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WEDNESDAY 12 DECEMBER 2022

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**PROCEEDINGS OF THE WESTERN CAPE PROVINCIAL PARLIAMENT**

Members assembled in the Chamber at 09:00.

The Serjeant-at-Arms announced the Honourable the Judge President of the High Court, Western Cape Division, Mr J M Hlophe, who was received by members standing.

The Honourable the Judge President allowed an opportunity for silent prayer or meditation.

**CALLING OF MEETING  
OF WESTERN CAPE PROVINCIAL PARLIAMENT**

The SECRETARY: The Division of the High Court.

Mr JUSTICE J M HLOPHE: Please be seated. There will now be an opportunity for a silent prayer or meditation. Alright, thank you very much. I now request the Retaining Officer, Mr Adams, to read the notice whereby this meeting has been called. The Returning Officer, thank you.

The RETURNING OFFICER: In accordance with the Western Cape Provincial

Parliament Standing Rule 22(2), the time for the election of a Speaker in terms of Section 20(1) and (2) read with Schedule 2 of the Constitution of the Western Cape must be announced by the Secretary. Given the above mentioned, the House is hereby informed of the sitting of the House as follows.

The date, Monday, 12 December 2022 as determined in conjunction with the designated Honourable the Judge President. The time 09:00 until adjournment, as determined in conjunction with the designated Honourable the Judge President.

Presiding Officer: in terms of Section 111(2) of the Constitution of the Republic of South Africa 1996, the Honourable the Judge President of the Western Cape Division of the High Court, Judge President M J Hlophe, has been designated by the Chief Justice of the Republic of South Africa to preside over the election of the Speaker of the Western Cape Provincial Parliament.

Business of the House: the only business of the House on the day shall be the election of the Speaker of the Western Cape Provincial Parliament. Since the election of the Speaker of the Western Cape Provincial Parliament shall be conducted by a secret ballot, see the Constitution of the Republic of South Africa 1996 Schedule 3 Part A 6(a), read together with the Constitution of the Western Cape 1997 Schedule 2 Item 6(a).

“All members of the Western Cape Provincial Parliament shall attend the aforementioned sitting of the House in person in the Chamber on the 6th

Floor, 7 Wale Street, Cape Town.”

Mr JUSTICE J M HLOPHE: There is a hand up there and now I will deal with that. Mr Adams, there is a hand up there and I want to deal with that. Alright, okay. There is a hand over there. You will pardon me; I am not familiar with these processes. We do not raise hands in court. Kindly, [Laughter.] I want to acknowledge you and then you can tell me what it is that you would like to talk about.

The ACTING CHIEF WHIP (DA): Thank you, Honourable Presiding Judge. I rise in terms of Rule 66 which relates to the ATC of the announcement for today that all hon members for today’s election must be here in person.

Mr JUSTICE J M HLOPHE: Yes.

The ACTING CHIEF WHIP (DA): I do see an hon member of the Provincial Parliament online on the MS Teams setting and I would just like some guidance in this regard because the ATC did say we must be here in person for today’s sitting. Thank you.

Mr JUSTICE J M HLOPHE: Okay. To facilitate voting, you are right. I do not have an answer to that. You should know better than I. Are you able to offer any assistance? I do not know. I am reliably advised that the hon member who is not physically present here in the Chamber can sit as an observer from home, but will not participate, which means that hon member will not be allowed to

vote. Does that carry the day?

An HON MEMBER: Yes.

Mr JUSTICE J M HLOPHE: Thank you, that is the ruling. Thank you so much. Let us carry on then. Alright. Presiding Officer, alright we have done that. This is me now. Alright. May I make the following announcement.

I have to announce that in terms of Rule 2 of the Rules for the Election of a Speaker of a Provincial Legislature, Mr Romeo Adams shall act as a Returning Officer while Mr Lubabalo Stemele, Ms Zukisa Nduneni, Ms Lynne Saayman, Alvin Poggenpoel, and Mr J Cleopas have been appointed as assistant Returning Officers. I have to announce further that the oath or affirmation has already been administered to the Returning Officer and the Assistant Returning Officers as required by the Rules.

Alright, we shall now proceed to deal with the appointment itself. This meeting will now proceed to elect the Speaker and that is the Business of the Day. Before calling for nominations, I have to remind hon members that in terms of the Constitution of the Republic of South Africa and that of the Western Cape Province, as well as the Rules, each nomination must be submitted on the prescribed form.

Furthermore, I have to draw the attention of hon members specifically to Section 111 of the Constitution of the Republic of South Africa and Section 20

of the Western Cape Constitution, in terms of which no person may be elected as a Speaker unless he or she is qualified to take his or her seat as a member of the Provincial Parliament. I also have to inform hon members that in terms of Item 4 of Part A of Schedule 3 of the Constitution of the Republic of South Africa and Item 4 of Schedule 2 of the Western Cape Constitution, there may be no debate. There will now be an opportunity for nominations. May I hand over to you, Returning Officers? Thank you.

Mr I H MEYER (DA): The Honourable the Presiding Judge.

Mr JUSTICE J M HLOPHE: Yes, Mr Meyer, I think.

Mr I H MEYER (DA): In my capacity as Ivan Henry Meyer, hon member of this House, I fully nominate hon Daylin Mitchell as the first proposer to fill the nomination as Speaker of the Western Cape Provincial Parliament.

Mr JUSTICE J M HLOPHE: Thank you, Mr Meyer. Returning Officers, please take the nomination form. [Interjections.] Any second, ma'am?

Dr T A SIMMERS (DA): Thank you, the Honourable the Judge President.

Mr JUSTICE J M HLOPHE: Please use the microphone, ja ...[Interjection.]

Dr T A SIMMERS (DA): Thank you, the Honourable the Judge President

Mr JUSTICE J M HLOPHE: ...to be recorded.

Dr T A SIMMERS (DA): I am Tertius Simmers and in my capacity as an hon member of the Legislature, I second the proposal of hon Daylin Mitchell for the position of the Speaker of the House. Thank you.

Mr JUSTICE J M HLOPHE: You are seconding the nomination. Thank you so much. The Returning Officer will take the nomination form for the proposal, the seconder and the person nominated must also sign. Thank you. Have they all three signed? So, it was signed in anticipation. Can I have a look? [Interjections.] This was signed before the chamber even convened. Daylin Mitchell, 7 Wale Street, Cape Town, hon member of the Western Cape Provincial. Ivan Meyer has signed; Dr Simmers has signed.

“I, the abovementioned, do hereby accept the nomination.”

On the face of it, this is a valid nomination. Okay. There is one nomination that I have. It has been signed by three parties. The proposer, Mr Meyer. This person was seconded, as well as the acceptance itself, by the nominee. Alright. We are done with that. And then, any other? Yes?

Mr C M DUGMORE (ANC): Good morning, the Honourable the Judge President ...[Interjection.]

Mr JUSTICE J M HLOPHE: Yes, good morning, and how are you.

Mr C M DUGMORE (ANC): ...and thank you very much, for honouring us with your presence today. I would like to nominate the person on my left, comrade Nomi Nobulumko Nkondlo ...[Interjection.]

Mr JUSTICE J M HLOPHE: Thank you, Mr Dugmore.

Mr C M DUGMORE (ANC): ...as to the position of Speaker of the Western Cape Legislature. Thank you.

Mr JUSTICE J M HLOPHE: Thank you very much, Mr Dugmore. Any seconder? Yes, are you seconding the appointment, the nomination?

Mr M K SAYED (ANC): Yes, Honourable Judge President. I am seconding the nomination, thank you.

Mr JUSTICE J M HLOPHE: Thank you very much. So, the same procedure is going to be followed. First, Mr Dugmore will nominate, the seconder and the acceptance thereof. Can I have a look at that nomination, please?

I just want to have a look at the nomination, this one, after it has been signed by Mr Dugmore and everybody else. Does it look okay?

Thank you very much. Alright, I am not going to say 'order, order'. No, not for me. [Laughter.]

I have the second nomination. It has already been duly completed. It was

made by Mr Dugmore, seconded by Mr Sayed and the nominated candidate is Nobulumko Nkondlo. She has accepted that. So, this is again in order. Two nominations.

Are there any further nominations? I assume there is no other nomination because if there are just two candidates, the procedure is shorter. If it is more than that, it is a nightmare. Are there any further nominations? Any further nominations, in the absence of which there are only two nominations. May I have the names, please, for the record? Thank you so much. Thank you very much. There are two nominations. The first one is Daylin Mitchell. It has been properly signed and the acceptance as well. The second one is Nobulumko Nkondlo, properly nominated and she has accepted the nomination. We have two nominations.

Mr I H Meyer, seconded by Dr T A Simmers, nominated Mr D G Mitchell for election as Speaker.

Mr C M Dugmore, seconded by Mr M K Sayed, nominated Ms N D Nkondlo for election as Speaker.

I think now we should adjourn. Yes, we should. Yes, I am going to suspend the sitting to enable us to print the ballot papers and then, we will come back. I will do the announcement. Alright.

Business of the House suspended at 09:20 and resumed at 09:45

Mr JUSTICE J M HLOPHE: To avoid congestion, in other words? I wish to point out that hon members, I wish to point – sorry. I wish to point out to hon members to inform the Returning Officer if they inadvertently spoiled a ballot paper before the ballot paper is placed in the ballot box. Should hon members fail to do so, a spoiled ballot paper will be treated as an invalid ballot paper and will not be considered when counting the Votes. Alright, let me sit down. You take over, Mr Adams.

**ELECTION OF THE SPEAKER OF THE  
WESTERN CAPE PROVINCIAL PARLIAMENT**

The RETURNING OFFICER:

Allen, R I; America, D.

Mr JUSTICE J M HLOPHE: It will be right, left, right, left. [Interjections.] [Laughter] Why do you not split them? Do you want to split them? One can be standing this side and the other one that side, yes.

The RETURNING OFFICER:

August, S N; Baartman, D M; Bakubaku-Vos, N G; Bans, A P; Bosman, G; Bredell, A W; Brinkhuis, K; Christians, F C; Dugmore, C M; Fernandez, S G; Fry, C; Lekker, P Z; Mackenzie, R D; Marais, A J D;

An HON MEMBER: This one is spoiled.

The ASSISTANT RETURNING OFFICER: Okay, let me give you another one.

The ASSISTANT RETURNING OFFICER: Pass it to the Honourable the Judge President.

Mr JUSTICE J M HLOPHE: Spoiled? Oh, thank you. This is a spoiled vote.

The RETURNING OFFICER:

Marais, P J; Marran, P; Maseko, L M; Maynier, D J; Meyer, I H; Mitchell, D G; Murray, C; Mvimbi, L L; Nkondlo, N D; Philander, W F; Plato, D; Sayed, M K; Schäfer, B A; Sileku, I; Simmers, T A; Van der Westhuizen, A P; Wenger, M M; Winde, A R; Windvogel, R.

[Interjections.]

Mr JUSTICE J M HLOPHE: Thank you very much. [Interjections.] Yes, paragraph 9 we suspend the proceedings, but I will announce that there is order. Alright.

May I have your attention please, thank you. I have one spoiled Vote. The procedure is simply that a new ballot paper has been issued and that has been corrected, but we will keep this for record purposes. Are there any hon

members who have not voted and wish to do so? It does not look like it. If not, I now suspend the proceedings to enable the Returning Officers to count the Votes and to report to me. The bells will be rung for five minutes before the resumption of the proceedings. May we then.

Business of the House suspended at 09:57 and resumed at 10:26

Mr JUSTICE J M HLOPHE: Please be seated, thank you. I know you are all anxious. You want to know the outcome. It is the next thing. Counting. Alright. We are done with the counting.

I am happy to make the following announcement. I have received a written report from the Returning Officer that the results of the ballot are as follows:

Mr Daylin Gary Mitchell – 23 Votes. [Applause.]

Ms Nobulumko Nkondlo – 11 Votes. [Applause.]

There was one spoiled Vote. We will do our maths quickly: that 23 and 11 plus one, that gives you 35.

Before we adjourned or before I suspended this sitting, there was a spoiled Vote. So, when you go to the ballot box there is a total of 36 Votes. I am trying to explain where the other one is coming from, but in total 23, Mr Mitchell, 11 and one spoiled Vote. There you go.

Now, in terms of Item 6(c) of Part A to Schedule 3 of the Constitution of the Republic of South Africa and Item 6(c) of Schedule 2 of the Western Cape Constitution, I accordingly declare Mr Daylin Mitchell to be duly elected as a Speaker of the Western Cape Provincial Parliament. [Applause.] Alright, I am waiting for the hon Speaker and thereafter, to be excused. I have warmed the seat for you. [Applause.]

*[The Speaker takes the Chair.]*

### **ACCEPTANCE SPEECH BY THE SPEAKER**

The SPEAKER: Good morning, hon members, the Honourable the Judge President, hon Premier, hon members of the Provincial Executive and hon members of this House, guests in the gallery, citizens of the Western Cape. It is, indeed, with utmost humility that I address you today as the newly elected Speaker of the Western Cape Provincial Parliament.

While I am immensely proud to have been elected to this Office, I am also acutely aware of the grave responsibilities bestowed upon me. Today, I commit to ensure that the Constitutional responsibilities of this august House, are fulfilled to their fullest extent and I formally pledge that I shall discharge my duties as the Speaker and Chief Presiding Officer of this House in an impartial and fair manner, upholding the dignity and the decorum of this House; that I shall fulfil the obligations placed upon me by the Constitution, the law and the Rules, regulations and policies of the Provincial Parliament with honesty and

diligence; that I shall protect the honour and dignity of the Provincial Parliament and represent the Western Cape Provincial Parliament as the Speaker, both locally and abroad; that I shall ensure that the process and procedures of the WCPP are fair to all parties represented in this House; and that I shall maintain a stable workforce, serving and supporting all hon members of the WCPP in their work; and that I shall ensure that the Constitutional responsibilities of the Western Cape Provincial Parliament of law making, oversight over the Executive and public participation in the process and work are maintained and where necessary, enhanced.

In conclusion, I wish to thank all hon members for their support and look forward to serving the Institution to the best of my ability in the interest of the people of this beautiful Province. We all serve in an Institution where hon members differ from one another almost all the time. This is the nature of the beast of Parliament. However, we can do so in a dignified and respectful manner. Our constituents expect that from us, but they also expect and demand from us a good, clean fight in the arena we call Parliament. And as Speaker, I am looking forward to this journey and to live our vision to make the Western Cape Provincial Parliament the best regional parliament in Africa.

Finally, please allow me this opportunity to wish you and your loved ones a blessed festive season. I thank you. [Applause.] Hon members, with that concludes the Business of the Day. The House is adjourned.

The House adjourned at 10:33.