

# MINUTES OF PROCEEDINGS

## OF THE

# PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

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WEDNESDAY, 22 MAY 2019

1. Members assembled in the Chamber at 10:30.
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 silent for prayer or meditation.
4. The following members made and subscribed the oath or solemn affirmation before the Honourable the Judge and took their seats:  

Allen, R I; America, D; Baartman, D M; Bakubaku-Vos, N G; Botha, L J; Bosman, G; Bredell, A W; Christians, F C; De Jager, I; Dugmore, C M; Fernandez, S G; Fritz, A T; Herron, B N; Kama, M; Lekker, P Z; Lili, A; Mackenzie, R D; Madikizela, B S; Marran, P; Makamba-Botya, N; Marais, A J D; Marais, P J; Maseko, L; Maynier, D J; Mbombo, N; Meyer, I H; Mitchell, D G; Mngasela, M; Mvimbi, L L; Nkondlo, N D; Philander, W F; Sayed, M K; Schäfer, B A; Schäfer, D A; Simmers, T A, Smith, D; Van Der Westhuizen, A P; Wenger, M M; Winde, A R; Windvogel, R; Xego, M.
5. 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.
6. The Returning Officer read out the following Notice, dated 17 May 2019:

### FIRST 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, 199, I, John Mandlakayise Hlophe, Judge President of the Western Cape High Court, Cape Town, have fixed Wednesday, 22 May 2019, at 10:30, 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 Premier of the Western Cape and thereafter for the nomination and election of Speaker and Deputy Speaker of the Provincial Parliament.*

*J M Hlope*

Judge President, Western Cape High Court, Cape Town

Date: 17 May 2019

7. The Returning Officer submitted to the Honourable the Judge a list of the names of the members of the Provincial Parliament:  
  
Allen, R I; America, D; Baartman, D M; Bakubaku-Vos, N G; Botha, L J; Bosman, G; Bredell, A W; Christians, F C; De Jager, I; Dugmore, C M; Fernandez, S G; Fritz, A T; Herron, B N; Kama, M; Lekker, P Z; Lili, A; Mackenzie, R D; Madikizela, B S; Marran, P; Makamba-Botya, N; Marais, A J D; Marais, P J; Maseko, L; Maynier, D J; Mbombo, N; Meyer, I H; Mitchell, D G; Mngasela, M; Mvimbi, L L; Nkondlo, N D; Philander, W F; Sayed, M K; Schäfer, B A; Schäfer, D A; Simmers, T A; Smith, D; Van Der Westhuizen, A P; Wenger, M M; Winde, A R; Windvogel, R; Xego, M.
8. The Honourable the Judge President announced that in terms of Rule 2 of the Rules for the election of Premier and Speaker, Mr Romeo Adams shall act as Returning Officer, while Ms Nicolle Petersen and Mr Jabulani Nkabinde 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 Premier.
10. The Honourable the Judge President reminded members that, in terms of the national Constitution and the Western Cape Constitution as well as the Rules, each nomination must be submitted on the prescribed form. He further drew the attention of members specially to section 128(1) of the national Constitution and section 38(1) of the Western Cape Constitution, in terms of which no person may be elected as Premier 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. Mr B S Madikizela, seconded by Mr D Maynier, nominated Mr A R Winde for election as Premier.
14. Mr L L Mvimbi, seconded by Mr P Marran, nominated Mr C M Dugmore for election as Premier.
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 11:07 AND RESUMED AT 11:18

17. [11:18] The House proceeded to the secret ballot for the election of the Premier.
18. The Honourable the Judge President announced that business would be suspended to allow the votes to be counted.

BUSINESS SUSPENDED AT 11:34 AND RESUMED AT 11:56

19. [11:56] The Honourable the Judge President announced the results of the election, viz: Mr C M Dugmore – 10, Mr A R Winde – 24 and spoilt papers - 6.
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 A R Winde duly elected Premier of the Province of the Western Cape.
21. The Honourable the Judge President on behalf of all present congratulated Mr A R Winde on his election as Premier.
22. Mr A R Winde, having been elected as Premier, expressed his sense of the honour conferred upon him.
23. The meeting proceeded to the election of a Speaker.
24. The Honourable the Judge President reminded members that nominations had to be submitted in 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.
25. 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.
26. The Honourable the Judge President called for nominations.
27. Ms S G Fernandez, seconded by Ms A J Du Toit Marais, nominated Mr M Mnqasela, for election as Speaker.
28. Mr M K Sayed, seconded by Ms N G Bakubaku-Vos, nominated Ms P Z Lekker, for election as Speaker.
29. The Returning Officer reported to the Honourable the Judge President that the nomination papers had been properly completed.
30. 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 12:06 AND RESUMED AT 12:12

31. [12:12] The House proceeded to the secret ballot for the election of the Speaker.
32. The Honourable the Judge President announced that business would be suspended to allow the votes to be counted.

BUSINESS SUSPENDED AT 12:24 AND RESUMED AT 12:42

33. [12:42] The Honourable the Judge President announced the results of the election, viz: Ms P Z Lekker - 12, Mr M Mnqasela – 23, and 2 spoilt papers.
34. 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 M Mnqasela duly elected Speaker of the Province of the Western Cape.
35. The Honourable the Judge, on behalf of all present, congratulated Mr M Mnqasela on his election as Speaker.
36. The Honourable the Judge President withdrew from the Chamber.
37. The Speaker, having been conducted to the Chair by Mr R D Mackenzie and Dr I H Meyer, expressed her sense of the honour conferred upon her.
38. The meeting proceeded to the election of a Deputy Speaker.
39. The Speaker reminded members that nominations had to be submitted in 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.
40. The Speaker informed members that in terms of Item 4 in Part A of Schedule 3 to the national Constitution and Item 4 of Schedule 2 of the Western Cape Constitution no debate would be allowed.
41. The Speaker called for nominations.
42. Mr D G Mitchell, seconded by Ms W F Philander, nominated Ms B A Schäfer, for election as Deputy Speaker.
43. Ms N D Nkondlo, seconded by Mr A Lili, nominated Mr L L Mvimbi, for election as Deputy Speaker.
44. The Returning Officer reported to the Honourable Speaker that the nomination papers had been properly completed.
45. There being more than one candidate nominated, the Honourable Speaker 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 12:51 AND RESUMED AT 12:57

46. [12:57] The House proceeded to the secret ballot for the election of the Deputy Speaker.
47. The Speaker announced that business would be suspended to allow the votes to be counted.

BUSINESS SUSPENDED AT 13:08 AND RESUMED AT 13:26

48. The Speaker announced the results of the election, viz: Mr L L Mvimbi - 12, Ms B A Schäfer - 23 and 2 spoilt papers.
49. The Speaker 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 Ms B A Schäfer duly elected Deputy Speaker of the Province of the Western Cape.
50. The Speaker, on behalf of all present, congratulated Ms B A Schäfer on her election as Deputy Speaker.

51. The Deputy Speaker, having being elected expressed her sense of the honour conferred upon her.

52. [13:28] The Chief Whip moved: That, in terms of section 61(2) of the National Constitution, the following be appointed as permanent delegates to the National Council of Provinces:


Arnolds, A  
Gillion, M N  
Labuschagne, C  
Londt, J J  
Njadu, E Z  
Sileku, I M

Agreed to.

53. [13:30] The Chief Whip moved: That the House confers authority on the Province's delegation to the National Council of Provinces for the election of the Chairperson, the permanent deputy Chairperson and the rotating Deputy Chairperson of the National Council of Provinces to vote in accordance with a decision taken by the delegation itself.

Agreed to.

54. The House adjourned at 13:32.



R ADAMS

Secretary to Provincial Parliament  
and Returning Officer