

Tuesday, 3 March 2026]

No 15 - 2026] THIRD SESSION, SEVENTH PARLIAMENT

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

TUESDAY, 3 MARCH 2026

ANNOUNCEMENT

The Speaker:

Minister of Finance

Intention to introduce the Western Cape Twentieth Gambling and Racing Amendment Bill of 2026 on Budget Day, 12 March 2026.

Letter attached.

COMMITTEE REPORTS

- 1. Report of the Conduct Committee on a complaint against an Honourable Member of the Western Cape Provincial Parliament in accordance with the Code of Conduct for Members of the Western Cape Provincial Parliament, dated 20 February 2026, as follows:**

At the meeting of the Conduct Committee (“Committee”) on 28 November 2025, the Registrar of Members’ Interests submitted a report on the complaint lodged by Hon M K Sayed against Hon A R Winde, Premier.

1. A complaint on the correct affidavit form was filed by the leader of the Opposition, Mr Sayed, against Mr Winde, Premier, alleging that he had breached the Code of Conduct by failing to disclose a registrable interest in accordance with paragraph 12(9) as well as paragraphs 2(5) and 3(7) of the Code.
2. The leader of the Opposition also filed a formal complaint, which is still under investigation, with the Public Protector in terms of the Executive Members’ Ethics Code and the Executive Members’ Ethics Act, 1998 (Act 82 of 1998).

3. It is alleged that Mr Winde had failed to disclose a sponsorship of an economy-class return ticket to New York to attend the Climate Week NYC 2024 Conference under the auspices of the Under2Coalition.
4. It is further alleged that Mr Winde's financial disclosure form failed to disclose this sponsorship.

The report of the Registrar to the Committee disclosed the following:

1. Mr Winde filed his declaration in February 2025, but there was no mention of the sponsorship therein.
2. The Annual Report of the Department of the Premier for 2024/25 reflected the sponsorship on pages 15 and 267 in the following terms:

Page 15

Under2Coalition: Covering the cost of an economy-class ticket for Premier Winde to attend the Climate Week NYC 2024 Conference held in New York from 22 to 25 September 2024.

Page 267

Under2Coalition: Covering the cost of an economy-class ticket for Premier Winde to attend the Climate Week NYC 2024 Conference held in New York from 22 to 25 September 2024.

The amount concerned being R51 000.

Mr Winde was informed, as a matter of courtesy, that a copy of the public portion of his 2025 disclosure had been requested by Mr Sayed, and he was asked if there were any updates to be made. He answered in the negative.

Thereafter Mr Winde was informed of the charges once Mr Sayed had filed his affidavit, and he was afforded the opportunity to respond thereto.

Mr Winde's response was a denial that he had breached the Code of Conduct.

He stated that he attended the conference: "as African co-chair (and thus as regional leader / Premier of the Western Cape)".

He also stated: "Given my role as regional leader and regional co-chair for the Under2Coalition, the Under2Coalition offered to reimburse the Western Cape Government the cost of one return economy-class ticket to the Conference."

It was further stated that, initially, the state had absorbed the cost and that the money from the Under2Coalition was only paid into the Western Cape Government's account in April 2025.

Mr Winde also stated that he attended the conference "in my official capacity as Premier of the Western Cape".

The Committee debated the Registrar's report and unanimously accepted it. The Committee found that there had been a clear breach of paragraphs 12(9) and 3(7). It also determined that there had been no breach of paragraph 2(5)(a) as the donation had been declared in the Annual Report of his Department.

The Committee then deliberated at length on the question of an appropriate sanction to be recommended to this House, after having heard the Registrar on factors in aggravation and mitigation of sanction.

The Committee was divided over the sanctions, with the one proposal being a reprimand and the other proposal being a reprimand plus a modest fine or, alternatively, a short period of suspension from the House. The latter proposal was voted upon and lost.

Mr Winde was notified of the Committee's findings, and he was invited to make representations regarding the mitigation of sentence.

Mr Winde responded by filing a written notice of appeal with the Speaker.

This constituted an irregular step as an appeal, in accordance with the Code of Conduct, can only be noted once the Committee has submitted its report to the House in accordance with paragraph 28 read with paragraph 31(1) of the Code.

Nonetheless, the Committee perused the document to determine if there were any mitigating circumstances and found that there were none.

Arising from Mr Winde's response, referred to above, and with specific reference to the provisions of the Executive Members' Ethics Code and Executive Members' Ethics Act, which Mr Winde correctly stated binds members of the executive, the Leader of the Opposition also filed a complaint with the Public Protector in regard to this matter, which is still under investigation by the Public Protector.

In the result, the Committee tables its Report, together with its recommendation, namely a reprimand, as sanction.

Report to be considered.

2. Report of the Conduct Committee on a complaint against an Honourable Member of the Western Cape Provincial Parliament in accordance with the Code of Conduct for Members of the Western Cape Provincial Parliament, dated 20 February 2026, as follows:

At the meeting of the Conduct Committee ("Committee") on 14 November 2025, the Registrar of Members' Interests submitted a report on the complaint lodged against Hon Herron.

Member Herron was charged with the following breaches of the Code of Conduct:

1. Contravention of paragraph 2(3) of the Code of Conduct that states that: "A Member shall ensure at all times that the dignity, credibility and integrity of the Provincial Parliament is maintained."
2. Contravention of paragraph 2(5)(b) that states that a Member shall: "(b) act honestly and maintain the trust that the public places in him or her."
3. Contravention of paragraph 2(6)(a) that states that a Member shall: "(a) at all times act in good faith and in the interest of good governance;"
4. Contravention of paragraph 3(1) that states that a member shall: "conduct himself or herself with dignity and integrity appropriate to his or her office;"

5. Contravention of paragraph 3(3) that states that a Member shall: “ensure that his or her personal conduct is consistent with the dignity and integrity of the Provincial Parliament;”
6. Contravention of section 10(1) of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000) (PEPUDA).

The charges arose from certain statements made by the Member in the form of a media release, which was subsequently widely reported on in the mainstream media.

The statements made in the release in turn referred to media reports involving Members of the National Assembly who were attacked at the intersection of New Eisleben Road and Govan Mbeki Road.

One of the Members (Mr Ian Cameron) drew a firearm and fired a shot or shots wounding one of the attackers. During the incident another Member (Mr N Gotsell) suffered a fractured skull plus a laceration to the skull after having been hit with a brick.

After the attack, which took place on 19 August 2025, Mr Herron published a media statement on the GOOD party’s website that was sharply critical of Mr Cameron’s actions.

A similar albeit very brief statement was published on X, formerly Twitter, offering substantially the same criticism of Mr Cameron.

Several media houses picked up on the story and published articles regarding the incident.

The incident also provoked a sharp and pointed response from an attorney in Johannesburg.

Mr Herron was advised by email, dated 13 October 2025, that a complaint had been filed against him, and in it was listed the several charges. Mr Herron was also informed that he had 14 calendar days to respond to the charges.

At the outset the Committee determined that the charges under PEPUDA did not fall under the Code of Conduct and were thus ignored.

The Committee did, however, have regard to the words and sentences used in the media release determining that they did, in fact, fall under proscribed utterances in terms of PEPUDA and, therefore, viewed them as aggravating circumstances when it deliberated sanctions.

At the request of Mr Herron, further details were provided to him in the form of the affidavit founding the complaint. Certain parts of the affidavit were redacted to protect the identity of the complainant; however, the substance of the various charges was immediately apparent.

Thereafter, a written response to the charges was received from Mr Herron on 24 October 2025.

The Registrar duly filed his report with the Committee who considered the report at the meeting of 14 November 2025.

Arising from the Member's response to the charges, the Committee was provided with the redacted affidavit provided to the Member as well as an unredacted version. This was in response to Mr Herron's claim that he was "unable to understand, fully, the complaint against me", and further that he was "unable to respond meaningfully to an anonymous complaint".

The Committee considered the statements referred to and perused the documentation mentioned above and concluded that there was no merit in the Member's allegations.

The Member raised the point that the Committee has no jurisdiction in this matter as he, in publishing the article, was not involved in carrying out a parliamentary duty as a Member of the WCPP.

The Committee rejected this defence, considering that the preamble to the Code as well as paragraph 3(3) afforded the Committee jurisdiction.

Mr Herron also raised the defence that the Code only applies to his actions in the performance of his official duties and not to statements published as the Secretary General of the GOOD party.

The Committee rejected this defence on the following grounds: firstly, that the preamble to the Code binds all Members of the WCPP, secondly, that the disputed paragraph (paragraph 3) refers to paragraph 2 which paragraph does not limit a Member's action to official duties. Similarly, his defences in respect of paragraphs 2(3), 2(5) and 2(6) were rejected.

Mr Herron's defence against a breach of paragraph 3(3) was rejected for similar reasons, in that the use of the conjunction "and" in the paragraph added the subordinate duties there listed to the general duties in accordance with paragraph 2.

The Committee determined that the intention of the paragraph is clear. In the performance of official duties, the Member must abide by paragraph 2, but when it comes to personal conduct, financial independence and the maintenance of the dignity of the WCPP (behaviours that extend into the Member's private behaviour), the Member must abide by the subparagraphs as contraventions of those injunctions can adversely affect the integrity and public standing of the WCPP.

The Committee then, and at length, deliberated on the report, together with the Member's response to the charges and decided unanimously that the Member had breached the following paragraphs of the Code:

1. Paragraph 2(3) of the Code of Conduct that states that: "A Member shall ensure at all times that the dignity, credibility and integrity of the Provincial Parliament is maintained."
2. Paragraph 2(5)(b) that states that a Member shall: "(b) act honestly and maintain the trust that the public places in him or her."
3. Paragraph 2(6)(a) that states that a Member shall: "at all times act in good faith and in the interest of good governance;"

The Committee determined that the alleged breach of paragraphs 3(1) and 3(3) were unfounded and were ignored.

The Committee then deliberated on an appropriate sanction having heard factors in aggravation and mitigation of sanction from the Registrar.

The Committee determined that the following penalties would be recommended to the House in accordance with paragraph 32 of the Code:

1. A reprimand; plus
2. A fine equivalent to 5 days' salary; plus
3. The suspension of the Member's privileges or right to a seat in parliamentary debates or committees for a period of 7 days.

The Member was then afforded the opportunity to offer factors in mitigation of the recommended sanction.

The Member responded with a notice of leave to appeal the decision of the Committee, which constituted an irregular step as an appeal may only be noted once the Committee has concluded its business and submitted its report to the House (paragraph 31(1)).

The Committee nonetheless perused the notice but could discern nothing that pointed to mitigation of sanction.

Report to be considered.

3. Report of the Conduct Committee on a complaint against an Honourable Member of the Western Cape Provincial Parliament in accordance with the Code of Conduct for Members of the Western Cape Provincial Parliament, dated 20 February 2026, as follows:

At the meeting of the Conduct Committee ("Committee") on 14 November 2025, the Registrar of Members' Interests submitted a report on the complaint lodged by Minister M Wenger against Hon Windvogel.

Member Windvogel was charged with breaches of the following paragraphs of the Code of Conduct:

1. Paragraph 2(3): "A Member shall ensure at all times that the dignity, credibility and integrity of the Provincial Parliament is maintained."
2. Paragraph 2(5)(a) and (b): "A Member shall — (a) exercise his or her public duties in an open and transparent manner, and (b) act honestly and maintain the trust that the public places in him or her."
3. Paragraph 2(6)(a): "A Member shall — at all times act in good faith and in the interest of good governance;"
4. Paragraph 3(1): "A Member shall ... — (1) conduct himself or herself with dignity and integrity appropriate to his or her office;"

Further that her actions had breached section 17(2)(h) of the National Health Act, 2003 (Act 61 of 2003), and also breached section 14(2) of said Act read with section 15 thereof.

Further, that the Member had breached the Protection of Personal Information Act, 2013 (Act 4 of 2013) (POPIA), by recording folders of patients and taking video images of patients without their permission.

The complaint arose from a properly submitted affidavit in accordance with paragraph 22, accompanied by other affidavits detailing the actions of the Member. The complaint was registered on 21 August 2025.

Member Windvogel was informed of the charges by email from the Registrar of Member's Interests on 28 August 2025 and was accorded the prescribed 14 days to respond to the charges.

Member Windvogel did not respond to the notification from the Registrar by 11 September 2025, that being the return day, who then, in accordance with the Code was informed on 14 September 2025 that the matter would now progress to a preliminary investigation.

On 15 September 2025, Member Windvogel acknowledged receipt of the email dated 28 August 2025 but had only read it on 15 September 2025. Attached to this email from Member Windvogel was her response to the charges plus a request that she be afforded an opportunity to file her explanation.

The Member was informed that the time periods in the Code were prescriptive but, nonetheless, that the explanation would be tabled before the Committee who would assess whether this indulgence would be granted.

The Report of the Registrar was filed for consideration by the Committee on 14 November 2025.

At the meeting the members of the Committee considered the late submission of Member Windvogel's response to the charges and, following a debate, voted to accept it as an exception to the requirements of the Code.

Arising from the report, the followings facts came to light:

1. On three occasions, namely at the Railton Clinic on 19 February 2025, secondly at the Grabouw CHC on 2 April 2025 and lastly at the Swellendam Clinic on 14 May 2025, the Member, accompanied by various persons not in the employ of the WCPP, took photographs or alternatively videos of the buildings (Railton Clinic), and of patients inside the clinic (Swellendam) without their permission, and allowed a third party to surreptitiously videotape an employee of the Western Cape Department of Health and Wellness without his permission (Grabouw CHC).
2. Affidavit evidence showed that the Member was requested not to do so (February 2025 incident at the Railton Clinic) and it was pointed out that notices in English, Afrikaans and Xhosa were prominently displayed at all three institutions stating that the taking of photographs was impermissible, as was videography (in terms of POPIA), further that any request to take photographs had to be authorised in writing by the Western Cape Government Directorate of Communication and the head of the institution. It is common cause that no such permission was sought or granted.
3. The affidavit also showed that the Member, when confronted, stated that she was from Parliament and thus was entitled to take photographs.
4. The video taken at the Grabouw CHC was subsequently posted on social media (on TikTok).
5. The employee concerned was interviewed by the Registrar and disclosed that he had suffered threats in the community, that he was worried about the safety of his family members, and that the consequences of the video reached as far as Somerset

West where he went for an operation to his foot. He stressed that he had not been informed that a video had been being made, nor was his permission sought. He also stated that, as a result of the community reactions, he had to seek medical advice, was diagnosed with depression, and was placed on antidepressants for a period of six months.

6. As regards the third incident, affidavit evidence showed that the Member, accompanied by an unidentified male, entered the premises and took photographs and/or videos of patients inside the facility.
7. In respect of the Grabouw incident, affidavit evidence showed that the Member, on being asked if she had an appointment, responded that she and those with her were “from the MEC’s office” and therefore did not need an appointment.
8. The persons accompanying her were identified as one Nosipho Daniels (the videographer), apparently a community activist and lay preacher; while the others were identified only as Messrs Mawawa, Mentile and Mxokozeli, all of whom are apparently patients at the facility.
9. The report also showed that the Registrar had interviewed other personnel at the facility where it was stated by one witness that the Member said that she was the MEC.

The Committee debated the report of the Registrar at length, with the majority concluding as follows:

1. On the charges of contravention of sections 12 and 14 of the Constitution of the Republic of South Africa by videotaping patients without obtaining their express permission; contravention of section 17(2)(h) of the National Health Act; and contravention of section 14(2) read with section 15 of said Act.

The Committee decided that these contraventions lacked sufficient evidence and were thus not considered.

2. On the remainder of the charges, the majority of the Committee found that the Member had breached the Code of Conduct, Western Cape Government prescripts, as well as national legislation as follows:
 - 2.1 Contravention of the Protection of Personal Information Act by videotaping and or photographing patients without their express permission;
 - 2.2 Contravening the prescripts of the Western Cape Government regarding the taking of photographs and/or videos without having first obtained written permission.
3. Which actions the Committee decided contravened paragraphs 2(5)(a) and (b) of the Code of Conduct that state that:

“(5) Openness and honesty

A Member shall —

- (a) exercise his or her public duties in an open and transparent manner, and
- (b) act honestly and maintain the trust that the public places in him or her.”

4. Further that the Member had contravened paragraphs 2(6)(a) and 6(b) of the Code of Conduct that states that:

“(6) Act in good faith and meet obligations

A Member shall —

- (a) at all times act in good faith and in the interest of good governance; and

(b) meet all obligations imposed on him or her by law.”

In that the Member breached the provisions of POPIA.

5. The Member also contravened paragraph 3(1) which states that:

“3. General obligations

A Member shall, at all times, in the exercise of his or her duties adhere to the principles set out in paragraph 2 of the Code and shall —

(1) conduct himself or herself with dignity and integrity appropriate to his or her office;”

6. In consequence of all the above, the Committee concluded that the Member had also breached paragraph 2(3):

“A Member shall ensure at all times that the dignity, credibility and integrity of the Provincial Parliament is maintained.”

The Committee also resolved to recommend that Ms Nosipho Daniels who accompanied the Member during the visit to Grabouw CHC be reported to the Information Regulator for contravening POPIA by taking photographs and/or videos of persons without their prior consent and in contravention of published protocols in force at Western Cape Government health institutions, in order to protect the Western Cape Government.

Thereafter the Committee debated the question of an appropriate sanction to be recommended to this House for the Member, after the Registrar had presented factors in mitigation of sanction as well as factors in aggravation of sanction.

The Committee, after extensive debate, divided with the majority recommending the following:

1. A reprimand in accordance with paragraph 32(2)(a) of the Code; plus
2. A fine of 14 days’ salary in terms paragraph 32(2)(b) of the Code, of which half is suspended provided that the Member is not found guilty of breaching the Code of Conduct during the period of suspension; plus
3. Suspension from parliament in accordance with paragraph 32(2)(c) of the Code for a period of 15 days on full pay.

The Member was informed of the Committee’s decision and was invited to offer factors in mitigation of the recommended penalties.

The Member responded by filing an “appeal against the decision of the Conduct Committee”.

This, however, represented an irregular step, as, in accordance with the Code of Conduct, an appeal can only be noted once the Committee has finalised its report and tabled it.

Nonetheless, the document was perused, but the Committee could find nothing in the way of mitigating factors.

Report to be considered.