

## **Report by the Joint Committee on Ethics and Members' Interests on the 2020 Register of Members' Interests: Late and Non-Disclosures. Contravention of the Code of Ethical Conduct and Disclosure of Members' Interests:**

The Joint Committee on Ethics and Members' Interests ("the Joint Committee") having considered the late and non-disclosures of financial and other registrable interests in respect of the 2020 disclosure process, reports as follows:

### **1. INTRODUCTION**

- 1.1 Item 9.2.3 of the Code of Ethical Conduct and Disclosure of Members' Interests ("the Code") prescribes that Members of Parliament (Members) must disclose their registrable interests annually at a time determined by the Joint Committee on Ethics and Members' Interests ("the Committee").
- 1.2 Item 9.2.2 also states that if a Member has no registrable interests, a "nil" return must be submitted.
- 1.3 The due date for the 2020 disclosure of Members' Interests was 6 November 2020 and thereafter extended to 20 November 2020.
- 1.4 Item 10.1.1.1 of the Code of Ethical Conduct and Disclosure of Members' Interests provides as follows: "A member breaches the Code if the Member contravenes or fails to comply with the requirements of the provisions for disclosing interests.
- 1.5 Of the 454 Members who are required to submit their annual disclosures, 8 (eight) Members failed and/or neglected to submit their disclosures by the due date.
- 1.6 The Joint Committee convened on 31 May 2021, 30 August 2021 and 22 November 2021 to discuss the late and non-disclosures.

### **2. LATE DISCLOSURES**

#### **2.1 HON. VUYANI PAMBO, MP**

- 2.1.1 The Member submitted the disclosure of interests form on 11 December 2020.
- 2.1.2 A letter was addressed to the Member on 18 June 2021 requesting a reason for the late disclosure and to which the Member replied.
- 2.1.3 The Member indicates that the time lapse between the due date of 20 November 2020 and the date when he submitted his forms on 11 December 2020 is too short to constitute material breach.
- 2.1.4 The year 2020 was characterised by an uneventful pandemic that has taken its toll in the Members personal space in respect of his loved ones, friends and colleagues.
- 2.1.5 The Member further states that he was in and out of medical care both home bound and sometimes in hospital due to this pandemic.
- 2.1.6 The Member did not provide any documentary evidence to support the fact that he was in and out of hospital or that he had medical care.
- 2.1.7 The Joint Committee found that the Member breached item 10.1.1.1 read with item 9.2.3 of the Code.
- 2.1.8 The Joint Committee afforded the Member an opportunity to address it in writing on the recommended penalty.
- 2.1.9 The Member did not provide written representations on the penalty to be imposed.

#### **2.1.10 RECOMMENDATION:**

The Joint Committee recommends to the House to impose a penalty in terms of item 10.7.7.1(i) of the Code, which provides as follows:

"The Committee must recommend the imposition of one or more of the following penalties where a Member breached clauses 10.1.1.1 ... of this Code

- (i) A reprimand in the House."

It is recommended that the Member be reprimanded in the House.

#### **2.2 HON. MNCEDISI NONTSELE, MP**

- 2.2.1 The Member submitted a disclosure of interests form on 26 November 2020.
- 2.2.2 A letter was addressed to the Member on 17 June 2021 requesting a reason for the late disclosure.
- 2.2.3 The Member did not provide written reasons for the late disclosure.

- 2.2.4 The Joint Committee found that the Member breached item 10.1.1.1 read with item 9.2.3 of the Code.
- 2.2.5 The Joint Committee afforded the Member an opportunity to address it in writing on the recommended penalty.
- 2.2.6 The Member provided written representations on the penalty to be imposed.
- 2.2.7 The Member indicated that he submitted his declaration form via the Office of the Chief Whip of his political party on 12 November 2021.
- 2.2.8 On 26 November 2021 he received an sms from the Office of the Registrar informing him that his form is still outstanding. He replied to this and indicated that his form was submitted on 12 November 2021 to Ms. B. Meier, of his political party.
- 2.2.9 The record in the Office of the Registrar indicates that the Members' forms were received on 26 November 2021.

#### 2.2.10 **RECOMMENDATION**

The Joint Committee recommends to the House to impose a penalty in terms of item 10.7.7.1(i) of the Code, which provides as follows:

“The Committee must recommend the imposition of one or more of the following penalties where a Member breached clauses 10.1.1.1 ... of this Code

- (i) A reprimand in the House.”

It is recommended that the Member be reprimanded in the House.

### **3. NON- DISCLOSURES**

#### **3.1 HON. BERTHA MABE, MP**

- 3.1.1 The Member did not submit the Public part of the disclosure of interests form.
- 3.1.2 A letter was addressed to the Member on 18 June 2021 requesting a reason for the non-disclosure.
- 3.1.3 The Member responded and indicated that she was a member of the Ethics Committee from 2009 and appreciated the work of the Ethics Committee.
- 3.1.4 The Member submitted the Public part of the disclosure of interests form on 4 August 2021.
- 3.1.5 The Joint Committee found that the Member breached item 10.1.1.1 read with item 9.2.3 of the Code. As the public form is needed to publish the Register of Members' Interests the Joint Committee considered this a non-disclosure as the public form was submitted 9 months after the due date.
- 3.1.6 The Joint Committee afforded the Member an opportunity to address it in writing on the recommended penalty.
- 3.1.7 The Member provided written representations on the penalty to be imposed.
- 3.1.8 The Member apologised as there was a break down in e-mail communications. Her email inbox seemed to not be getting messages or communicating certain messages.
- 3.1.9 The Member requested that the Joint Committee be lenient in applying a penalty as she is a first offender. She requested a penalty in terms of item 10.7.7.1 (iv) of the Code, i.e. the suspension of certain privileges or a Member's right to a seat in Parliamentary debates or committees for a period not exceeding 30 days.

#### 3.1.10 **RECOMMENDATION**

The Joint Committee recommends to the House to impose a penalty in terms of item 10.7.7.1(i) and (ii) of the Code, which provides as follows:

“The Committee must recommend the imposition of one or more of the following penalties where a Member breached clauses 10.1.1.1 ... of this Code

- (i) A reprimand in the House.
- (ii) A fine not exceeding the value of 30 days salary;”

It is recommended that the House fine the Member a value equal to 2 days salary for not initially submitting the public disclosure form for 2020 and that the Member be reprimanded in the House.

### **3.2 HON. ETHEL NKOSI, MP**

- 3.2.1 The Member did not submit a disclosure of interests form.
- 3.2.2 A letter was addressed to the Member on 17 June 2021 requesting a reason for the non-disclosure.
- 3.2.3 The Member did not provide written reasons for the non- disclosure.
- 3.2.4 The Member submitted her forms in August 2021.
- 3.2.5 The Joint Committee found that the Member breached item 10.1.1.1 read with item 9.2.3 of the Code. The Joint Committee considered this to be a non-disclosure as the forms were submitted almost 9 months after the due date.
- 3.2.6 The Joint Committee afforded the Member an opportunity to address it in writing on the recommended penalty.
- 3.2.7 The Member provided written representations on the penalty to be imposed.
- 3.2.8 The Member apologised and indicated that her mental and physical health was failing her as she was dealing with Covid-19 related deaths of people who were very close and dear to her. These people were instrumental in her upbringing. The Member requested that the Joint Committee be lenient in applying a penalty.

#### **3.2.9 RECOMMENDATION**

The Joint Committee recommends to the House to impose a penalty in terms of item 10.7.7.1(i) and (ii) of the Code, which provides as follows:

“The Committee must recommend the imposition of one or more of the following penalties where a Member breached clauses 10.1.1.1 ... of this Code

- (i) A reprimand in the House.
- (ii) A fine not exceeding the value of 30 days salary;”

It is recommended that the House fine the Member a value equal to 2 days salary for not initially submitting the disclosure of interests form for 2020 and that the Member be reprimanded in the House.

### **3.3 HON. ITUMELENG NTSUBE, MP**

- 3.3.1 The Member did not submit a disclosure of interests form.
- 3.3.2 A letter was addressed to the Member on 17 June 2021 requesting a reason for the non-disclosure.
- 3.3.3 In response, the Member apologised to the Committee for the non-disclosure.
- 3.3.4 The Member indicated that his wife had a high risk pregnancy and gave birth on 23 November 2020. He submitted the birth certificate with no other certificates to certify his wife's high risk pregnancy.
- 3.3.5 The Member submitted his disclosure on interests form on 29 June 2021.
- 3.3.6 The Joint Committee found that the Member breached item 10.1.1.1 read with item 9.2.3 of the Code. The Joint Committee considered this to be a non-disclosure as the forms were submitted almost 7 months after the due date.
- 3.3.7 The Joint Committee afforded the Member an opportunity to address it in writing on the recommended penalty.
- 3.3.8 The Member did not provide written representations on the penalty to be imposed.
- 3.3.9 The Joint Committee observed that the Member submitted his disclosure of interests late in 2019. This is the second time that the Member breached the Code.

#### **3.3.10 RECOMMENDATION**

The Joint Committee recommends to the House to impose a penalty in terms of item 10.7.7.1(i) and (ii) of the Code, which provides as follows:

“The Committee must recommend the imposition of one or more of the following penalties where a Member breached clauses 10.1.1.1 ... of this Code

- (i) A reprimand in the House.
- (ii) A fine not exceeding the value of 30 days salary;”

It is recommended that the House fine the Member a value equal to 5 days salary for not initially submitting the public disclosure form for 2020 and for being in breach of the Code for the second time. Also, that the Member be reprimanded in the House.

### **3.4 HON. MOLOKO TLOU, MP**

- 3.4.1 The Member did not submit a disclosure of interests form.
- 3.4.2 A letter was addressed to the Member on 17 June 2021 requesting a reason for the non-disclosure.
- 3.4.3 The Member did not provide written reasons for the non-disclosure.
- 3.4.4 The member submitted her forms on 29 August 2021.
- 3.4.5 The Joint Committees found that the Member breached item 10.1.1.1 read with item 9.2.3 of the Code. The Joint Committee considered this to be a non-disclosure as the forms were submitted almost 9 months after the due date.
- 3.4.6 The Joint Committee afforded the Member an opportunity to address it in writing on the recommended penalty.
- 3.4.7 The Member did not provide written representations on the penalty to be imposed.

#### **3.4.8 RECOMMENDATION**

The Joint Committee recommends to the House to impose a penalty in terms of item 10.7.7.1(i) and (ii) of the Code, which provides as follows:

“The Committee must recommend the imposition of one or more of the following penalties where a Member breached clauses 10.1.1.1 ... of this Code

- (i) A reprimand in the House.
- (ii) A fine not exceeding the value of 30 days salary;”

It is recommended that the House fine the Member a value equal to 2 days salary for not initially submitting the disclosure of interest form for 2020 and that the Member be reprimanded in the House.

### **3.5 HON. BUFEZE YABO, MP**

- 3.5.1 The Member did not submit a disclosure of interests form.
- 3.5.2 A letter was addressed to the Member on 17 June 2021 requesting a reason for the non-disclosure.
- 3.5.3 The Member replied and indicated that his non- disclosure is regrettable.
- 3.5.4 He stated that the email which contained his forms for submission stayed in his outbox after a connection failure.
- 3.5.5 The Member did not provide proof of this, and did not submit his disclosure.
- 3.5.6 The Member submitted his forms on 29 August 2021.
- 3.5.7 The Joint Committee found that the Member breached item 10.1.1.1 read with item 9.2.3 of the Code. The Joint Committee considered this to be a non-disclosure as the forms were submitted almost 9 months after the due date.
- 3.5.8 The Joint Committee afforded the Member an opportunity to address it in writing on the recommended penalty.
- 3.5.9 The Member provided written representations on the penalty to be imposed.
- 3.5.10 The Member apologised and indicated that it is the first time that he breached the Code. He requested that the Joint Committee consider imposing a penalty in terms of item 10.7.7.1(iv) of the Code.

#### **3.5.11 RECOMMENDATION**

The Joint Committee recommends to the House to impose a penalty in terms of item 10.7.7.1(i) and (ii) of the Code, which provides as follows:

“The Committee must recommend the imposition of one or more of the following penalties where a Member breached clauses 10.1.1.1 ... of this Code

- (i) A reprimand in the House.
- (ii) A fine not exceeding the value of 30 days salary;”

It is recommended that the House fine the Member a value equal to 2 days salary for not initially submitting the disclosure of interests form for 2020 and that the Member be reprimanded in the House.

### **3.6 HON. MOSEBENZI ZWANE, MP**

- 3.6.1 The Member did not submit a disclosure of interests form.

- 3.6.2 A letter was addressed to the Member on 17 June 2021 requesting a reason for the non-disclosure.
- 3.6.3 The Member did not provide written reasons for the late disclosure but submitted his disclosure of interest on 29 July 2021.
- 3.6.4 The Joint Committee found that the Member breached item 10.1.1.1 read with item 9.2.3 of the Code. The Joint Committee considered this to be a non-disclosure as the forms were submitted almost 8 months after the due date.
- 3.6.5 The Joint Committee afforded the Member an opportunity to address it in writing on the recommended penalty.
- 3.6.6 The Member provided written representations on the penalty to be imposed.
- 3.6.7 The Member apologised and indicated that it is was because he did not have access to his emails on both his work personal computer and his mobile phone.

3.6.8 **RECOMMENDATION**

The Joint Committee recommends to the House to impose a penalty in terms of item 10.7.7.1(i) and (ii) of the Code, which provides as follows:

“The Committee must recommend the imposition of one or more of the following penalties where a Member breached clauses 10.1.1.1 ... of this Code

- (i) A reprimand in the House.
- (ii) A fine not exceeding the value of 30 days salary;”

It is recommended that the House fine the Member a value equal to 2 days salary for not initially submitting the disclosure of interests form for 2020 and that the Member be reprimanded in the House.

REPORT TO BE CONSIDERED

**BEKIZWE SIMON NKOSI** **MOJI LYDIA MOSHODI**  
**CO-CHAIRPERSONS OF THE JOINT COMMITTEE ON ETHICS AND**  
**MEMBERS' INTERESTS**