

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

FRIDAY, 28 OCTOBER 2016

COMMITTEE REPORT

Report of the Conduct Committee on the breach of the Code of Conduct dated 27 October 2016.

At the meeting of the Conduct Committee ("Committee") on 27 November 2015 the Registrar of Members' Interests submitted a report on the complaint lodged by Speaker S G Fernandez, dated 3 November 2015, against Member S W Davids.

In terms of the Speaker's complaint Member Davids is alleged to have violated the Members' Code of Conduct in that she breached provisions of the Code, in particular **Clauses 2 (4) (c)** and **(d)**.

The Committee instructed the Registrar to conduct further investigation into the allegations, and on 15 December 2015 the Registrar submitted a report after completing the investigation. Having considered and accepted the Registrar's report on 23 March 2016, the Committee decided to proceed with a Hearing into the allegations, and to formally charge Member Davids with having breached **Clause 2 (4) (b)**.

The Hearing commenced, and Member Davids was represented throughout the proceedings by Member C M Dugmore. The Registrar only submitted documentary evidence to present his case, while Member Dugmore elected not to lead any formal evidence on behalf of the Member. The respective parties hereafter closed their cases. On the 3 June 2016 the Committee called the Speaker to testify in support of her initial Affidavit.

On 14 October 2016, the Committee considered the written Heads of Argument, and the respective verbal supplementary submissions by the Registrar and Member Dugmore, and found Member Davids guilty as charged in that she had violated the principle provided for in **Clause 2 (4) (b)**.

On 21 October 2016, after having considered written submissions from the Registrar as well as Member Dugmore pertaining to aggravating and mitigating factors prior to the sanction, the Committee resolved, by majority, to recommend that a penalty, in terms of **Clause 32 (1)**, i.e. a Reprimand, be imposed on Member Davids.

Report to be considered.