

MINUTES OF PROCEEDINGS

OF THE

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

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MONDAY, 12 DECEMBER 2022

1. Members assembled in the Chamber at 09:00.
2. The Serjeant-at-Arms announced the Honourable the Judge President of the High Court, Judge President J M Hlophe who was received by Members standing.
3. The Honourable the Judge President took the chair and informed Members that there will be an opportunity for silence for prayer or meditation.
4. The Honourable the Judge President stated that the meeting had been convened in terms of section 110(1) of the national Constitution and section 19(3) of the Constitution of the Western Cape and requested the Returning Officer to read out the Notice calling the meeting.
5. The Returning Officer read out the following Notice, dated 12 December 2022:

MEETING OF THE WESTERN CAPE PROVINCIAL PARLIAMENT

It is hereby notified for general information that under and by virtue of the power vested in me by section 110(1), read with sections 128(1) and 111(1) of the Constitution of the Republic of South Africa, 1996, as well as section 19(3), read with sections 38(1) and 20(1) and 20(2) of the Constitution of the Western Cape, 1997, I, John Mandlakayise Hlophe, Judge President of the Western Cape High Court, Cape Town, have fixed Monday, 12 December 2022, at 09:00, as the date and time, and the Chamber of the Western Cape Provincial Parliament, Cape Town, as the place for the nomination and election of a Speaker of the Provincial Parliament.

J M Hlophe

Judge President, Western Cape High Court, Cape Town

Date: 12 December 2022

7. The Returning Officer submitted to the Honourable the Judge President a list of the names of the Members of the Provincial Parliament:

Allen, R I; America, D; August, S N; Baartman, D M; Bakubaku-Vos, N G; Bans, A P; Bosman, G; Bredell, A W; Brinkhuis, K; Christians, F C; Dugmore, C M; Fernandez, S G; Fry, C; Lekker, P Z; Mackenzie, R D; Marais, A J D; Marais, P J; Marran, P; Maseko, L M; Maynier, D J; Meyer, I H; Mitchell, D G; Murray, C; Mvimbi, L L; Nkondlo, N D; Philander, W F; Plato, D; Sayed, M K; Schäfer, B A; Sileku, I; Simmers, T A; Van der Westhuizen, A P; Wenger, M M; Winde, A R; Windvogel, R.

8. The Honourable the Judge President announced that in accordance with Rule 2 of the Rules for the election of a Speaker, Mr Romeo Adams shall act as Returning Officer, while Mr Lubabalo Stemele, Ms Zukisa Nduneni, Ms Lynne Saayman, Mr Alvin Poggenpoel and Mr Jason Cleophas have been appointed as Assistant Returning Officers. He further announced that the oath or solemn affirmation had already been administered to the Returning Officer and Assistant Returning Officers as required by the Rules.
9. The meeting proceeded to the election of a Speaker.
10. The Honourable the Judge President reminded Members that nominations had to be submitted on the prescribed form and that a person could not be elected unless he or she is qualified to take his or her seat as a member of the Provincial Parliament.
11. The Honourable the Judge President informed Members that in terms of Item 6 in Part A of Schedule 3 to the national Constitution and Item 6 of Schedule 2 of the Western Cape Constitution no debate would be allowed.
12. The Honourable the Judge President called for nominations.
13. Dr I H Meyer, seconded by Mr T A Simmers, nominated Mr D G Mitchell for election as Speaker.
14. Mr C M Dugmore, seconded by Mr M K Sayed, nominated Ms N D Nkondlo, for election as Speaker.
15. The Returning Officer reported to the Honourable the Judge President that the nomination papers had been properly completed.
16. There being more than one candidate nominated, the Honourable the Judge President announced that a secret ballot would be taken in terms of Item 6 of Part A of Schedule 3 of the national Constitution and Item 6 of Schedule 2 of the Western Cape Constitution and suspended proceedings for preparation of ballot papers.

BUSINESS SUSPENDED AT 09:20 AND RESUMED AT 09:43.
17. [09:43] The House proceeded to the secret ballot for the election of the Speaker.
18. The Honourable the Judge President announced that business would be suspended to allow the votes to be counted.

BUSINESS SUSPENDED AT 09:58 AND RESUMED AT 10:26.
19. [10:26] The Honourable the Judge President announced the results of the election, namely Ms N D Nkondlo – 11, Mr D G Mitchell – 23, and spoilt paper – 1. The Honourable the Judge President further announced that a spoilt ballot paper was recorded by a Hon Member and that the Member was given a new ballot paper to cast the vote. This spoilt ballot paper was not placed in the box.
20. The Honourable the Judge President announced that, in terms of Item 6(c) of Part A of Schedule 3 of the national Constitution and Item 6(c) of Schedule 2 of the Western Cape Constitution, he declared Mr D G Mitchell as the duly elected Speaker of the Province of the Western Cape.
21. The Honourable the Judge, on behalf of all present, congratulated Mr D G Mitchell on his election as Speaker.
22. The Honourable the Judge President withdrew from the Chamber.

23. The Speaker, having been conducted to the Chair by Mr D Plato and Ms L M Maseko, expressed his sense of the honour conferred upon him.
24. The House adjourned at 10:35.

ROMEO ADAMS
Secretary to Provincial Parliament
and Returning Officer

NOTULE VAN VERRIGTINGE

VAN DIE

PARLEMENT VAN DIE

PROVINSIE WES-KAAP

MAANDAG, 12 DESEMBER 2022

1. Lede kom om 09:00 in die Raadsaal byeen.
2. Die Ampswag meld Sy Edele die Regter-president van die Wes-Kaapse Hooggeregshof, Regter-president J M Hlophe, aan wat deur Lede staande ontvang word.
3. Sy Edele die Regter-president neem die Stoel in en lig Lede in dat 'n oomblik van stilte vir gebed of meditasie handhaaf word.
5. Sy Edele die Regter-president kondig aan dat die vergadering ingevolge artikel 110(1) van die nasionale Grondwet en artikel 19(3) van die Wes-Kaapse Grondwet byeengeroep is en versoek die Kiesbeampte om die Kennisgewing waarby die vergadering byeengeroep is, voor te lees.
6. Die Kiesbeampte lees die volgende Kennisgewing, gedateer 12 Desember 2022, voor:

BYEENKOMS VAN DIE WES-KAAPSE PROVINSIALE PARLEMENT

Hiermee word vir algemene inligting bekend gemaak dat kragtens die bevoegdheid aan my verleen deur artikel 110(1), gelees saam met artikels 128(1) en 111(1) van die Grondwet van die Republiek van Suid-Afrika, 1996, sowel as artikel 19(3), gelees saam met artikels 38(1) en 20(1) en 20(2) van die Grondwet van die Wes-Kaap, 1997, ek, John Mandlakayise Hlophe, Regter-president van die Wes-Kaapse Hoë Hof, Kaapstad, Woensdag, 12 Desember 2022, om 09:00 as die datum en tyd, en die Raadsaal van die Wes-Kaapse Provinsiale Parlement, Kaapstad, as die plek vir die benoeming en verkiesing van 'n Speaker van die Provinsiale Parlement, bepaal het.

J M Hlophe

Regter-president, Wes-Kaapse Hooggeregshof, Kaapstad

Datum: 12 Desember 2022

7. Die Kiesbeampte lê aan Sy Edele die Regter-president 'n lys voor van die name van die Lede van die Provinsiale Parlement:

Allen, R I; America, D; August, S N; Baartman, D M; Bakubaku-Vos, N G; Bans, A P; Bosman, G; Bredell, A W; Brinkhuis, K; Christians, F C; Dugmore, C M; Fernandez, S G; Fry, C; Lekker, P Z; Mackenzie, R D; Marais, A J D; Marais, P J; Marran, P; Maseko, L M; Maynier, D J; Meyer, I H; Mitchell, D G; Murray, C; Mvimbi, L L; Nkondlo, N D; Philander, W F; Plato, D; Sayed, M K; Schäfer, B A; Sileku, I; Simmers, T A; Van der Westhuizen, A P; Wenger, M M; Winde, A R; Windvogel, R.

8. Sy Edele die Regter-president kondig aan dat, ooreenkomstig Reël 2 van die Reëls vir die verkiesing van Premier en Speaker, mnr Romeo Adams as Kiesbeampte sal optree terwyl mnr Lubabalo Stemele, me Zukisa Nduneni, me Lynne Saayman, mnr Alvin Poggenpoel en mnr Jason Cleophas as Assistentkiesbeamptes aangestel is. Hy kondig voort aan dat die eed of plegtige bevestiging reeds van die Kiesbeampte en Assistentkiesbeamptes afgeneem is, soos deur die Reëls vereis word.
 9. Die vergadering gaan oor tot die verkiesing van 'n Speaker.
 10. Sy Edele die Regter-president herinner Lede daaraan dat benoemings op die voorgeskrewe vorm ingedien moet word en dat iemand nie verkies kan word tensy hy of sy 'n lid van die Provinsiale Parlement is nie.
 11. Sy Edele die Regter-president wys Lede daarop dat ingevolge item 6 in Deel A van Bylae 3 van die nasionale Grondwet en item 6 van Bylae 2 van die Wes-Kaapse Grondwet geen debat toegelaat sal word nie.
 12. Sy Edele die Regter-president vra om benoemings.
 13. Dr I H Meyer, gesekondeer deur mnr T A Simmers, benoem mnr D G Mitchell vir verkiesing tot Speaker.
 14. Mnr C M Dugmore, gesekondeer deur mnr M K Sayed, benoem me N D Nkondlo vir verkiesing tot Speaker.
 15. Die Kiesbeampte rapporteer aan Sy Edele die Regter-president dat die benoemingsbriewe behoorlik voltooi is.
 16. Aangesien daar meer as een kandidaat benoem is, kondig Sy Edele die Regter-president aan dat 'n geheime stemming ingevolge item 6 van Deel A van Bylae 3 van die nasionale Grondwet en item 6 van Bylae 2 van die Wes-Kaapse Grondwet plaasvind en skort werksaamhede op vir die voorbereiding van stembriewe.
- WERKSAAMHEDE OPGESKORT OM 09:20 EN HERVAT OM 09:43.
17. [09:43] Die Huis gaan oor tot 'n geheime stemming vir die verkiesing van die Speaker.
 18. Sy Edele die Regter-president kondig aan dat werksaamhede opgeskort word sodat die stemme getel kan word.
- WERKSAAMHEDE OPGESKORT OM 09:58 EN HERVAT OM 10:26.
19. [10:26] Sy Edele die Regter-president kondig die uitslag van die verkiesing aan, naamlik: me N D Nkondlo – 11, mnr D G Mitchell – 23, en bedorwe stembriewe – 1. Sy Edele Regter-president kondig verder aan dat 'n bedorwe stembrief deur 'n agbare Lid aangeteken is en dat 'n nuwe stembrief aan die Lid gegee is om die stem uit te bring. Hierdie bedorwe stembrief is nie in die stembus geplaas nie.
 20. Sy Edele die Regter-president kondig aan dat hy, ingevolge item 6(c) van Deel A van Bylae 3 van die nasionale Grondwet en item 6(c) van Bylae 2 van die Wes-Kaapse Grondwet, mnr D G Mitchell as behoorlik verkose Speaker van die Provinsie Wes-Kaap verklaar.
 21. Sy Edele die Regter-president wens mnr D G Mitchell namens almal teenwoordig geluk met sy verkiesing tot Speaker.
 22. Sy Edele die Regter-president verlaat die Raadsaal.

23. Nadat die Speaker deur mnr D Plato en me L M Maseko na die Stoel begelei is, gee hy sy uiting aan die eer wat hom betoon is.
24. Die Huis verdaag om 10:35.

ROMEO ADAMS
Sekretaris van die Provinsiale
Parlement en Kiesbeampte