

# **REPORT OF THE SELECT COMMITTEE ON LEGISLATURE OVERSIGHT ON THE MPUMALANGA PROVINCIAL LEGISLATURE**

## **4TH QUARTERLY PERFORMANCE REPORT 2017/18 FINANCIAL YEAR, MEETING HELD ON THE 29 AUGUST 2018**

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### **1. INTRODUCTION**

The Mpumalanga Provincial Legislature (the Legislature) has a mandate in terms of section 114 of the Constitution of South Africa (Act 108 of 1996), read with the Rules and Orders of the Mpumalanga Provincial Legislature (the Rules), to provide a mechanism enabling it to maintain oversight.

The consideration of the 1<sup>st</sup> Quarterly Performance Report (April-June 2018) of the Legislature by the Select Committee on Legislature Oversight (the Committee) was to fulfil the oversight responsibilities assigned to it in terms of the Rules. Having scrutinised and assess the quarterly report, the committee noted the progress they were making against their planned targets and allocated budget for the 2018/19 financial year which are presented as here below.

### **2. METHOD OF WORK**

The Speaker tabled the 4<sup>th</sup> quarterly performance report in the Legislature. Subsequently the report was referred to the Committee for consideration and report back to the House. Invitations to the deliberations were issued to the Speaker and the Secretary to the Legislature, Mr LJ Mwale.

On 29 August 2018 the Committee met with the Legislature to deliberate on the 4<sup>th</sup> quarterly report and a progress report on the implementation of the 3<sup>rd</sup> quarter House Resolutions as well as the budget expenditure of the 4<sup>th</sup> quarter 2017/18. Subsequently, the Committee met on 10 October 2018 to consider the draft Committee report.

### 3. GENERAL OBSERVATIONS

The Committee made the following observations:

- a. The legislature's delegation was led by the Deputy Speaker, Hon BA Majuba. The Secretary to the Legislature, Mr LJ Mwale presented the 4<sup>th</sup> quarterly performance report as well as the progress report on the 3<sup>rd</sup> quarter, 2017/18 House Resolutions.
- b. The 4<sup>th</sup> Quarterly Performance Report was correctly tabled by the Honourable Speaker within 30 days after the end of the quarter as required by the Rules and Orders of the Mpumalanga Provincial Legislature;
- c. The Hon Speaker tendered an apology for the meeting due to a prior commitment.
- d. The Legislature's main allocation for the year under review was adjusted upwards from **R317 291 000** to **R335 093 000** (an increase of R17 804 000).
- e. The total spending at the end of the quarter was R 315 851 000 (94.3%).
- f. The Legislature achieved 123 out of 126 planned targets (98%) for the quarter.

### 4. OVERVIEW BY THE HON SPEAKER

The Deputy Speaker, as delegated by the Speaker, presented the overview cited the following issues:

- 4.1. **The state of the Legislature**, the Hon Speaker noted with concern the following:
  - The instability in the administration following the continued spate of protest actions by the staff in the Legislature;
  - The negative media publicity about the Legislature based on the various allegations of corruption and maladministration;
  - The bad reporting which is equally supported by various media leaks and anonymous persons from within the administration;

- The insecurity, since the nature of the environment (Legislature) processes confidential information, which includes Members affairs and matters related to political parties.

In addressing the media publicity, the Hon Deputy Speaker reported that the Hon. Speaker is processing all material issues raised by Auditor-General, the SCOPA reports and other issues that are before the media. Further to that, she will be meeting with UNION leadership on matters affecting disgruntled staff.

#### **4.2. Disciplinary cases**

It was reported that the six (06) officials that were involved in the corruption cases had undergone the disciplinary processes, three (03) were reinstated by the Legislature; while a settlement is being negotiated with the CFO. A detail report would be submitted to the Committee as soon as the investigations are finalised.

In conclusion, the Hon Deputy Speaker, promised the Committee that due processes and diligent shall be paid to resolve these institutional challenges.

#### **Comments by the Committee**

Having briefed on the Speaker's overview, the Committee commended the Legislature Leadership, the manner in which has handled the issues of the negative media publicity on the 2017/18 Legislature audit outcome and SCOPA reports.

Regarding the report on the suspended officials, the Committee welcomed the report and accepted that these cases are *lis pendens* alternatively it is *sub-judicare*.

The Committee entrusted the Hon Speaker that after her investigations, she would effectively address all these issues, and submit a report to the Committee on the consequence management being implemented.

## **5. BRIEFING BY THE SECRETARY ON THE IMPLEMENTATION OF THE RESOLUTIONS TAKEN ON 08 MAY 2018**

The Secretary verbally briefed the Committee on the progress made on the below projects:

- Committee rooms upgrade: not completed;
- Office partitioning: not completed;
- Outstanding cases: not completed;
- Filling of the eight (08) vacant funded positions: only two are not filled but in the process to fill them – (two committee coordinators); and
- Progress on the configurations of some sections within Parliamentary Operations, namely - Committees and Research Services: completed.

The Committee raised its dissatisfaction on the delay in completing the two projects - committee rooms' upgrade and office partitioning. The Secretary was requested to provide completion time frames on the two projects.

The Secretary was requested to submit a written progress report on the above projects in the office of the Chairperson (Chief whip) by 31 August 2018.

## **6. PROGRESS REPORT ON THE IMPLEMENTATION OF HOUSE RESOLUTIONS FROM THE 3RD QUARTELY PERFORMANCE REPORT (OCTOBER-DECEMBER 2017)**

The Committee appreciated the below report as presented.

RESOLUTIONS NO:9	PROGRESS
i. Review targets of House Proceedings and Hansard in the next planning session to avoid under-achievement	The targets of the Hansard and Proceedings Section were reviewed during the strategic planning session for the development of the 2018/19 APP of the Legislature. The Legislature remains committed in ensuring that all the Divisions and Sections achieve their targets in the current financial year.
ii. The implementation of decentralized registry	The decentralized registry is being implemented.
iii. Cost curtailment measures should be an ongoing process to ensure the successful implementation of the Legislature's core mandate	The cost curtailment measures is being implemented.

## **7. BRIEFING BY THE SECRETARY TO THE LEGISLATURE ON THE MPUMALANGA PROVINCIAL LEGISLATURE 4<sup>TH</sup> QUARTELY PERFORMANCE REPORT 2017/18**

The Secretary reported that the Legislature consists of two programmes, namely; Administration and Parliamentary Business.

### **7.1. PROGRAMME 1: ADMINISTRATION**

The programme provides strategic leadership, management and administrative support to ensure institutional effectiveness and the achievement of the core business of the Legislature. The programme has five (05) key divisions with its own sub-programmes or sections as well as annual performance targets, quarterly targets and medium term targets.

The key divisions are as follows:

- Office of the Speaker;

- Office of the Secretary;
- Corporate Services;
- Financial Management; and
- Parliamentary Business

He further reported that out of the five (05) divisions; three (03) achieved 100% of its planned targets for the quarter under review; while two (02) achieved below 100%, namely; Corporate Services and Parliamentary Business which were 97% and 95% respectively.

The sub-programmes are as follows:

- **Office of the Speaker:** consists of the Chief of Staff, the Inner Office and Treasury;
- **Office of the Secretary:** consists of Planning, Performance Monitoring and Evaluation, Governance Support Services and Risk Management;
- **Corporate Services:** consists of Human Capital Management, Information Technology, Communication, Institutional Support, Library and Document Management and Legal Services;
- **Financial Management:** consists of Finance and Supply Chain Management.

## 7.2. PROGRAMME 2: PARLIAMENTARY BUSINESS

The programme provides strategic leadership, management and administrative support in relation to parliamentary services to ensure institutional effectiveness in the fulfilment of the constitutional mandate of the Legislature.

The programme has its own sub-programmes with annual performance targets, quarterly targets and medium term targets. The targets are underpinned by clear Programme Performance Indicators (PPI).

The sub-programmes are as follows:

- **Law making** which consist of Hose Proceedings and Hansard;
- **Oversight:** consists of Committees and NCOP, Research Services; and
- **Public Participation.**

## **8. BUDGET EXPENDITURE FOR THE 4<sup>TH</sup> QUARTER**

It was reported that the Legislature has spent R315 851 million which translate to 94.3% and did not experience cash flow challenges during the financial year and period under review.

### **Expenditure per programme**

**Programme 1- Administration** had spent R142.9 million which translate to 90% out of the total allocated adjusted budget of R158.8 million. The savings was as the result of cost-curtaiment measures, funded posts not yet filled and the delays in finalising the procurement process for office partitioning and committee rooms upgrade.

**Programme 2 – Parliamentary Business** had spent R172.9 million of the adjusted allocated budget of R176.2 million which translate into the outcome of 98.1%. The savings was as the result of cost-curtaiment measures implemented and post funded but not yet filled.

## **9. COMMENTS BY THE COMMITTEE ON THE SERETARY'S PRESENTATION**

Having listened to the Secretary's presentation the Committee appreciated the progressive presentation and commented as follows:

- **Regarding the resolutions taken from the minutes of meeting held on 08 May 2018**, the Committee, although accepted the verbal progress report, raised its serious concern on some projects that are long overdue, namely

the committee rooms' upgrade and the office partitioning. A written report on all the projects with time frames has been requested to be submitted to the Chairperson's Office (Chief whip) by 31 August 2018.

- **On the general performance of the Legislature, the Committee appreciated the report that** the Legislature achieved 123 out of 126 planned targets (98%) for the quarter under review with no major challenges.
  
- **With regard to the budget expenditure, the Committee** appreciated the report and noted that the expenditure was in line with the targets planned for the period under review.

## **10.FINDINGS**

After the deliberations on the 4<sup>th</sup> quarterly performance report, the Committee found the following:

10.1. There was no written report on resolutions taken on 08 May 2018;

10.2. The decentralized registry is being implemented;

## **11.RECOMMENDATIONS**

After the findings, the Committee recommended that the Legislature must:

11.1. Submit a detail written report on the resolutions emanated from the meeting dated 08 May 2018 to the Chairperson's office ( Chief whip) by 31 August 2018;

11.2. Provide a progress report on the benefits of the centralised registry quarterly.



## 12. CONCLUSION

The Chairperson expressed his sincere gratitude to the Honourable Committee Members for their constructive input during the consideration of the 4<sup>th</sup> quarterly performance report of the Legislature for 2017/18 financial year.

The Committee furthermore, appreciated the Legislature leadership led by Hon BA Majuba-Deputy Speaker, as well as the Legislature's administration, led by the Secretary to the Legislature, Mr LJ Mwale for their attendance and participation during the interactions.

The Committee requests the House to adopt the Committee report with its findings and recommendations. A progress report be submitted to the Legislature by **30 November 2018.**



**HON. JJ SKOSANA, MPL  
CHAIRPERSON: SELECT COMMITTEE ON  
LEGISLATURE OVERSIGHT**

10/10/2018

**DATE**