

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

FRIDAY, 21 AUGUST 2020

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 14 August 2020, as follows:

The following Members were in attendance namely, Members D G Mitchell, M M Wenger, D M Baartman and P Z Lekker.

At the meeting of the Committee held on 15 May 2020 the Registrar of Members' Interests, Adv P Burgers, presented a report on Members' submission of Disclosure Forms for the 2020 calendar year. The due date for the submission of Disclosure Forms for the 2020 calendar year was 30 April 2020.

Disclosure forms were handed to Mr Maliti, the Members Affairs Official, on 13 March 2020 for distribution to the Members. On 14 April 2020 personalized disclosure forms were e-mailed to each individual Member and advised that e-mailed copies of the Disclosure Form would be acceptable in view of the national lockdown and declared state of disaster.

Internal Communication sent out two reminders to Members that the due date for submission of Disclosure of Interest Forms was 30 April 2020.

All Members submitted their Disclosure Forms on time except for Member Brinkhuis.

Member Brinkhuis responded to a query by the Registrar that his completed form was in his office at 7 Wale Street and that he could not access it. The Registrar informed him that he could obtain the necessary permit to access his office. Member Brinkhuis was able to access his office on 11 May 2020 and submitted his Disclosure Form. The Registrar received the forms from a WCPP official on 13 May 2020.

The Committee deliberated on the Registrars report dated 15 May 2020 and accordingly resolved to accept the Registrar's report that the Code of Conduct had indeed been breached and requested that a letter be sent to the Member, Mr G Brinkhuis, who failed to submit his Disclosure Forms on time and to provide him the opportunity to submit the reason(s) for the failure to submit by the prescribed deadline and in mitigation of penalty to be recommended by the Committee.

The Committee met on 14 August 2020 to consider the response received from the Member.

Member Brinkhuis advised that he struggled to obtain his completed forms from his office at 7 Wale Street due to the national lockdown. He was able to access 7 Wale Street on 11 May 2020 and submitted his completed forms to a WCPP official on the same day. He apologised for the late submission of Disclosure Forms.

In deciding on a recommended 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 accordingly recommends a reprimand as penalty for Member Brinkhuis.

Report to be considered by the House.