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LEGAL OPINION

[Confidential]

TO : Mrs JC Moloi-Moropa, MP
: Chairperson: PC on Communications

COPY : Acting Secretary to Parliament

DATE : 9 September 2014

SUBJECT : Report on the steps taken on allegations of
misrepresenting academic qualifications by the
SABC Board Chairperson

LEGAL ADVISER : Mr N Vanara

REFERENCE NUMBER : 61 / 14



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: Chairperson: PC on Communications

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SUBJECT : Report on the steps taken on allegations of misrepresenting academic qualifications by the SABC Board Chairperson

1. On 15 July 2014 our Office received a written request from the Chairperson of the Portfolio Committee on Communications (the "Committee"), Mrs JC Moloi-Moropa (the Chairperson") to advise on a letter dated 14 July 2014 from Mr Gavin Davis, MP requesting the Committee to conduct an inquiry into allegations regarding the qualifications of the South African Broadcasting Corporation (SABC) Board Chairperson, Ms EL Tshabalala. Copy of the said letter is attached for ease of reference.
2. The legal opinion was prepared for the Chairperson, copy of which is attached for ease of reference.
3. It is imperative for members to note that from the outset the legal opinion was not intended to advise on the innocence or otherwise of Ms Tshabalala, but rather to advise the Chairperson of the Committee on the following:
 - 7.1 whether the Committee has the legal competence to conduct an inquiry as requested?; If so,
 - 7.2 what the legal grounds are for such an inquiry; and
 - 7.3 whether, *prima facie*, such legal basis exist in the instant case.

4. We recommend that the Chairperson inform the Chairperson of the SABC Board in writing of the allegations against her and request her to respond to the relevant allegations.
5. On 30 July 2014 the Chairperson wrote a letter to Ms Tshabalala requesting the latter to confirm or deny the allegations against her by 12 August 2014. In the event she denies the relevant allegations, to provide the Committee with the necessary information that would enable it to independently verify her qualifications, including her student number, the years during which she was enrolled for the relevant qualifications and the years she obtained such qualifications. Copy of the said letter is attached for ease of reference.
6. On 11 August 2014 Ms Tshabalala Ms Tshabalala responded to the Chairperson's letter and requested an extension of more than a week on the basis that her legal team was still conducting an investigation into the allegations and was in constant contact with the University of South Africa. Copy of Ms Tshabalala's letter is attached for ease of reference.
7. The Chairperson granted Ms Tshabalala an extension until 26 August 2014 to respond to the letter dated 30 July 2014. On 26 August 2014 Ms Tshabalala sent an electronic mail to the Chairperson advising the UNISA has not been able to furnish her with details of her statement of results. Further, that she was informed that the university has had challenges of mixed records of past years students and have put measures in place to investigate all related queries of former students. Please find attached copy of the email for ease of reference.



Mr N Vanara

Senior Parliamentary Legal Adviser