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NEWLY ELECTED speaker in the Western Cape Legislature, Daylin Mitchell, has been questioned over the decisions he took as MEC while he did not have executive authority. | ARMAND HOUGH African News Agency (ANA)

BAPTISM OF FIRE

Speaker's past actions questioned

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THE newly elected speaker of the Western Cape legislature, Daylin Mitchell, has come under fire over allegations he had "no authority" to sign off on the reopening of the contentious B97 taxi route during his tenure as Mobility MEC.

Mitchell, who previously served as the MEC for Transport and Public Works, recently vacated his post to take up the hot seat in the legislature, but not before leaving behind questions on what his role was over the last few months and how binding the decisions he took were.

During the State of the Province Address earlier this year Premier Alan Winde announced a slew of name changes for departments in his cabinet, plus a merger and the establishment of a new department.

Transport and Public Works was dissolved to form the Department of Mobility with the public works aspect moving over to the Department of Human Settlements which was renamed Infrastructure.

Infrastructure MEC Tertius Simmers was granted executive authority over the Department of Transport and Public Works during the transition, a move that lowered Mitchell's score in the ANC's yearly review document on the Western Cape government's

executive committee.

"MEC Mitchell has no executive authority nor budget so there is not much he can do. The department of mobility simply doesn't exist and MEC Simmers has executive authority over transport and public works," said the ANC's report.

This then raised questions on how binding Mitchell's signing of the proclamation to reopen the B97 route was.

The taxi route between Mbekweni and Bellville reopened on December 8 after an 18-month-long closure after the signing of a memorandum of agreement between the Boland Taxi Association and the Paarl Alliance Taxi Association.

This was followed by an arbitration process to pronounce legal rights to trade on this route. The arbitration award was released in November 2021 and confirmed that both associations had the requisite rights to provide minibus taxi-type services on route B97.

Winde's spokesperson, Regan Thaw, confirmed to *Weekend Argus* that Simmers had the executive authority over Mitchell's department.

"While the mobility department is being fully established it falls under the department of the premier," said Thaw. "Infrastructure (MEC) Simmers is the executive authority of the Department of Transport and Public Works," he said.

But Mitchell told *Weekend Argus* that he had "all the right" to act.

"The delegation of powers to have full authority over transport, in accordance with the National Road Traffic Act, was assigned to me by the premier after Mobility was created," said Mitchell.

Winde confirmed this to *Weekend Argus*. "Nothing unlawful or sinister here," he said. There is a process to form new departments; ie, budgets, staff, offices, strategies and plans. This includes the ministry of mobility. The new departments will only start on April 1," said Winde.

April 1 is the start of the new financial year in the local government.

"Infrastructure (MEC) Tertius Simmers is the executive authority of the Department of Transport and Public Works. The Mobility Department will have its budget when it is fully established in April 2023," he said.

Simmers said told *Weekend Argus* yesterday that Mitchell signed off on the reopening, as "we came to that agreement". "I didn't sign off on it, even though I had the executive authority, Mitchell did," said Simmers.

Although it is unclear if there would be any legal challenge or ramifications to this, Mandla Hermanus from the Cape Amalgamated Taxi Association, which is affiliated with the Boland Association, said it was something they would look into.