

Tuesday, 24 March 2026]

No 51—2026] THIRD SESSION, SEVENTH PARLIAMENT

PARLIAMENT
OF THE
REPUBLIC OF SOUTH AFRICA

**ANNOUNCEMENTS,
 TABLINGS AND
 COMMITTEE REPORTS**

TUESDAY, 24 MARCH 2026

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ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Bills passed by Houses – to be submitted to President for assent

- (1) Bill passed by National Council of Provinces on 24 March 2026:
- (a) **South African National Water Resources Infrastructure Agency SOC Ltd Amendment Bill [B13–2025]** (National Assembly – sec 75).

National Assembly

The Speaker

1. Referral to Committees of Bills introduced

- (1) The following Bills are referred to the **Standing Committee on Appropriations** for consideration and report in terms of the Money Bills and Related Matters Act, 2009 (Act No. 9 of 2009):
- (a) **Appropriation Bill [B4–2026]** (National Assembly – sec 77).
- (b) **Division of Revenue Bill [B5–2026]** (National Assembly – sec 76).

2. Appointment of whip

- (1) The following member has been appointed as a whip of the uMkhonto weSizwe Party in the National Assembly with effect from 17 March 2026:
- (a) Van Rooyen, DDD

3. Discharge of whip

- (1) The following member has been discharged as whip of the uMkhonto weSizwe Party in the National Assembly with effect from 17 March 2026:
- (a) Madlala, EK

4. Membership of Committees

(1) The following committee membership changes have been made:

(a) **African National Congress**

Portfolio Committee on Science, Technology and Innovation

Discharged: Shiviti, Ms TG (Resigned)
Appointed: Makhubela, Ms LS

Portfolio Committee on Defence and Military Veterans

Discharged: Sokanyile, Ms T
Appointed: Munyai, Mr TB

Portfolio Committee on Social Development

Discharged: Munyai, Mr TB
Appointed: Sokanyile, Ms T

Portfolio Committee on Police

Discharge: Mbiyo, Ms IM
Appointed: Direko, Ms DR

Portfolio Committee on Sport, Arts and Culture

Discharged: Makgato, Ms MP
Discharged: Muthambi, Ms AF [Alternate]

Appointed: Mbiyo, Ms IM
Appointed: Letsie, Mr WT [Alternate]

Portfolio Committee on Human Settlements

Appointed: Makgato, Ms MP [Alternate]

Portfolio Committee on Higher Education

Appointed: Maimela, Ms KJ [Alternate]

Portfolio Committee on Electricity and Energy

Discharged: Mvana, Ms NQ
Appointed: Khanyase, Ms Z

(b) **Democratic Alliance**

Portfolio Committee on Basic Education

Appointed: Sharif, Ms NK [Alternate]

(c) **Economic Freedom Fighters**

Portfolio Committee on Small Business Development

Appointed: Thambo, Mr S [Alternate]

TABLINGS

National Assembly and National Council of Provinces

1. The Minister of Justice and Constitutional Development

- (a) Report dated 22 March 2026, on the confirmation of suspension pending a resolution by Parliament on whether or not to recommend the restoration to or removal from office on the grounds of misconduct of Mr LT Mkansi, Regional Court Magistrate, Bloemfontein, submitted in terms of section 13(4)(b) of the Magistrates Act, 1993 (Act No. 90 of 1993).
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COMMITTEE REPORTS

National Assembly and National Council of Provinces



REPORT OF THE JOINT COMMITTEE ON ETHICS AND MEMBERS' INTERESTS ON THE ALLEGED CONTRAVENTION OF THE CODE OF ETHICAL CONDUCT AND DISCLOSURE OF MEMBERS' INTERESTS: THE FORMER MINISTER OF HIGHER EDUCATION AND TRAINING: THE HONOURABLE NOBUHLE NKABANE, MP:

The Joint Committee on Ethics and Members' Interests ("the Committee") having considered the complaint against the Honourable Nobuhle Nkabane, MP the former Minister of Higher Education and Training, reports as follows.

INTRODUCTION

Honourable Karabo Khakhau, MP ("the Complainant") a member of the Democratic Alliance (DA), lodged a complaint against, the Honourable Nobuhle Nkabane ("the Member") at the time when she was the Minister of Higher Education and Training. The Office of the Registrar of Members' Interests received the complaint on 18 June 2025 for an alleged breach of the Code on Ethical Conduct and Members' Interests ("the Code").

SUMMARY OF THE COMPLAINT

The Complainant states that on 13 May 2025 she compiled a list of names of people who were appointed by the Member to several Sector Education and Training Authorities ("SETA's). On the same day the DA delivered a letter to the Chairperson of the Portfolio Committee on Higher Education ("the Portfolio Committee") asking that the Member appear before the Portfolio Committee to brief it on the content of the document with the names.

It is alleged that about three days later, on 16 May 2025, the Member withdrew several of the appointments with immediate effect. On the same day, Parliament's communication team released a press statement that confirmed the fact that the Member had withdrawn certain appointments with immediate effect. The press statement expressed the disappointment by the Portfolio Committee that the Member withdrew the appointments to certain SETA's without explanation to the Portfolio Committee of what the situation was.

On 30 May 2025 it is alleged that the Member during a Portfolio Committee meeting, refused to furnish the Portfolio Committee with the names of people who served on the selection panels that recommended the appointments. The Portfolio Committee members were not happy with this response. After this the Member made several

submissions to the Portfolio Committee, maintaining that the selection panel was independent. The Member has maintained that the panel was not composed of volunteers, that she formally appointed the panel, and that the panel members had extensive experience in the post-school education and training sector. The Member also stated that the process was legally compliant and above reproach. The Member stated- “that the panel members had been selected based on their leadership, qualifications, sector expertise, credible reputations, and their commitment to sound governance principles. She added that this was the same process that had been followed for the National Student Financial Aid Scheme (NSFAS), and she would not hesitate to apply the same approach again if necessary.” Also, that after the reports were submitted to her, she worked in close collaboration with the independent panel.

The Director-General of the Department of Higher Education responded that the past challenges involved in the process such as administrative inefficiencies, prompted the need to uphold integrity in the process. He indicated that an independent panel operated at arm’s length from Department officials, to protect the integrity of the process and to keep the process free from undue influence. A day later the DA requested the Chairperson of the Portfolio Committee to request the names of the panellists from the Member.

The Member disclosed the list of panel members on 17 June 2025, namely-

1. Adv Terry Motau
2. Asisipho Solani
3. Nelisiwe Semane
4. Mabuza Ngubane
5. Rhulani Ngwenya.

It appeared that the people mentioned by the Member were intimately linked to the Department.

1. Adv Terry Motau: was the Chairperson who appointed Loyiso Masuko to the Food and Beverages SETA Board. Masuko is the Member of the Mayoral Committee for the City of Johannesburg for the Group Corporate and Shared Services and awarded Adv Motau a R2 Million tender in this capacity. The Member indicated that Adv Motau failed to attend the panel meetings.

2. Asisipho Solani: Former South African Students Congress leader. Former member of the Western Cape ANC Youth League’s interim leadership and current advisor to the Minister.

3. Nelisiwe Semane: The Minister's Chief of Staff.
4. Mabuza Ngubane: The Chief Director for SETA Coordination.
5. Rhulani Ngwenya: The current Deputy Director-General: Corporate Services: Department of Higher Education and Training, and former Deputy Director-General Corporate Management: Department of Tourism.

The Complainant states that the Member did not make a full disclosure to the Portfolio Committee on 30 May 2025 in so far as she maintained that the panel members were independent from the Department. That, the Member did not take the public into confidence, made misleading statements to the Committee, and knowingly submitted that the members of the panel were independent when the facts prove a different conclusion.

The Complainant submits that the conduct by the Member, if true, is in violation of item 5 of the Code, by her failure to :

1. abide by the principles, rules and obligations of the Code;
2. uphold and obey the law and the Constitution;
3. uphold the oath or affirmation taken in terms of Schedule 2, item 4 of the Constitution;
4. act on all occasions in accordance with the public trust placed in her;
5. place the public interest above her own interests when discharging her obligations in terms of the Constitution, to Parliament and the public at large;
6. maintain public confidence and trust in the integrity of Parliament and thereby engender the respect and confidence that society needs to have in Parliament as a representative institution.

The Complainant submits that the conduct by the Member brought Parliament into disrepute.

SUMMARY OF RESPONSE BY THE MEMBER

The Member was given an opportunity to respond and did so on 01 July 2025.

The Member stated that in her capacity as the Minister of Higher Education and Training, she was tasked with appointing the Chairpersons of the various SETA's. That the term of the SETA's that were appointed by her predecessor was due to come to an end on 31 March 2025.

On 19 November 2024 she embarked on a process of constituting the new SETA Boards. She states that the process unfolded as follows:

1. The advertisement for the vacant positions of Chairpersons was for all SETA's in the Government Gazette of 19 November 2024.
2. A total of 573 applications were received.
3. She mandated Mr Asisipho Solani to assist with assembling a panel of individuals with the experience and knowledge of the SETA environment to sift through the applications.
4. On 15 March 2025 she appointed the panel that comprised of, Adv Terry Motau, SC, Mr Asisipho Solani, Ms Neliswe Semane, Mr Mabuza Ngubane and Ms Rhulani Ngwenya.

The Member states that Ms Nelisiwe Semane's name was included as administrative support in the process of selection of Board members and not the selection of SETA Chairpersons.

Mr Mabuza Ngubane participated in the process to ensure relevant administrative advice in terms of the Skills Development Act and required consultations with the National Skills Authority. He is the Chief Director for Skills Development in the Department of Higher Education and Training.

The Member states that she appointed the above-mentioned persons based on their integrity, experience and lack of personal and/or conflict of interest in the process.

She states further that she appointed Adv Motau on 15 March 2025. She then instructed Mr Ngwenya and Mr Solani to contact Adv Motau to set up a preliminary meeting for his role clarification. Mr Solani and Mr Makasi met with Adv Motau on 18 March 2025. At this meeting Adv Motau was informed of the tight timeline as the Chairpersons needed to be appointed by 31 March 2025. The Member states that she only learned of this meeting on 16 June 2025.

The Member states further that she only learnt on 16 June 2025 that Adv Motau requested a follow-up meeting for 23 March 2025, which neither Mr Solani nor Ms Ngwenya honoured. On or about 04 May 2025 she wrote to the National Skills Authority ("NSA") Chairperson, Ms Asanda Luwaca requesting a consultation with the Authority on the appointment of Chairperson SETA's. On 05 May 2025 she received the names from Mr Solani, of the candidates who were recommended as Chairpersons to the SETA's. The consultation with the NSA took place on 06 May 2025. On 09 May 2025 she signed the letters of appointment and on 13 May 2025 the Complainant released a list of Chairpersons that were appointed. The Chairperson of the Portfolio Committee invited her to brief it on the appointments. On 16 May 2025 she recalled the appointments of the SETA Board Chairpersons.

At the Portfolio Committee of 30 May 2025, she was requested to provide the Committee with the names of the panel members. She states that she explained that the panel was comprised of individuals with extensive experience in the post-school education and training sector. The Portfolio Committee was concerned that the panel members may not have been independent and unbiased and politically compromised. The Portfolio Committee was also concerned that the process may not have been transparent. The Member reminded the Portfolio Committee that the Skills Development Act 1998 empowers the Minister to oversee the process and to develop a methodology to be followed at her discretion and that she could have made the appointments without the assistance of a panel. However, in the process of transparency, she elected to involve a selection panel.

Further, on 31 May 2025 the DA asked the Chairperson of the Portfolio Committee that she produce the names of the panel members. That on 16 June 2025 she realised that Adv Motau was not part of the selection process and thereafter she sought legal advice on whether to disclose the names of the panel members. On 23 June 2025 she sent a letter of apology to Adv Motau for including his name in the list of panel members.

The Member clarified what she meant when she said that the panel was “independent”. She states that she meant that the panel was experienced, that she did not instruct them who to short list, that they acted in their own right and volition and that they acted without fear, favour or prejudice. This was supported by Dr. Sishi in the Portfolio Committee. In the above context, the Member argues, that “independent” does not mean that the panel was from outside of the employ of the Department, the Ministry or the Government. She also states that Adv Motau was from outside of the Department. The Member states that she was wrong to assume that Adv Motau’s appointment as the Chairperson of the selection panel was concluded.

She states that she did not violate any provisions of the Code.

THE PROVISIONS OF THE CODE

Item 5(1) of the Code provides as follows:

“(1) A Member must-

- (a) abide by the principles, rules and obligations of this Code;
- (b) uphold the oath or affirmation take by the Member in terms of Schedule 2, item 4 of the Constitution;
- (c) act on all occasions in accordance with the public trust placed in her or him;

- (d) place the public interests above her or his own interests when discharging her or his obligations in terms of the Constitution, to Parliament and the public at large;
- (e) maintain public confidence and trust in the integrity of Parliament and thereby engender respect and confidence that society needs to have in Parliament as a representative institution; and
- (f) in the performance of her or his duties and responsibilities, be committed to the eradication of all forms of discrimination.”

COMMITTEE DELIBERATIONS

1. The complaint directed to the Committee is based on the question of the “independence” and unbiased nature of the selection panel. In the Complainant’s affidavit she states *“Following concerns raised by members of the committee that the members of the selection panel may not have been independent and unbiased and indeed be politically compromised, and that the selection and appointment process was not transparent, the Minister made several submissions to the Committee, maintaining both expressly and implicitly that the aforesaid panel was independent, ...”*

The Member states that the word “independent” should focus on how they conducted the function of selecting chairpersons as compared to their attachment to the Ministry, the Department or the Government.

During the meeting of the Committee of 25 July 2025, the Committee resolved to expand the scope of the original complaint. The Member was requested to answer to additional questions and she reiterated her previous response and provided further information.

The Member stated that at the Portfolio Committee meeting she indicated that she would need legal advice on releasing the names of the panel members. She acted in terms of the legal advice and on 17 June 2025 released the names of the panel members to the Portfolio Committee.

She mandated Mr Solani to assist with assembling the panel. That at all relevant times she believed that the panel was duly constituted. She only discovered much later that the panel was not constituted by Mr Solani.

On 05 May 2025 she received a submission with the recommendations of the SETA Board Chairpersons to be appointed. She received this from Mr Solani. She states that because the panel did not convene, she now knows, that Mr Solani made the selection on his own.

She states that she received the list of the recommended candidates in the form of a hard copy document. She states that she did not question Mr Solani on panel "scores" of the recommended candidates because she did not micromanage him. Also, because Ms Ngwenya provided a screening report. She received a concurrence note from Mr Ngubane in his role as Chief Director: Skills Development. She also received a concurrence note from the National Skills Authority. Because of the all the developments in the selection process she believed that the panel considered the names before it was submitted to her.

She states that she mandated Mr Solani to finalise the appointment of Adv Motau SC. She was under the belief that Mr Solani completed the process. She now knows that it was a mistaken belief. She was wrong to assume that Adv Motau SC's appointment was concluded. She was wrong to assume that Adv Motau SC was part of the panel. She apologised to Adv Motau Sc when she became aware of her error by stating that he was involved in the selection process.

In hindsight she knows that the process went wrong as the panel did not preside over the nominations. She now knows that there are no records of the selection process. She blamed Mr Solani and states that he committed dereliction of duty because he did not provide regular reporting to her on the selection process. That he did not inform her of the request by Adv Motau SC to meet with her. That Mr Solani failed to attend a follow up meeting with Adv Motau SC on 23 March 2025 in chambers.

When she appointed the SETA Board Chairperson, she believed that the candidates were the best because she received the list under the belief that Adv Motau SC and the panel had compiled the list. That she did not doubt the professionalism of the panel in producing the list. The recommended candidates met the requirements that were outlined in the Government Gazette.

She requested the Committee to take the following into consideration, that-

- She did not micromanage her staff. She delegated the function to the staff member. It's not always possible to follow through and ensure that her instructions were carried out.
- That she was let down by her staff to whom she had given instructions.
- She did not act for personal gain or that of the 20 SETA Chairpersons that she appointed.
- She withdrew the appointments once it became apparent that the process was flawed.

In the meeting of 31 October 2025, the Committee deliberated further on the responses.

The Committee noted the matters that unfolded before the Portfolio Committee.

The aspect of the independence of the selection panel was moot because the panel never convened and did not perform the selection of recommended candidates.

It is apparent that the Member instructed her advisor, Mr Solani, to convene the selection panel, of which Adv Motau, SC was to chair. Mr Solani never followed through with the second meeting with Adv Motau SC in chambers, which resulted in the panel never convening. Mr Solani did the selection of recommended candidates by himself.

The Member blames Mr Solani for dereliction of duty for not informing her that the panel never convened to consider the applications. The Member takes no responsibility in this matter and states that she did not micromanage her staff.

When the above happened, the Member was the Minister of Higher Education and Training who was legally tasked to appoint the Chairpersons of SETA Boards. It is disingenuous for the Member to state that she did not micromanage staff and therefore was not aware that the panel did not convene and did not select the recommended candidates. The Member is responsible in terms of law for this function.

FINDING

In the light of the above, the Committee found that the Member failed to act on all occasions in accordance with the public trust placed in her and failed to maintain public confidence and trust in the integrity of Parliament and thereby engender respect and confidence that society needs to have in Parliament as a representative institution.

The Committee found that in terms of item 16(1)(c), that the Member breached item 5(1)(c) and (e) of the Code.

PENALTY PROCESS

The Member was informed of the breach and invited to provide written representations on the penalty to be imposed. The Member provided written representations dated 11 November 2025.

The Member stated that she accepts the finding by the Committee and that she does not contest it. She accepts that it was her legal duty to appoint the SETA Board Chairpersons

and that she, as the Minister, was accountable for the selection and appointment process.

She asked the Committee to consider the fact that this is her first offence of breach of the Code. She requests to be given an opportunity to apologise to South Africa in the House. She stated that losing her Cabinet position has resulted in financial loss of income and that she is a single parent with two school-aged children. She asked that the above be considered by the Committee when deciding on the which penalty to recommend.

In the meeting of 13 March 2026, the Committee accepted as mitigating, the fact that the Member was dismissed by the President of the Republic of South Africa from her Cabinet position which also resulted in a loss of income. The Committee also took into account the fact that this is the Members' first offence.

RECOMMENDED PENALTY

In the light of the above the Committee recommends to the House to impose a penalty in line with item 20(4)(a) and (b) of the Code as follows:

20(4)(a) – reprimand in the House; and

20(4)(b) – that the member enters an apology in the House for allowing her advisor to control and manipulate the appointment of the SETA Board Chairpersons. Also, to apologise for the fact that the member failed to exercise due care over the appointment process.

REPORT TO BE CONSIDERED

MS. L.S. MAKHUBELA

MR. J.H.P. BRITZ

THE CO-CHAIRPERSONS OF THE JOINT COMMITTEE ON ETHICS AND MEMBERS' INTERESTS