



# LIMPOPO

PROVINCIAL GOVERNMENT  
REPUBLIC OF SOUTH AFRICA

## **POST EXECUTIVE COUNCIL MEDIA STATEMENT**

**09 March 2017**

The Limpopo Provincial Government Executive Council held its scheduled meeting on the 09 March 2017 and the following was discussed.

### **Green Paper on the Roads Policy for South Africa**

A presentation outlining the provisions of the Green Paper on the Roads Policy for South Africa was presented to the Executive Council meeting.

The Executive Council directed as follows:

That all Departments should ensure that they update the implementation of EXCO Decisions and directives related to their operational areas and a revised report should be presented in the next EXCO meeting.

### **Audit of Qualifications of SMS Employees and HODs**

A presentation on the audit of qualifications of SMS members and HODs in the Limpopo Provincial Administration was presented to the Executive Council meeting.

The presentation highlighted the following:-

- a) As part of implementing its functions the PSC conducted this study as part of its monitoring and investigation to establish adherence to applicable procedures by the Limpopo provincial Administration on personnel practices, with the following aims:
  - i. To establish whether senior management within the Limpopo Provincial Administration has relevant qualifications for the job that they have been appointed to do; and

- ii. To gain a comprehensive understanding of the SMS situation, based on the audit of other areas of human resources and of the work environment and its impact on service delivery in the Limpopo Province.
- b) The data analysis revealed that majority of the **99%** of SMS members had a post graduate qualification.
- c) **1%** of those without qualifications were either in the process of acquiring qualifications or had management related courses conducted by different tertiary institution as part of capacitating the senior managers by the employer.
- d) Analysis of the HRM reports submitted to the PSC revealed that not all positions that were advertised were job evaluated as part of a requirement to determine salary levels. Some of the positions were advertised at SMS level despite the job evaluation results having come out at MMS level, while other positions did not have the Executing Authority's approval for implementation as required;
- e) Based on the findings of this study, the PSC has made nine recommendations which would require the Limpopo Provincial Administration to submit an implementation plan indicating timelines within a period of sixty (60) days from the date of receipt of the report;
- f) The EAs need to ensure that all staff members buy into the national vision of National Development Plan and embrace the values and principles as enshrined in the 1996 Constitution of the Republic of South Africa;

The Executive Council affirmed the following recommendations made in the PSC presentation:-

- i. Incorporation of the verification of qualifications process as a compulsory and integral step in the recruitment and selection process in all departments, and further to ensure that appointments are only approved after the qualifications have been verified;
- ii. Job Evaluation of all posts that have not been job evaluated as part of correcting non-compliance;

- iii. Verification with SAQA for the Provincial Administration to reduce potential expenditure that can be incurred through individual departmental verification of qualification;
- iv. Profiling of all Senior Managers prior to implementing transfer to other units in order to identify relevant skills and competencies for placement;
- v. Consider conducting a morale survey or conducting a study to establish contributing factors leading to low morale and demoralized SMS members.
- vi. Periodical engagement by the Executive Authorities (EAs) with all Senior Managers in the Limpopo Provincial Administration in order to develop a sense of ownership among SMS members;
- vii. Volumetric study or analysis of all the organisational structures to determine if all the 12 departments are technically designed to deliver the services as planned;
- viii. Rotation of Senior Managers within similar fields of expertise in support functions that aren't performing well;
- ix. SMS seminars on topical issues affecting the Limpopo Provincial Administration be held to assist senior managers to keep abreast with developments relating to their areas of expertise; and
- x. SMS members and other staff members to be encouraged to study in order to improve their knowledge and competencies both as public service employees and persons generally.

The Executive Council **directed** as follows:-

That the Public Service Commission should continue to have bilateral engagements with Departments in order to process the department-specific recommendations further;

That the Office of the Premier should and develop appropriate recommendations to deal with the PSC recommendations.

### **Abuse of Office and Violation of Executive Members Ethics Act**

A presentation on the abuse of office and violation of the Executive Members Ethics Act was presented to the Executive Council meeting.

The meeting deliberated extensively on the manner in which the presentation was to be made, taking into account the need to deliberate extensively on the issues to be presented vis-à-vis the limited time available in light of the extensively long EXCO Agenda.

The Executive Council subsequently resolved as follows:-

That the overview of the presentation be made; and

That the Office of the Director-General should facilitate for a more detailed workshop will be conducted to EXCO members so that there may be more time for discussions and deliberation on pertinent matters that may arise out of the presentation. That the date of Wednesday, 15 March 2017 be considered for the

## **NEW MATTERS / REPORTS FOR APPROVAL**

### **SPLUMA Policy and Bill for Limpopo**

A memorandum and a PowerPoint presentation requesting approval of the Limpopo Provincial Spatial land Use Management Act Policy and Bill was presented to the Executive Council meeting.

The presentation highlighted the following:-

- a) The national Spatial Planning and land-Use Management Act (SPLUMA) was assented to by the President of the Republic of South Africa on 5 August 2013, and came into effect from 1 July 2015 to provide a framework for spatial planning and land use management in South Africa;
- b) SPLUMA sets out a strategic view of the planning system in South Africa and what the responsibilities are for each sphere of government within this system;
- c) SPLUMA's enactment has brought several fundamental changes in spatial planning and land-use management processes in the country, *inter alia*, it

- confirms municipalities as authorities of first instance in matters of land development and land-use management and provides clarity on the role of municipal and provincial spheres of government in the planning system;
- d) SPLUMA directs amongst others, that Provinces should develop legislation which is consistent with SPLUMA and the Intergovernmental Relations Framework Act;
  - e) The Office of the Premier obtained approval from the Executive Council to develop the Provincial Policy, Bill and Regulations on Spatial Planning and Land-Use Management for the Province;
  - f) The project was designed in five (5) phases, which includes an Inception Report outlining how the project will unfold, the Research Report, Policy, Draft Bill, Draft Regulations and Final Bill & Memorandum of objects; and
  - g) This endeavour was a collaborative effort led by the Office of the Premier (OTP) and the Department of Cooperative Governance, Human Settlements and Traditional Affairs (COGHSTA) with the support of the Department of Rural Development and Land Reform (DRDLR).

#### **Executive Council Decision No. 74 of 2016/17**

74.1 The Executive Council approved the Research Report on Limpopo Spatial Planning and Land-Use Management for submission to EXCO; and

74.2 The Executive Council approved the Draft Policy on Limpopo Spatial Planning and Land-Use Management for submission to EXCO.

#### **Procurement of Goods and Services from Co-operatives**

A memorandum recommending that all Departments, Municipalities and State-owned Entities in the Limpopo Province procure goods and services from cooperatives and township SMMEs in line with the EXCO decision relating to 10% procurement by the state towards cooperatives was presented to the Executive Council meeting.

The memorandum highlighted the following:-

- a) Provincial Treasury and LEDET subsequently wrote to National Treasury requesting approval for targeted set asides for cooperatives and SMMEs. National Treasury started a process of reviewing National Preferential Procurement Regulations which have been finalized, gazetted and is now ready for implementation with effect from 01 April 2017.
- b) The revised Preferential Procurement Regulations of 2017 makes provision for the fact that the procurement can be determined to be biased towards cooperatives and township enterprises, as well as designated groups which include Blacks, women, people with disabilities, youth and small enterprises.
- c) In terms of implementation, the following is proposed:-
  - i. Departments and Municipalities must identify goods and services that can be procured from cooperatives and township SMMEs;
  - ii. Departments and Municipalities must advertise goods and services specifically for cooperatives and township SMMEs as approved through the Preferential Procurement Regulations 2017;
  - iii. The Provincial Treasury must provide quarterly reports on the procurement of goods and services from cooperatives and SMMEs;
  - iv. A task team comprising of LEDET and Provincial Treasury Transversal SCM officials be established to ensure the smooth implementation of this decision.

#### **Executive Council Decision No. 75 of 2016/17**

- 75.1 The Executive Council approved that all departments, municipalities and state-owned agencies in the Limpopo Province procure goods and services from cooperatives and township SMMEs in line with the Preferential Procurement Regulations approved in 2017;
- 75.2 The Executive Council approved that a provincial task team convened by the HODs for Provincial Treasury and LEDET be established to monitor and report on progress on implementation of the EXCO decision; and

75.2 The Executive Council approved that the 10% procurement from cooperatives be implemented in line with the Preferential Procurement Regulations 2017.

### **Appointment of Support Staff to Executing Authorities**

A memorandum providing an outline of the provisions of the Public Service Regulation 2016, on the appointment of staff in the offices of the Executive Authorities in the Provincial Administration was presented to the Executive Council meeting.

The memorandum highlighted the following:-

- a) Regulation 66 of the Public Service Regulations 2016, which came into effect from 1 August 2016 provides the following methods for filling of vacancies in the offices of the Executive Authorities appointed in terms of Section 9 of the Public Service Act 1994;
  - i. **Regulation 66(1)(a)(i)** states that “the appointment should be linked to the term of office of the incumbent Executive Authority, which will terminate at the end of the first month after the month in which the term of that Executive Authority terminates for any reason”;
  - ii. **Regulation 66(1)(a)(ii)** states that “the appointment should be for a period not exceeding three years”. This is a fixed term appointment of three years, not necessarily linked to the term of Office of the Executive Authority, implying that if the new Executive Authority may wish to have other employees except the current incumbents, then they will be in excess until the term of three years expires;
  - iii. **Regulation 66(1)(b)(ii)** states that “the appointment should be as a transfer in terms of Section 14 of the Public Service Act 1994, provided that the employment status of the transferred employee as permanent or temporary, as the case may be shall remain unaffected by the transfer”. This is basically a permanent appointment in cases where the employees are appointed

permanently or on a fixed term, which would lead to excess personnel if the EA may want to have new staff members, since their posts prior to transfer may have been filled; and

- b) **Regulation 66(2)** states that “the Executive Authority may fill the post in the office of the Executive Authority in terms of the Regulations without advertisement in terms of Regulation 65.

### **Executive Council Decision No. 76 of 2016/17**

76.1 The Executive Council affirmed the provisions of the new Public Service Regulations (2016), with regards to the appointment of staff in the offices of the Executive Authorities; and

76.2 The Executive Council approved the rescinding of the following Executive Council Decisions 118, 136 and 140 of 1995 on the appointment of staff in the Offices of Executing Authorities:-

76.2.1 **Executive Council Decision 118 of 1995**, which states that “*the grading of MECs support staff into suitable ranks should be coordinated by the Director General and that the posts should not be advertised*”;

76.2.2 **Executive Council Decision 136 of 1995**, which states that “*officers occupying the role-playing posts should be employed on permanent basis and their posts should not be advertised*”; and

76.2.3 **Executive Council Decision 140 of 1995**, which states that “*members of staff occupying role playing posts should be absorbed on the new establishment of various Departments with appropriate notches and ranks. Temporary staff members not filling role-playing posts will also be absorbed in establishments of Departments in the same manner. The process will be handled by Heads of Departments in consultation with the MECs*”.

### **Human Rights day Celebrations: 21 March 2017**



A memorandum requesting approval of the nature and character of the Human Rights Day Celebration scheduled to take place on the 21st of March 2016 was presented to the Executive Council meeting.

The memorandum highlighted the following:-

- a) Human Rights Day has been set aside to celebrate human rights and the month of March has been declared Human Rights month in order to focus on creating awareness about the rights as enshrined in the Constitution of the Republic of South Africa;
- b) The Human Rights Day celebration will be commemorated in a form of a mass based character where community members will converge in the specified District to be presented with an opportunity to involve and galvanize people from all walks of life, young and old for the promotion and protection of human rights; and
- c) The intended outcomes of the Human Rights Day are to create public Education and awareness about the rights of South Africans as enshrined in the Constitution, as well as to ensure that people can exercise their rights and responsibilities.

#### **Executive Council Decision No. 77 of 2016/17**

- 77.1 The Executive Council approved the hosting of the Provincial Human Rights Day celebration to be held on the 21<sup>st</sup> of March 2017 in the Ephraim Mogale Municipality (Maklerekeng Sports ground), Sekhukhune District

#### **Batho Pele Day and Premier Service Excellence Awards: 24 March 2017**

A memorandum requesting approval for the hosting of the Provincial Batho Pele Day celebrations and the Premier Service Excellence Awards Ceremony scheduled for the 24th of March 2017 in Polokwane was presented to the Executive Council meeting.

The memorandum highlighted the following:-

- a) The Executive Council has mandated that the Batho Pele Day programme should be aligned with the Premier Service Excellence Awards programme so as to maximize impact on government intervention programmes;
- b) The strategic thrust of implementation of the Premier Service Excellence Awards programme is to reward excellence performance in sector departments and to promote innovation and creativity in the Public Service;
- c) The nature and character of the Provincial Batho Pele Day celebration will be mass-based targeting 3000 people from all districts within the Province, and that the event should focus more on giving feedback about provision of services through citizen reports;
- d) It is proposed that the 2015/2016 Premier's Service Excellence Awards ceremony be held in Polokwane Municipality in Capricorn District on the same date as the Batho Pele Day celebrations; and
- e) It is expected that about 500 people from various sectors, viz. public service, private sector, State Owned Entities and civil society will attend the Premier Service Excellence Awards ceremony.

The Executive Council noted with concern that the proposed date for the Batho Pele Day celebrations and Premier Service Excellence Awards ceremony, i.e. Friday 24 March 2017, clashes with the Budget Votes presentations for Transport, Public Works and Community Safety, and as a result, MECs are put in an unfortunate situation of having to attend one of these two events and forego the other.

The Executive Council emphasised the need for events of this nature to be scheduled on Wednesdays, which are reserved for EXCO business. The Executive Council further directed that the Batho Pele Day and Premier Service Excellence Awards ceremony be rescheduled to Wednesday, 22 March 2017.

#### **Executive Council Decision No. 78 of 2016/17**

78.1 The Executive Council approved the hosting of the Batho Pele Day Celebrations and the Premier's Service Excellence Awards on the 22<sup>nd</sup> of March 2017 within the Polokwane Municipality in the Capricorn District.

### **Appointment of the Board Members of the Limpopo Gambling Board**

A requesting approval for the appointment of members to the Board of the Limpopo Gambling Board was presented to the Executive Council.

The memorandum highlighted the following:-

- a) The term of the current Limpopo Gambling Board expired on 30th September 2016 and was extended to 31 March 2017 to allow the board to finalise certain activities and to allow a thorough process of recruiting and appointing a new board;
- b) To ensure effective governance of the affairs of the entity for continued and effective service delivery, it is necessary to finalize the appointment of a new Board.
- c) A notice was published during the month of May 2016 in the following publications; the Northern Media Group, The Review, The Capricorn Voice, Observer and the Sowetan Newspaper for a period of 30 calendar days;
- d) Nominations were received and shortlisted as per the applicable criteria provided for in the Limpopo Gambling Act No. 3 of 2013;
- e) As prescribed, a nomination for one representative from the Limpopo Provincial Treasury and the Limpopo Department of Economic Development, Environment and Tourism were requested.

### **Executive Council Decision No. 79 of 2016/17**

79.1 The Executive Council approved the appointment of the following members to serve on the Board of the Limpopo Gambling Board for a term of five years with effect from 01 April 2017.

- a) Hosi Khavhareni Mahumani - member

- b) Mr Mataboge Elijah Tjiane - member
- c) Ms. Boledi Joyce Lucy Montjane - member
- d) Chief Executive Officer (Limpopo Gambling Board) - ex officio member
- e) Mr MB Tema - representative from the Limpopo Treasury
- f) Ms K Tlouane - representative from the Limpopo Department of Economic development, Environment and Tourism.

### **Section 18 Intervention in the Department of Education**

A memorandum providing a progress report on the critical issues emanating from the PFMA Section 18 Intervention at the Limpopo Department of Education (LDOE) and as contained in the Team's report of 31 January 2017 was presented to the Executive Council meeting.

The memorandum highlighted the following:-

- a) The LDOE's management of the 2016/17 AG audit has been significantly improved;
- b) Financial management controls have been improved and the team is finalizing the reconciliation of more than a R100 million of suspense account balances and creating and in some cases settling long outstanding debts through this process. Monthly reconciliations are also now being conducted between transactions in PERSAL and BAS and also between FINEST and BAS;
- c) Verification of movable assets are in the final stages and are been captured in BAUD asset system. The team responsible for assets is also currently busy reconstructing the movable asset opening balance for audit purposes;
- d) Records management for the 2016/17 financial year has improved significantly as most of the vouchers have been secured and are ready to be provided to the Auditor General on request. The team has also developed a records management policy and reviewed the General and Staff file plans. The team is currently busy with the process of

- decongesting, securing and storing prior year records in a centrally identified site;
- e) The department is in the process of filing key posts, both educational and administrative support staff, although the process is slow;
  - f) Governance structures in the department have been strengthened and are been managed by the HOD;
  - g) The Capex spending dating back to 2010/11 has been reconciled to projects at specific schools and records retrieved for most payments. The team remains to conclude an amount of about R20 million out of a spend of almost R5.8 billion;
  - h) It is envisaged that, based on these improvements, the LDOE should move out of a disclaimer for the transactions and records pertaining to the 2016/17 financial year; and
  - i) Since the LDOE is unable to find all the “old” records as requested by the AG in prior years, it is likely that the Department will never move out of a disclaimer opinion if the AG continues to base their opinion on the availability of records from prior years.

The Executive Council noted the report as presented.

### **Special Economic Zones**

A memorandum providing a progress report on the implementation of the Special Economic Zones was presented to the Executive Council meeting.

The memorandum highlighted the following:-

- a) Cabinet has approved the designation of the Musina-Makhado SEZ on 8th July 2016. The province is working with the dti to have the notice of designation gazetted. At the Economic Development MinMEC held on 18th November 2016, it was agreed that all SEZs as initially proposed should go ahead as planned;
- b) The SEZ Steering Committee has set up 6 work streams, each with a work stream leader, aimed at monitoring key areas of focus to ensure successful implementation of the Musina-Makhado SEZ;

- c) The application for designation of the Tubatse SEZ has been submitted to the Department of Trade and Industry. It has a total of 7 investors with a total investment value of R13.2 billion and approximately 6 484 permanent jobs to be created;
- d) The Tubatse SEZ engineering master plan (that includes designs and cost) is 90% complete and the expected completion date is March 2017; and
- e) Bulk Infrastructure rollout is expected to commence in 2017/18 pending the approval of the Tubatse SEZ license. Progress on Strategic Environmental Impact Assessment is at 55% complete. Delivery of the report due in June 2017.

The Executive Council noted the report as presented.

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*Issued by the Office of the Premier*