No.0422 - 2023: Fifth Session, Sixth Legislature

**GAUTENG PROVINCIAL LEGISLATURE**

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**ANNOUNCEMENTS,**

**TABLINGS AND**

**COMMITTEE REPORTS**

**========================**

Friday, 01 December 2023

# ANNOUNCEMENTS

none

# TABLINGS

none

**COMMITTEE REPORTS**

**1. The Chairperson of the Petitions Standing Committee, Hon. B E Letsoalo, tabled the Committee’s Second Quarterly Performance Report for the 2023/2024 financial year, as attached:**



**PETITIONS STANDING COMMITTEE**

**COMMITTEE’S 2ND QUARTER PERFORMANCE REPORT FOR THE 2023/2024 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  |

As the Chairperson of the Petitions Standing Committee (PSC), it gives me great pleasure to table the Committee’s 2nd Quarter Performance Report for the 2023/2024 financial year.

# INTRODUCTION

It is an incontestable truism that the Petitions Standing Committee acts as a service delivery barometer. Even before the release of the 2022 Census, last month, with its population growth figures, the Committee had steadily reported to this House that Gauteng finds itself in a quagmire. This quagmire being the supply of social housing, not meeting the bourgeoning demand. Honourable Members, during this quarter alone, 84% (32) of all adopted petitions were citizens asking for interventions with their RDP Housing application. Most of these were people alleging to have applied for housing between 2016 and 2021.

But it would be negligent to be myopic by trying to understand this quagmire at face value (*ex facie*), without due constitutional context. An important caveat is in our Constitution. Section 26 of the Bill of Rights deals with housing. Section 26 (1) reads, “Everyone has the right to have access to adequate housing”. But attention needs to be drawn to Section 26 (2) which reads, “The state must take reasonable legislative and other measures, ***within its available resources*,** to achieve the progressive realisation of this right”. Key emphasis being “available resources” and “progressive realisation”. The Committee working as a barometer, has done its job by highlighting these key issues. The onus is now on the Executive, to craft roadshows to educate the people of Gauteng on the “progressive realisation” element and to offer remedial action to the deficiencies that the Committee identifies through the petitioning process.

This report 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.”*

The basis of quarterly reporting is produced in compliance with Rules 61 (1) (b). Additionally, this report is compiled using the guiding principles and content elements set out in the Standing Rules of the Gauteng Provincial Legislature. The report, therefore, includes an overview of the Committee’s performance during the quarter under review.

# EXECUTIVE SUMMARY

This Quarterly Performance Report records the Committee’s performance for the 2nd Quarter of the 2023/2024 financial year, against petitions submitted during the quarter. This translates to a period that started on the 1st of July 2023 and ended on the 30th of September 2023. The report 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.

During the second quarter, the Committee adopted 38 new petitions, which were referred to relevant authorities for consideration and reporting in accordance with Section 7 (e) of the Gauteng Petitions Act (no. 5 of 2002). The new petitions were added to the currently existing 203 petitions, therefore, increasing the total number of petitions to 241.

The 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.

**Report highlights:**

* **76% (29) of adopted petitions were requesting interventions on their RDP House Applications.**
* **7.8 % (3) were bemoaning the lack of prioritisation in the RDP Housing allocation process.**
* **65.5% (19) of the individual RDP application petitions were from female petitioners and 34.5 % (10) were from male petitioners.**
* **73.6% (28) of the adopted petitions emanated from the City of Ekurhuleni (as was the case in the previous quarter).**
* **Of the 38 adopted petitions, 68% (26) of them were from female petitioners and 32% (12) were male petitioners.**
* **Not a single GPG Department reported accurately in the *Petitions Management* section of their second quarter reports, therefore, misrepresenting themselves to Portfolio Committees and this House.**

# 3. PETITIONS CONSIDERED DURING THE 2ND QUARTER OF 2023/2024 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.

## 3.1 New Petitions Adjudicated

The Committee receives petitions on a diverse range of issues concerning service delivery and ensures they are given a platform to be considered. During the reporting period, 38 new petitions were adopted and the majority were housing. 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** | **Reference Number** | **Petitions** |
| **Department of Human Settlements and Infrastructure Development** | 1. 1PP01B/08/23/LO-HS
2. PP02B/08/23/LO-HS
3. PP03B/08/23/LO-HS
4. PP04B/08/23/LO-HS
5. PP07B/08/23/HS
6. PP08B/08/23/LO-HS
7. PP09B/08/23/LO-HS
8. PP10B/08/23/LO-HS
9. PP11B/08/23/LO-HS
10. PP12B/08/23/LO-HS
11. PP13B/08/23/LO-HS
12. PP14B/08/23/LO-HS
13. PP15B/08/23/LO-HS
14. PP16B/08/23/LO-HS
15. PP17B/08/23/LO-HS
16. PP18B/08/23/LO-HS
17. PP19B/08/23/LO-HS
18. PP20B/08/23/LO-HS
19. PP21B/08/23/LO-HS
20. PP22B/08/23/LO-HS
21. PP23B/08/23/LO-HS
22. PP25B/08/LO-HS
23. PP29B/09/23/HS
24. PP31B/09/23/LO-HS
25. PP33B/09/23/LO-HS
26. PP34B/09/23/LO-HS
27. PP35B/09/23/LO-HS
28. PP36B/09/23/LO-HS
29. PP37B/09/23/LO-HS
30. PP38B/09/23/LO-HS
31. PP39B/09/23/LO-HS
32. PP40B/09/23/LO-HS
 | 1. RDP House Application: Sesi Emily Nkitha
2. RDP House Application: Nora Mtshali
3. RDP House Application: Elizabeth Nomosa
4. RDP House Application: Maria Skosana
5. Flawed RDP House Allocation Process Sara Madisakoane
6. RDP House Application: Fikile Thobho
7. RDP House Application: Phindile Yende
8. RDP House Application: Jabulisile Sibisi
9. RDP House Application: Nobuhle Simelane
10. RDP House Application: Zanele Zwane
11. RDP House Application: Zandile Merafe
12. RDP House Application: Richard Shabangu
13. RDP House Application: Thulani Mtshali
14. RDP House Application: Nonhlanhla Mthembu
15. RDP House Application: Thabile Senne
16. RDP House Application: Chill Moses Phungwa
17. RDP House Application: Bethuel Madekane
18. RDP House Application: Malieketseng Lukia Masondo
19. RDP House Application: Elizabeth Nomosa Zwane
20. RDP House Application: Gloria Matshela Mogale
21. RDP House Application: Elizabeth Mdluli
22. RDP House Application: Cecilia Manu
23. Skewed RDP House Allocation Process
24. Prioritization of RDP House Applications
25. RDP House Application: Angel Jack Lumbela
26. RDP House Application: Bongane Mncedisi
27. RDP House Application: Phelisiwe Monica
28. RDP House Application: Velaphi Elias Mndebele
29. RDP House Application: Thabo Matshelela
30. RDP House Application: Sihle Shila Ngwenya
31. RDP House Application: Gugulethu Promise Nkabinde
32. RDP House Application: Motlatsi Robert Ntseo
 |
| **Department of Safety and Security** | 1. PP30B/09/23/CS
 | 1. Rampant Drug Sale and corrupt SAPS
 |
| **City of Johannesburg Metropolitan** | 1. PP05B/08/23/LO
2. PP26B/09/23/LO
3. PP27B/09/23/LO
 | 1. Service Delivery Issues: Meadowlands
2. Request for Speed calming measures and fixing potholes
3. Requested for effective waste management
 |
| **NCOP** | 1. PP28B/09/23/NCOP
2. PP32B/09/23/NCOP
 | 1. Requesting for Employment opportunities
2. Unearth Corruption at Home Affairs: Johannesburg
 |
| **Total** | **38** |

**3.2 Inadmissible Petitions**

Submissions are assessed by the Committee against the format and content criteria of Section 4 (4) of the Gauteng Petitions Act (no. 5 of 2002). Those which do not meet the requirements are found to be inadmissible. Even though these submissions get rejected as petitions, the Committee communicates with the petitioners and offers advice, on more apt channels to pursue their matter (as is indicated below). During the reporting period, two submissions were rejected by the Committee.

The following submission was deemed inadmissible:

1. Renovation of Hellen Joseph women’s hostel: PP06B/08/23/LO-HS

It was determined that the petition bore similarities to an already-adopted, active petition. It was decided to add the petition to the original one as an addendum.

1. Violation of the Municipal structure’s Act 117 of 1998: Vicky Vermaak

Mogale City Local Municipality: PP24B/08/23/ Cogta

The petition was a complaint regarding a Ward Councillor's behaviour, which was in violation of the Municipal Structures Act's Code of Conduct.

The Committee indicated that the petitioner ought to have started by going through all municipal internal channels. If nothing was done, only then could she bring her complaint to the attention of the COGTA MEC, through a petition.

3.3 **Bulk Referral**

The bulk referral reports continue to be received. Since the initiation of the bulkanisation process in July 2022, 274 reports have been received, of which 135 are proposed for closure, 72 are proposed for closure by the Petitions Standing Committee and will be forwarded to Portfolio Committees for oversight purposes and 65 are proposed to remain opened as the Committee is not satisfied with the responses received. The committee will continue to evaluate the reports and develop a strategy as and when all reports are received.

# COMMITTEE ACTIVITIES

The Committee presents its performance information in accordance with the monitoring methodology and has therefore aligned these activities with its approved Annual Performance Plan (APP). The activities for the quarter 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 resolution analyses, and consideration of submitted reports from authorities.

**4.2 Public Engagement**

In carrying out its mandate, the Committee conducted public engagements in various communities to ensure responsiveness and accountability. These are key tools, allowing the Committee to gather information, investigate the details of a petition and to hold authorities to account under sustained cross-examination. The engagements aim to create awareness and enhance the public’s understanding of the petitioning system to deepen a petitioning culture.

The Committee held two hearings during the quarter. A hearing was held at the Legislature on the 17th of August 2023. The hearing was a follow up, to assess the progress made on the resolutions taken at a previous hearing held on the 20th of June 2023.

The second hearing was held on the 1st of September 2023 in Tembisa. The hearing focused primarily on petitions from Ekurhuleni Region. Authorities invited were City of Ekurhuleni, Department of Human Settlements and Infrastructure Development, Department of Health and Wellness and the Department of Community Safety.

The Committee’s work was also profiled through a radio interview on the 12th of September 2023. Chairperson Letsoalo was on VoW FM (Voice of Wits), on a segment called *Law Focus,* where he was in conversation with an attorney and a law student. The conversation was an educational platform to unpack the petitioning as a form of social justice.

1. **PETITIONS ANALYSIS**

The Committee adopted 38 new petitions in the second quarter of the 2023/2024 (FY). Table 1 below illustrates the distribution of the 38 new petitions in accordance with authorities to which the petitions were referred. 84% (32) of the adopted petitions were referred to the Department of Human Settlement, 7.8 % (3) to the City of Johannesburg Metropolitan Municipality, and 5% (2) to the NCOP as they are national competency. Overall, 29 were individual RDP application matters, 3 were petitioning about the RDP allocation and prioritisation processes and 6 were basic service delivery requests and reporting administrative failures.

Table

As per the identified trends since 2019, the vast majority of petitions are RDP house allocations in nature. The Committee has inadvertently become an auxiliary Human Settlement Committee. Table 2 below shows that, of the 32 Human Settlement petitions, 29 are individual RDP Allocation in nature.

Table

Moreover, table 2, shows that 3 applicants were between the ages of 60 and 70 applied between 1996 and 1998. Whilst there were 9 that applied between 2004 and 2010 and the vast majority (17) are those that applied recently; between 2016 and 2021. Of the 29 individual RDP application petitions, the age group that is most represented are those between the ages of 30 and 50; 18 of them. 65.5% (19) of the individual RDP application petitions were from female petitioners and 34.5 % (10) were from male petitioners.

Table 3 below shows that, 73.6% (28) of the petitions emanated from the City of Ekurhuleni. Of these, 18 were female and 10 were men. Whilst 23.7% (9) emanated from the City of Johannesburg and of these, 7 were female and 2 were male. Lastly 2.7% (1) emanated from the West Rand District Municipality, and it was one female petitioner. Overall, 68% (26) of the petitioners were female and 32% (12) were male.

Table

1. **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 (GPG) 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 (Q2 referrals)** |
| Department of Human Settlement and Infrastructure Development | 32 | The Department listed 45 generic titles, with dates of when they were submitted to the GPL. Not a single one of them had a petition reference number. Thus, it was impossible to carry out any verification.  |
| Department of Safety and Security | 1 | The Department reported to have received 20 petitions from the GPL, during the quarter under review. No petition reference numbers were included. Making it impossible to verify. Even though only one petition was referred to the Department during the quarter under review.  |
| City of Johannesburg (COGTA) | 3 | The Department reported that it received no petitions during the quarter under review. |
| NCOP | 2 | Falls outside the reporting template and the *petitions management* of provincial departments. But no correspondence has been received despite follow-ups being made. |

It is imperative that Departments complete the *Petitions Management* section for their reporting to Portfolio Committees. The Committee is at its wit end and disappointed at the nonchalant attitude that Departments approach the *Petitions Management* section. The Department of Human Settlement used to be fastidious, but during this quarter, evidently no care was given to reporting in a transparent manner. Not a single Department reported accurately, nor provided information that could be verified. This nonchalant attitude towards the Legislature, inadvertently hampers the oversight work of the respective Portfolio Committees, as they are blindsided on the factuality’s of the petitioning landscape.

1. **Concerns and OBSERVATIONS**

The Committee is gravely concerned on the regression when it comes to Departments completion of the *Petitions Management* section of their templated quarterly reports. Previous, through a resolution, the Committee had asked for the intervention of the Leader of Government Business. Progress was noticed, but evidently Departments have slipped back to a nonchalant attitude towards keeping this House abreast of how they process petitions referred to them. The Committee is truly at its wits’ end. Lastly, by not including petition registration numbers, Departments are making it impossible for the Committee to verify their submissions.

1. **Recommendations**

8.1 The Committee implores the Leader of Government Business to offer a sustained solution. A report which will outline how the Leader of Government Business will devise administrative processes that will ensure that GPG Departments complete the *Petitions Management* section accurately and factually. This report is due on the **7th of December 2023**.

# CONCLUSION

The Committee continues to mainstream fairness and consideration into its work, to ensure that the petition process is made accessible to the widest range of people and will continue with its commitments to strengthen transparency and accountability through the most effective tool available for resolving service delivery issues. Let us take heed of Professor Shireen Hassim and Professor Susan Booysen, when they caution us to evaluate how far we have come with gender equality and offering public participation platforms for those that through; historical and patriarchal structures, find themselves distant from power and authority.

# ACKNOWLEDGEMENTS

I would like to take this opportunity to acknowledge and thank the following Committee Members: T Ndlovu; G Schneemann; M Phaladi-Digamela; N Mokgethi, S Chabalala; W Peach, M Masoleng; P Mdlankomo 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, Dr. S Ngwane (PhD); Petitions Officers, Mr M Likhade and Mr S Teane; Petitions Administrator, Ms J Shabalala and Ms M Shabangu; Legal Advisor, Advocate Mudau; Senior Information Officer, Mr J Letsoalo; Senior Communication Officer, Ms T Nzuke; Public Participations, Ms R Mathebula and Ms L Bodman, Hansard Recorder, Mr K Xulu and Service Officer, Mr I Phakathi.

# ADOPTION

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