



**To: Chairperson: Committee on Private Members' Legislative Proposals and Special Petitions [Mr S G Thobejane, MP]**

**Copy: Mr ZA Dingani  
Secretary to Parliament**

**From: Constitutional and Legal Services Office  
[Adv G Rhoda, Parliamentary Legal Adviser]**

**Date: 7 February 2012**

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**Subject: Legislative proposal by Mr A Trollip, MP – Executive Members' Ethics Act, No. 82 of 1998.**

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1. Our Office was requested to advise on the constitutionality of the legislative proposal by Mr A Trollip, MP to amend the Executive Members' Ethics Act, No. 82 of 1998.
2. The purpose of the proposed amendments to the aforementioned Act is to ensure that the ease with which the public can access the President's declaration of interests is improved; that the President's compliance with the general standards of ethical conduct is adjudicated by the Public Protector; that any gifts or conflicts of interest declared by the President be adjudicated by the Public Protector; and that state deals involving the President's family members should come under specific Auditor-General scrutiny.
3. I have scrutinised the proposal and I am satisfied that it does not conflict with any provisions of the Constitution.

**Adv G Rhoda  
PARLIAMENTARY LEGAL ADVISER**