



13 June 2023

Mr. Rui Lopes
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Per email: rui.lopes@lopesattorneys.com

Dear Mr Lopes

RE: #UNITE BEHIND'S COMPLAINTS TO THE JOINT COMMITTEE ON ETHICS AND MEMBERS' INTERESTS- ALLEGED CONTRAVENTION OF THE CODE OF ETHICAL CONDUCT AND DISCLOSURE OF MEMBERS' INTERESTS

1. HON MKHACANI MASWASNGANYI, MP

The complaint by your client against Hon Maswanganyi, MP ("the Member), refers.

I write on behalf of the Joint Committee on Ethics and Members' Interests ("the Committee") who at its meeting of 12 June 2023 finalised its deliberations in respect of the complaint against the Member.

Please be informed that the Committee dealt with the following alleged breaches of the Code of Ethical Conduct and Disclosure of Members' Interests.

The-

1. antagonist conduct of the Member of the Portfolio committee when the Portfolio Committee dealt with the matter concerning the alleged R79 million that was paid by Swifambo to the African National Congress (ANC) at the time when Mr. Molefe was the Chairperson of the Passenger Rail Agency of South Africa (PRASA) board;
2. failure by the Member to appoint a Board, when he alleged that because Parliament dismissed the Board that he could not go against a decision of Parliament; and

3. unlawful conduct by the Member to attempt to negotiate with China to develop the Moloto Rail Development Corridor.

In respect of points 1 and 3 above, the Committee found that the Member did not breach the Code. In respect of point 2 above, the Committee found as follows:

The Committee found that the Member breached item 10.1.1.3 read with items 4.1.3 and 4.1.5 of the Code.

That he failed to –

4.1.3 act of all occasions in accordance with the public trust placed in him; and
4.1.5 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,
when he indicated that Parliament had taken the decision to dismiss the PRASA Board and that he could not go against a decision of Parliament. Thereby, the Member failed to understand his role as the Minister of Transport.

The Committee will recommend to the House to impose the following sanction.

That the Member be suspended from his seat in all parliamentary debates and sittings, and from committee meetings and committee related functions and operations from 10 October 2023 to 1 December 2023.

The Committee Report will be ATC'd in terms of item 10.7.8.1 of the Code of Ethical Conduct and Disclosures of Members' Interests.

Sincerely



ADV A GORDON
ACTING REGISTRAR OF MEMBERS' INTERESTS