plays its part in holding them to account.

This Quarterly Performance Report records the Committee's performance for the 3rd Quarter of the 2021/2022 financial year, against petitions submitted during the quarter. This translates to a period that started on the 1st of October and ended on the 31st of December 2021. It further highlights how the Committee has processed petitions and it summarises the Committee's engagements with relevant authorities and petitioners. Furthermore, the report accounts for all activities the Committee undertook during the quarter under review.

The Committee adopted 13 new petitions during the period under review and these were referred to various authorities for consideration and reporting as guided by Section 7 (e) of the Gauteng Petitions Act of 2002. There are currently 728 ongoing petitions and of these, over 70% were inherited from previous legislative terms, which now fall onto this current Committee's shoulders to resolve. Thirteen (13) new petitions were added to these ongoing petitions bringing the total to 741. With the closure of five (5) petitions this quarter, the overall total is now 736 ongoing petitions.

Key highlights of the report:

- The Committee achieved a 38.4% resolution rate during the quarter under review and this is a 7.4% increase from the previous quarter.
- Compared to the previous financial year's overall Q1, Q2 and Q3 resolution rate which was 0%, due to 2020 COVID-19 hard lockdown regulations, the Committee has achieved a resolution rate of 41.4% when considering the current year's three quarters.
- 53.8% of adopted petitions under this quarter, emanates from the City of Johannesburg.
- Moreover, the Committee achieved a 38.4% "responsiveness rate" from responding authorities.

This report further evaluates the responsiveness, efficiency and effectiveness with which petitions referred to relevant authorities were resolved. It also identifies areas where there were potential efficiency improvements to be made in the processing of petitions, including alerting the authorities on all new petitions received. Lastly,

the report looks at the challenges the Committee encountered with authorities' responsiveness to petitions and in addition, the systemic weaknesses related to the entry and handling of petitions from municipalities to provincial departments.

3. PETITIONS CONSIDERED DURING THE THIRD QUARTER OF 2021/2022 FY

The Committee's primary role is to receive and process petitions for consideration as required by the Petitions Act (No 5 of 2002). This section accounts for petitions that were referred to authorities by the PSC in terms of Section 7(e) of the Petitions Act of 2002.

3.1 New Petitions Adjudicated

During the reporting period, 13 new petitions were adopted. Most issues raised were housing related, and others being service delivery related. The petitions adopted during this period were referred to the relevant authorities for investigation and reporting.

The table below indicates the authorities which were engaged as per the adopted petitions during the quarter under review.

Authority	Petitions
Department of COGTA and Human Settlement	1) Allocation of RDP House: Lucia Mngomezulu: PP03C/11/21/LO-HS 2) Allocation of RDP House: Hilda Stephina Moagi: PP06C/11/21/LO-HS

	<p>3) Allocation of RDP House: Selina Mnguni: PP07C/11/21/LO-HS</p> <p>4) Allocation of RDP Houses: Orange Farm: PP08C/11/21/LO-HS</p> <p>5) Allocation of RDP Houses: Tshilo Dama: PP10C/11/21/LO-HS</p> <p>6) Allocation of RDP House – Ms Dikeledi Nkala: PP14C/11/21/LO-HS</p>
<p>Department of Education</p>	<p>1) Request for Amendment of on-Line Application – Mr Philemon Moatshe: PP11C/11/21/ED</p> <p>2) Building of a School in Hammanskraal – Mr Philemon Moatshe: PP12C/11/21/ED</p> <p>3) Request for placement of Letlogonolo Moatshe – Mr Philemon Moatshe: PP13C/11/21/ED</p>
<p>City of Tshwane</p>	<p>1) Implementation of Disbandment Commitments: Former Metsweding Municipalities: PP04C/11/21/LO-HS</p> <p>2) Development of Former Metsweding Municipal Areas: PP05C/11/21/LO-HS</p>

City of Jo'burg Municipality	1) Provision of Services in Kekana – Mr Meshack Prens: PP15C/11/21/LO
Midvaal Local Municipality	1) Lack of Services: Boltonworld – Mr. Tshidiso Johannes: PP18C/11/21/LO
Total	13

During the reporting quarter, the Committee did not adopt many new petitions because most submissions did not meet the requirements set out by the Petitions Act. Furthermore, the remote working scenario caused a negative effect on walk-in submissions at the Legislature.

3.2 Closed petitions

During the period under review, the Committee closed 5 petitions. The Committee recognises that it is often difficult to directly correlate specific achievements with the petitions process. However, the closed petitions provide some examples of raising awareness and delivering positive change in relation to issues raised. A caveat that should always be kept in mind is that the Committee's achievement cannot be only measured against the closure of petitions, as it does not control all the variables which lead to the closure of petitions. The closure of petitions is not the part that defines the whole (in Latin *pars pro toto*) of the Committee's work.

1. Request for an Additional Clinic: Thokoza: PP32B/08/17/HE

The petitioner was Mr. Solly Maseko who resides at 172 Sweet Khoza Street in Thokoza. The petitioner alleged that the clinics in their area were over-crowded and that the service at the clinic was poor at times. He also alleged that there was a shortage of nurses which was compromising the quality of service.

Reason for closure: The Department of Health reported that the service platform for Thokoza area were Dresser Clinic (Saturday Extended Service from 8:00 – 14:00), Eden Park Clinic, Greenfield Clinic and Phenduka Clinic. The average norm for waiting times in a clinic is one hour. An additional clinic was not recommended at the current stage as there are enough health care facilities in Thokoza which are within a 5km radius and are accessible by residents.

2. Request for Annual Increase: HIV/AIDS Lay Counsellors: PP27D/02/21/HE

The petitioner was Mr. Itumeleng Mulaudzi who resides at 757 Birch Acres in Tembisa. He submitted the petition on behalf of HIV/AIDS Lay Counsellors. He alleged there has been gross discrimination in the Department since 2012, as they have been receiving R2 500 and never received bonuses although another group of employees was receiving R4 000 stipends, whilst they are performing the same job.

Reason for closure: The Department of Health submitted a report indicating that Lay Counsellors are part of the Community Health Workers (CHWs) cadre that has been appointed by the Department as an essential resource to implement HIV and AIDS activities and functions. The appointment of all CHWs was necessitated by their labour unrest, demanding permanent employment. Subsequently, the outcome of court processes where the Public Health and Social Development Sectoral Bargaining Council dated 27th September 2018 issued an arbitration award in their favour. This outcome deemed them to be employees of the Department in terms of Section 198B (5) of the Labour Relations Act.

Following the Arbitration award, all the district managers through their programme managers and the CHWs labour representatives undertook an intensive verification of all CHWs against the monthly database to ensure that no one was left behind. All verified CHW lists were submitted to Treasury to embark on the process of appointing CHWs as per the Arbitration Award. A total of 8309 CHWs were appointed as permanent employees onto PERSAL effective from the 1st April 2021 earning R8 500 per month.

3. **Capacity & Service Standards: Edenvale Hospital: PP31A/06/18/HE**

The petitioner was Mr. Frith Selolo who resides at 99-8th Avenue, MPPC in Alexandra. The petitioner alleged Edenvale Hospital did not have enough capacity to accommodate the fast-growing population in the greater Alexandra area. He further alleged that the hospital equipment is aged, thus not able to cope with current demands. The petitioner also alleged the medical staff was of a low-quality standard to care and monitor patients; furthermore, he alleged the condition of the reception area didn't give hope to those being admitted or visiting. There was an inability to deal with patients' admission control which leads to an overflow of the casualty room and patients sleeping on the floor.

Reason for closure: The Department reported that regarding the capacity, Edenvale Hospital Edenvale has 230 functional beds. Due to the ever-increasing demand, 284 beds are currently being used. The average bed utilisation rate for the period January – October 2021 is 89%, which exceeds the set monthly target of 85% and this bears testament to the increasing service demand.

On the issue of aged equipment, the Department reported that the Hospital had several structures in place to oversee and address the procurement, operation, and maintenance of equipment such as the Equipment Committee, medical technicians, and Vetting Committee. A demand plan is also in place to ensure all the procurement needs of the institution are identified, planned for, and met.

Regarding the medical staff being of a low-quality standard to care and monitor patients, the recruitment processes of the Hospital are underpinned by integrity and transparency. All staff members that are employed undergo the necessary verification processes. Medical departments are headed by trained specialists who conduct weekly intra-departmental morbidity and mortality meetings to review cases and strengthen any gaps identified. Over and above this, one of the key responsibility areas of all Heads of Department across all categories is to ensure training and capacitation is provided to their subordinates.

With regards to the allegation that the condition of the reception area does not give hope to those being admitted or visiting, the inability to deal with patients' admission control, leads to the overflow of the casualty room and patients sleeping on the floor,

the Edenvale Hospital is 84 years old. It was formally established in 1937 and underwent numerous phased upgrades/renovations throughout the years, most recently between 1995 - 2001. The existing infrastructure is indeed aged. There have also been a few augmentations (as per permutations by DID) that have sought to address the space limitations posed by the existing infrastructure.

4. Road Safety: R114/511, R511/N14,562 and Summit Road: PP45A/06/18/TR

The petitioner was Cllr Wakelin submitting the petition on behalf of the community of Ward 84. The petitioner alleged the intersection R114/511, R511/N14,562 and Summit Road and the road stretch of R114 between the R55 and R511 are experiencing high accident volumes, most of which are serious and fatal.

Commuters are regularly exposed to accidents and crashes, which often involve neighbours and family members.

Reason for closure: The Department of Roads and Transport reported that in the interim, they implemented speed sensitising devices, road signs, and markings at various intersections. The sustainable solution will be the installation of a traffic signal. The Department has currently awarded a 3-year Traffic Signals Maintenance, upgrade, and installation contract – November 2021 to October 2024. Intersections R511 (P79-1)/ R114 (P39-1)/ N14 (P158-2) and at Mnandi(D49) and Summit Road are prioritised for implementation during the financial year 2022/23.

5. Electrification of Ext 19: Zone 24, Sebokeng: PP21C/10/18/LO

The petitioner was Mr Mzwakhe Mapeyi, who resides at 70097 Zone 24, Extension 19, in Sebokeng. He submitted the petition on behalf of the residents of Extension 19 in Marikana. The petitioner alleged that they had been residing in Extension 19, Zone 24, Sebokeng since 2013 without electricity even after an audit and verification was conducted to deal with illegal occupants in 2016, and again in 2018. He alleged they were promised that their area will be electrified but nothing has happened to date.

Reason for closure: Emfuleni Local Municipality reported the area had since been electrified.

3.3 Inadmissible Petitions

Petitions are assessed by the Committee against the format and content criteria of Section 4 (4) of the Gauteng Petitions Act (Act 5 of 2002). Those which do not meet the requirements are found to be inadmissible. During the reporting period, there were petitions rejected by the Committee because their complaints fall outside their scope, and some were because of insufficient information submitted. Regarding those that had insufficient information, the Committee's support staff is mandated to request the missing information from the petitioners.

The following petition proposals received were deemed inadmissible:

1. Outstanding Payment: Ext 25/07 Tembisa Housing Project: PP01C/11/21/LO

The submission was rejected on the basis that the matter was a private contractual dispute.

2. Request for Assistance to Acquire Business Premises: Human Empowering Community: PP02C/11/21/SD

The Committee recommended the petitioner should approach the Ithuba Lottery Board as the Department of Social Development was not empowered to acquire properties for individual private businesses.

3. Allocation of RDP Houses (Vuyiswa Victoria): PP09C/11/21/LO-HS

The submission was rejected on the basis that there was insufficient information.

4. Encroachment Matters: Langaville: PP16C/11/21/LO-HS

The submission was rejected on the basis that there was not sufficient information to substantiate the allegation.

5. Encroachment Matters: Langaville PP20C/11/21/LO

The submission was rejected on the basis that the matter raised has been before a Court of Law and therefore the Committee cannot adjudicate on it. The petitioner was advised to seek Enforcement of the Court Order or alternatively approach the Public Protector.

6. Service Delivery Issues: Langaville Xhasumzi Mavume: PP17C/11/21/LO-HS

The submission was rejected on the basis that a preliminary investigation was required to clarify some of the issues raised.

4. COMMITTEE ACTIVITIES

The activities for the quarter were informed by the Committee's Annual Performance Plan. They included the following:

4.1 Committee Meetings

The Committee conducted three meetings, which focused on tabling and the adoption of reports, adoption of new petitions, deliberations on the resolutions taken by the Committee, deliberation on petitions proposed for closure, and consideration of submitted reports from authorities.

4.2 Oversight visits and Public Engagement

To ensure responsiveness and accountability, oversight visits to different sites have been instrumental in the petition process to facilitate effective and insightful scrutiny.

The Committee held two hearings on 19 and 26 October 2021 during the period under review. Through hearings, the Committee seeks to enhance public involvement and participation by providing constant feedback to petitioners, including ensuring meaningful engagements through hearings.

On 19 October 2021, the Committee held hearings on 11 petitions but did not close any petitions only commitments were received from authorities which today were not implemented. On 26th October 2021, the Committee held another hearing on ten (10) petitions and four (4) petitions were closed.

5. PETITIONS ANALYSIS

The Committee adopted thirteen (13) new petitions in the third quarter of the 2021/2022 (FY). Table 1 below illustrates the distribution of the thirteen (13) new petitions in accordance with authorities to which the petitions were referred to. 46% of the adopted petitions were referred to COGTA and Human Settlement (6), and 23% referred to the Department of Education (3). Most of

the petitions had to do with RDP House allocations and service delivery requests.

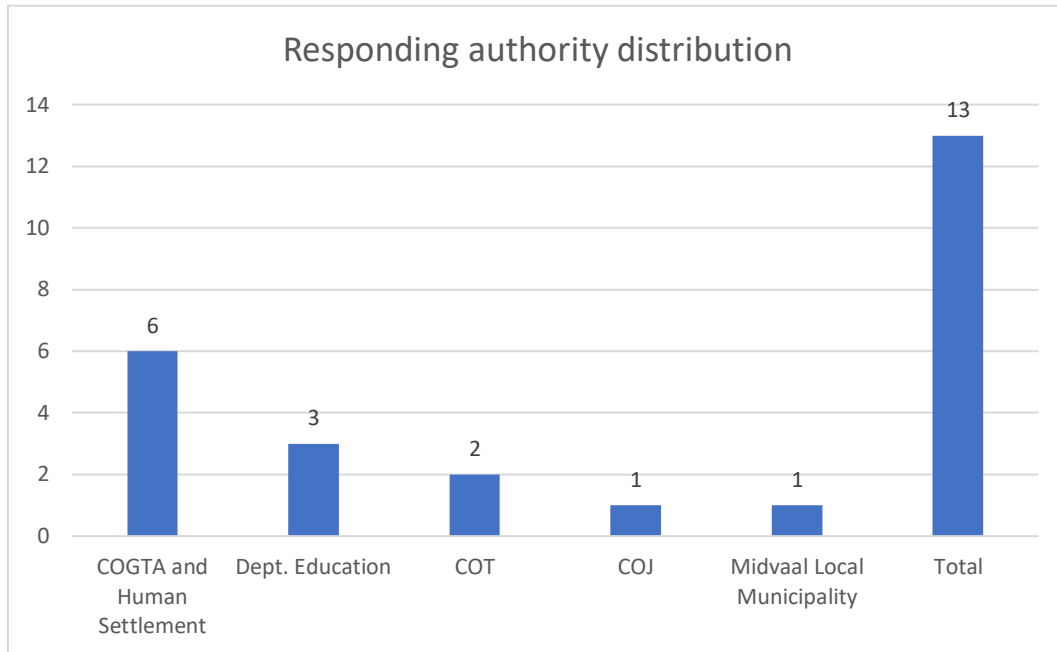


Table 2 below is a Quarter-on-Quarter comparison of the first, second and third quarter of the 2021/2022 FY. During the quarter under review, the Committee achieved a 38.4% resolution rate, which is a 7.4% increase from the 31% resolution rate achieved in the second quarter. Thus far, the first quarter achieved the highest resolution rate which was an impressive 53.7%. Overall, across the three quarters, the Committee has achieved an overall 41.4% resolution rate, this is against the 70 adopted petitions over the three quarters. This is a positive outcome considering that during the 2020/2021 Financial Year the Committee's activities were severely halted, by the COVID-19 hard lockdown regulations and the Committee achieved a 0% resolution rate for the first three quarters.

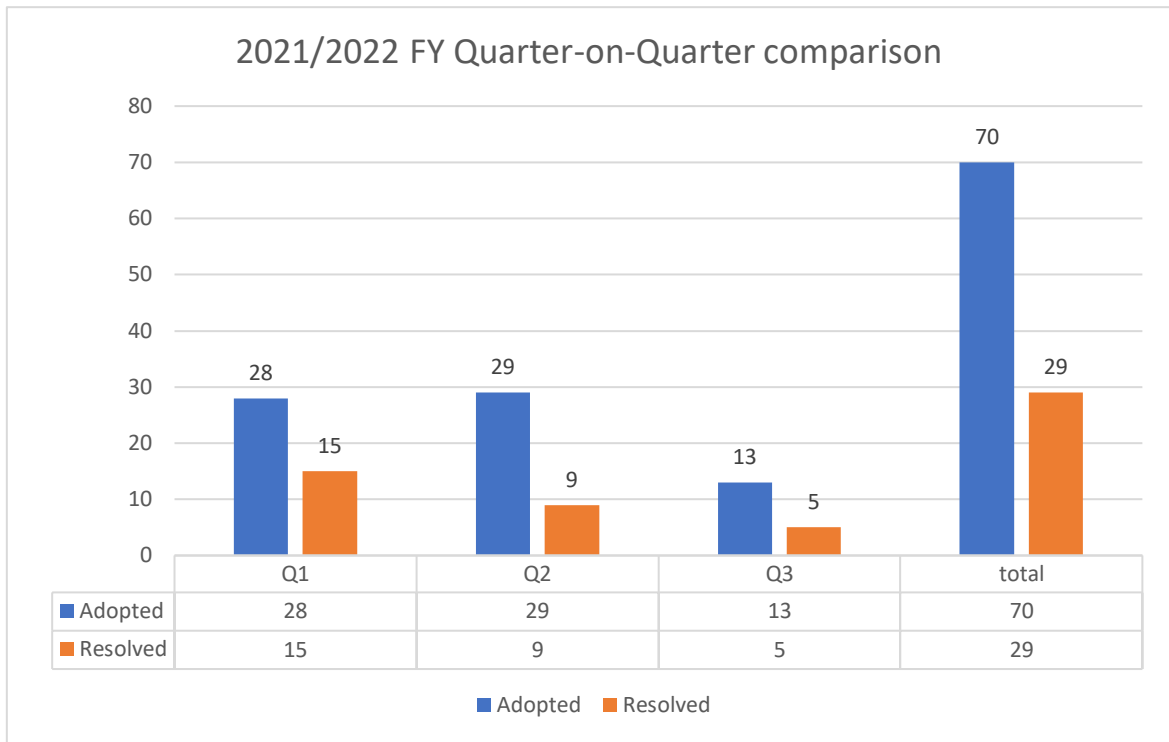
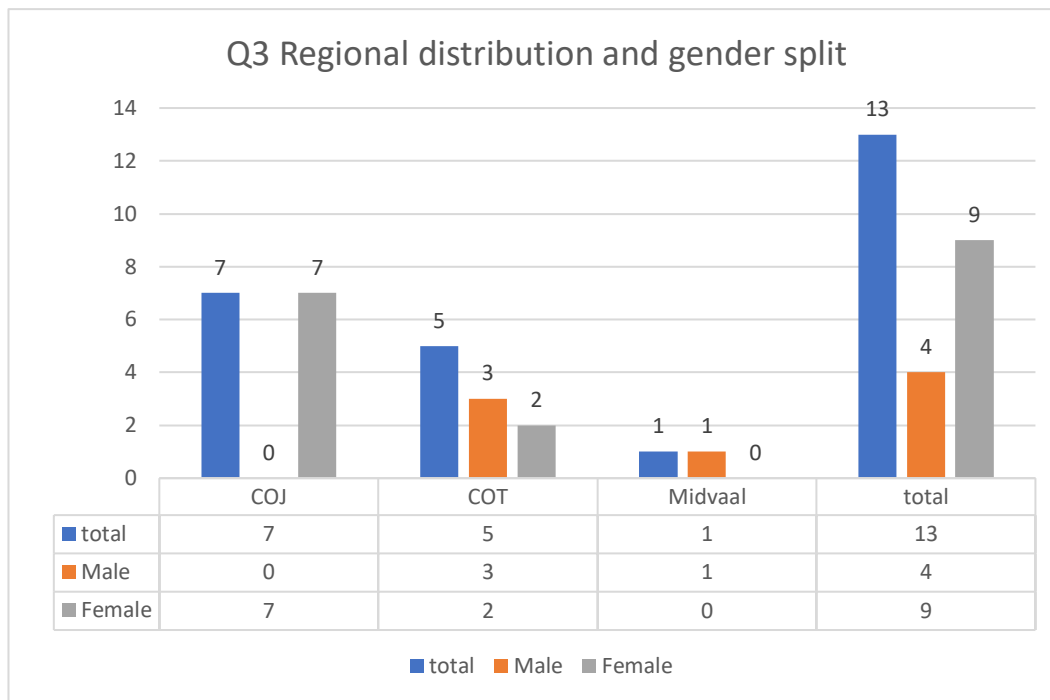


Table 3 below demonstrates the regional and gender distribution of the adopted petitions. Put simply, where the petitioners are from, despite which responding authority they are referred to. 53.8% of the petitions emanate from the City of Johannesburg Metropolitan Municipality (7), whilst 38.4% emanated from the City of Tshwane Metropolitan Municipality (5) and only one emanated from the Midvaal Local Municipality. Overall, 69% (9) of the petitioners were female.



6. EVALUATION OF RESPONSIVENESS

Section 6(f) (i) and (ii) of the Petitions Act provides for the Committee to evaluate the responsiveness, efficiency and timeliness with which petitions referred in terms of Section 7(e) were resolved.

The table below provides information extracted from Gauteng Provincial Departments Second Quarter reports under their *Petitions Management* section. Comparing their reporting against the referred petitions they received from the Committee during the quarter under review and verifying the validity of the reporting.

Responding authority	Petitions referred	Petitions Responded to (Q3 referrals)	Other petitions responded to
COGTA and Human Settlement	Six (6)	None in their report. * Although one Human Settlement petition was responded to through the Petitions Sub-Unit: Allocation of RDP House: Dikeledi Nkala Ref: PP14C/11/21/LO-HS	None
Department of Education	Three (3)	None in their report. *But The Department did respond and provide three reports for all three referred petitions.	
COT	One (1)	None	
COJ	One (1)	None	
Midvaal Local Municipality	One (1)	The municipality provided a report.	

It is worrying that in their third quarter report, the Department of COGTA and Human Settlement did not populate the *Petitions Management* Section of the Standardised Oversight, Accountability and Reporting for Gauteng Province (SOAR-GP) reporting template, and they needed to report on 6 Human Settlement petitions and 2 municipal petitions through the COGTA report. The Committee greatly appreciates the Department of Education for always reporting accurately on petitions issues and providing detailed reports. The Committee recorded a 38.4% (5) responsiveness rate, and after rapporteurs engage with petitioners, the Committee will hopefully record the closure of these petitions in the fourth quarter based on the detailed reports received in this quarter.

The Committee urges the responding authorities to take seriously the requirements of the *Petitions Management Section* of the Standardised Oversight, Accountability and Reporting for Gauteng Province (SOAR-GP) reporting template. The PSC relies on the responsiveness of departments and municipalities towards the closure of adopted and referred petitions.

7. COMMITTEE'S OBSERVATIONS

It is evident in this quarterly report and the insights sampled from an analysis of petitions received, a vast majority of our petitions are housing related.

1. The Committee noted with concern that:

One of the recurring concerns that has been observed with the authorities that attend hearings, is that they do not adhere to the mutually agreed upon commitments nor do they adhere to agreed upon timeframes reached. This directly hinders the finalisation and closure of petitions.

2. Moreover, less than 50% of authorities respond to petitions, and instead, wait until the Committee escalates the issue and arranges hearings.

8. COMMITTEE RECOMMENDATIONS

8.1 Noting some of the long-standing issues raised in this report, the Committee recommends that the Leader of Government Business provides the Committee with a progress report by **15 May 2022** on the issues raised below:

8.1.1. Status of Departmental compliance with the *Petitions Management Section* of the Standardised Oversight, Accountability and Reporting for Gauteng Province (SOAR-GP) reporting template in their Quarterly reports for the past 3 quarter as per the standing resolution on this matter. The information in those quarterly reports must correlate with what the Petitions Sub-Unit receives so that it allows petitioners the opportunity to engage the content.

8.1.2. Departments need to complete the *Petitions Management* section of their Quarterly Reports accurately and factually.

8.1.3 Measures in place to ensure Departments are held accountable to process petitions timeously in keeping with the timeframes prescribed in the Petitions Act.

9. CONCLUSION

The role of the Petitions Committee is vital. Whilst seeking intervention, the Committee will continue with its commitments to strengthen transparency, accountability, and accessibility through the most effective tool available for resolving service delivery issues. The Committee expects relevant authorities to be forthcoming and be co-operative, as the Inter-governmental Relations Framework has outlined.

10. ACKNOWLEDGEMENTS

I would like to take this opportunity to acknowledge and thank the following Committee Members: T Ndlovu; G Schneemann; P Mabunda; K Diale; S Chabalala; W Peach; M Mofama; M Ledwaba and K Tong.

We further wish to acknowledge the contributions and support provided by the Group Committee Co-ordinator, Ms M Vaas; Committee Co-ordinator, Ms S Sibanyoni; Committee Administrator, Ms N Mfuku; Committee Researcher, Mr S

Ngwane; Petitions Officers, Mr M Likhade and Mr S Teane; Petitions Administrator, Ms J Shabalala and Ms M Shabangu; Legal Advisor, Advocates Kekana and Mudau; Senior Information Officer, Mr J Letsoalo; Hansard Recorder, Mr K Xulu and Service Officer, Ms Z Mabaso.

11. ADOPTION

In accordance with Rule 164, the Petition Standing Committee hereby presents the report to the House for adoption.