



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

MEETING MINUTES OF PROCEEDINGS

STANDING COMMITTEE ON THE PREMIER AND CONSTITUTIONAL MATTERS

Wednesday 22 November 2023 (14:00)

Hybrid meeting via MS Teams & the Chamber

PRESENT

Members:

Democratic Alliance

Fry, C (Chairperson)

Pretorius, G

Baartman, D

African National Congress

Dugmore, C

Economic Freedom Fighters

Klaas, T

Western Cape Provincial Parliament

Le Roux, A (Senior Legal Adviser)

Achmat, W (Procedural Officer)

Mshumpela, N (Committee Assistant)

Vermeulen, J (Senior Procedural Officer)

Hassen, S (Information Technology Assistant)

1. Welcome

The Chairperson opened the meeting and welcomed the Committee and Advocate le Roux.

2. Deliberation on the submissions received on the Constitution of the Western Cape Amendment Bill (Determination of Number of Members) [B6 - 2023] and the Western Cape Provincial Parliament's responses to submissions

Advocate le Roux briefed the Committee on the subject at hand.

Once comments were concluded, the Committee moved to the informal consideration of the Bill.

The Chairperson allowed the Committee to go through the Bill informally, clause-by-clause, allowing Members to raise any points of clarity.

Adv Baartman moved: To substitute clause one that instead of 42 elected Members, it reads 48 elected Members and that the proposal is omitted from the Bill that states “one Member for every 100,000 of the population whose ordinary place of residence is within the Province, but may not exceed 80 members. Subsection (2): number of members of the Provincial Parliament determined in the number provided for in its rules and orders.”

Adv Baartman’s emphasised the difference between legality and policy in legislative decisions. She also discussed the financial challenges faced by the Western Cape and proposed an increase of six members in the Provincial Parliament. The motions suggested absorbing the associated costs within the Parliament’s budget to protect essential services given the fiscal constraints.

Mr Dugmore moved: That clause 13 be removed from the Provincial Constitution. Once the legislature adopts this amendment by a two thirds majority, the Speaker to inform the IEC The IEC would then determine the size of the legislature according to the formula which applies to all other provinces.

Mr Dugmore’s motion also emphasised the urgency of briefing the legislature to ensure timely implementation.

Motion of Adv Baartman put.

AYES - 3: C Fry; G Pretorius; D Baartman.
NOES – 2: T Klaas; C Dugmore.

Motion of Adv Baartman supported, and Mr Dugmore motion dropped.

Advocate Le Roux shared timeline details during the committee session. He pointed out that if the bill were passed presently, its implementation would likely occur during the 2029 elections. This insight aimed to illustrate its impact on affordability discussions, despite uncertainties regarding future finances.

The Committee proceeded to discuss the Motion of Desirability and formally considered the Bill. Subsequently, the Committee reviewed and adopted the Draft Committee Report on the Constitution of the Western Cape Amendment Bill (Determination of Number of Members) [B6 – 2023].

The meeting adjourned at 16:30.



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MR C FRY, MPP

CHAIRPERSON: STANDING COMMITTEE ON THE PREMIER AND CONSTITUTIONAL MATTERS

DATE: 29 November 2023