



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

MEETING MINUTES OF PROCEEDINGS
STANDING COMMITTEE ON THE PREMIER AND CONSTITUTIONAL MATTERS
Friday 14 February 2025
Chamber, 6th floor, 7 Wale Street, Cape Town

PRESENT

Members:

Democratic Alliance

Kaizer-Philander W
Van Minnen B (Chairperson)
Van Wyk L
Walters T

African National Congress

Sayed K

GOOD

Herron B

Patriotic Alliance

Stephens D

Additional Members

Petrus, B

Western Cape Provincial Parliament

Le Roux, A, Senior Legal Adviser
Vermeulen, J, Senior Procedural Officer
Achmat W, Procedural Officer
Mshumpela N, Committee Assistant
Morris C, ICT Support
Hassen S, ICT Support

Department of the Premier

Basson D, Chief Financial Officer
Maholwana N, Director DG Support
Robson H, Acting Director
Van Rensburg, R, Corporate Assurance

Van Der Schyff, L, Senior Legal Adviser
Muller, A, Legal Services

Officials

Jacobs, R (ANC Liaison Officer)
Mojalo, M (ANC Researcher)

1. Welcome

The Chairperson opened the meeting, welcoming the Committee Members and officials from the Department of the Premier. Apologies were noted from Member Lekker, the Premier, the Director-General (DG) and Ms A Vosloo, and the Senior Legal Adviser from the Department of the Premier.

2. Briefing by the Department of the Premier on appointment of the WC Commissioner for Children

Ms Robson, the Acting Director presented on the appointment process for the Children's Commissioner, referencing the Western Cape Commissioner for Children's Act (Act 2 of 2019).

Key points included:

- 2.1 The Standing Committee must call for public nominations via media notices for 14 days in all three official languages.
- 2.2 The Committee must publish a list of nominations, invite objections, and consider these before creating a shortlist.
- 2.3 Shortlisted candidates will undergo an interview process. Thereafter, a motion recommending the preferred candidate will be tabled in the House for adoption. Upon adoption, the recommendation will be formally submitted to the Premier for consideration
- 2.4 The Premier must appoint the recommended candidate within 20 days or refer the matter back to Parliament.
- 2.5 The Commissioner serves a renewable 5-year term and must meet specific qualifications, including being a South African citizen, having relevant knowledge or experience, and not holding conflicting offices.

The Chairperson thanked the Department for its preparation and responses to the questions raised by the Committee members.

3. Discussion on the way forward on the Western Cape Amendment Bill (Determination of Number of Members) [B6 - 2023]

The discussion centered around the Committee's need for a comprehensive presentation to move forward with the proposed seat increase. The key points raised included:

- 3.1 Updated Financial Information: Current financial implications of various seat options.
- 3.2 Timeline and Implementation: Implementation timeline, estimated costs for implementation at present versus 2029, and review of the implementation plan.

- 3.3 Legal Clarity: Answers to unanswered legal questions, including the process for implementing the seat increase.
- 3.4 Seat Numbers and Costs: Implications of different seat numbers on costs.
- 3.5 Submission of questions: Members will submit questions by a specific deadline that must be addressed in the presentation.

To facilitate an informed decision on the proposed seat increase, the Committee seeks a comprehensive presentation addressing these points.

4. Consideration and adoption of the Draft Committee Meeting Minutes of 28 November 2024

The Chairperson submitted the Draft Committee Minutes of the meetings held on 28 November 2024, which were considered and adopted.

5. Resolutions/Actions

5.1 Regarding the Western Cape Commissioner for Children, the Committee resolved to:

- Invite the public to nominate candidates for the Western Cape Commissioner for Children position through a media notice in the three official languages for 14 days.
- Request the Department of the Premier to provide a briefing on the previous Commissioner's term.
- Plan a workshop or reflection session before the interview process to ensure a thorough evaluation of candidates.

5.2 Regarding the Western Cape Amendment Bill (Determination of Number of Members) [B6 - 2023], the Committee resolved that it would request a comprehensive presentation from the Western Cape Provincial Parliament on the Bill consisting of the following:

5.2.1 Financial Implications

- Updated financial information on increasing seats.
- Cost associated with infrastructure changes.
- Cost of remunerating office bearers.
- Financial impact on Western Cape Secretarial Allowances, Western Cape Constituency Allowances, and Members' Enabling Allowances.
- Clarification on funding responsibilities between Provincial funding and National Treasury.

5.2.2 Timeline and Process

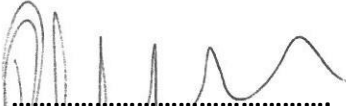
- A detailed timeline for the process.
- Process for reviving the Bill, including readvertisement, public engagement, and potential changes to the Bill.
- Whether the Committee needs to have public engagement again.

5.2.3 Legal Considerations

- Clarification on legal issues surrounding implementation, ensuring compliance with the Constitution and relevant law.

5.3 Members to submit questions on the Western Cape Amendment Bill by Friday, 21 February 2025, to be addressed in the presentation.

The meeting adjourned at 14:36.


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MS B VAN MINNEN, MPP

CHAIRPERSON: STANDING COMMITTEE ON THE PREMIER AND CONSTITUTIONAL MATTERS

DATE: 11 March 2025