



Wes-Kaapse Provinsiale Parlement Western Cape Provincial Parliament IPalamente yePhondo leNtshona Koloni

Ref Number: WCPP 11/4/4

Report of the Standing Committee on the Premier and Constitutional Matters: WCPP Seats, as follows:

1. Introduction

In accordance with Standing Rule 92, the report of the Ad-Hoc Committee: WCPP Seats was referred by the House on 15 December 2022 to the Standing Committee on the Premier and Constitutional Matters to make its policy recommendation to the House to amend Section 13 of the Constitution of the Western Cape. In the report of the Ad-hoc Committee, it was recommended that based on the research findings, the number of seats allocated to the Western Cape Provincial Parliament more than 20 years ago is no longer adequate. The current number of seats is not sufficient to represent the people of the Western Cape optimally as accountability is compromised.

2. Overview

On 3 March 2023, Advocate A Le Roux, Senior Legal Advisor of the Western Cape Provincial Parliament's Legal Unit, briefed the Standing Committee on the Premier and Constitutional Matters on the process for amending the Provincial Constitution to change the number of seats of the Legislature.

The Committee deliberated on the draft policy options for amending Section 13 of the Provincial Constitution.

3. Recommendations to be considered by the House

The Committee RECOMMENDS in respect of section 13 of the Provincial Constitution to: -

- 3.1 add a formula for the determination of seats;
- 3.2 add an upper limit for the number of seats;
- 3.3 provide a mechanism for determination of the number of seats; and
- 3.4 amend the heading of the Clause.

Technical draft:

As amended:

<p><i>To amend the heading of section 13 as follows:</i></p> <p>[Composition] Number of members of the Provincial Parliament</p> <p><i>To amend the body of section 13 as follows:</i></p> <p>1. The Provincial Parliament consists of [42 elected members] one seat awarded for every 100 000 of the population whose ordinary place of residence</p>	<p>Number of members of the Provincial Parliament</p> <p>1. The Provincial Parliament consists of one seat awarded for every 100 000 of the population whose ordinary place of residence is within the Province but shall not exceed 80 seats.</p> <p>2. The number of seats of the Provincial Parliament must be determined in the manner provided for in its rules and orders.</p>
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The Committee further recommends that once the policy decision is adopted by the House, the process of preparing a draft Bill commences and that the Speaker be the Member in charge of the Bill.

Report to be considered.



MR. C. FRY (MPP)

CHAIRPERSON: STANDING COMMITTEE ON THE PREMIER AND CONSTITUTIONAL MATTERS

DATE: 15 March 2023