

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

MONDAY, 24 AUGUST 2015

COMMITTEE REPORT

Report of the Conduct Committee on the breach of the Code of Conduct for Members of the Western Cape Provincial Parliament, 2014, dated 21 August 2015, as follows:

The following Members were in attendance namely, Messrs' D Joseph, L H Max, M G E Wiley and P Uys.

At the meeting of the Committee held on 22 May 2015 the Registrar of Members' Interests, Ms R K Begg, presented a report on Members' second disclosure after the elections. The due date for the submission of disclosure forms was 30 April 2015. The disclosure forms were hand delivered to all Members except one on 27 March 2015 and emailed on 31 March 2015. 39 (thirty nine) out of 42 (forty two) Members submitted their disclosure forms by the due date. One Member resigned before the due date.

The Committee requested that letters be sent to the two Members, Ms T Dijana and Mr M L Fransman, who submitted their disclosure forms late for the 2014/15 financial year, to allow them the opportunity to provide reasons for the late submissions.

The Committee met again on 26 June 2015 and the responses received from the two Members were considered.

Member Dijana explained that she was outside of Cape Town busy with constituency work, hence her late submission and apologised for it.

The Committee noted the apology by Member Dijana but did not accept the reason provided. In deciding on the penalty to be imposed on the Member, the Committee took into consideration the fact that this is the first time the Member contravened the Code and had shown contrition.

THE COMMITTEE RECOMMENDS: that a letter of reprimand be sent to Member Dijana.

The Committee noted the reason provided by Member Fransman but did not accept it. In deciding on the penalty to be imposed on Member Fransman the Committee noted that

- (a) this is his second transgression of a similar nature,
- (b) he is the Leader of the Opposition, a multi term public representative,
- (c) he was a Member at several levels of government,
- (d) he has been a Member of the Executive,
- (e) he is fully conversant with the Rules and Code of Conduct of Parliament and as a result should demonstrate leadership qualities.

In addition the nature and tenor of the letter submitted by Mr Fransman was accusatory and combative.

The committee resolved:

- (a) that there was no substance to the explanation provided for the late submission of disclosure forms by Mr Fransman
- (b) this is the second transgression of this nature by Mr Fransman
- (c) the tenor of his letter addressed to the Committee was not acceptable,

THEREFORE THE COMMITTEE RECOMMENDS: that the highest possible fine be imposed on Mr Fransman i.e. a fine not exceeding the value of 30 days' salary.

The ANC dissented to both sanctions.

Report to be considered.