Tuesday, 25 August 2026]

No 140—2026] THIRD SESSION, SEVENTH PARLIAMENT

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OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

TUESDAY, 25 AUGUST 2025

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ANNOUNCEMENTS

National Assembly

The Speaker

1. Membership of Committees

(1) Ms NE Motaung has been elected as Chairperson of the Portfolio Committee on Agriculture, with effect from 25 August 2026.

2. Referral to Committees of papers tabled

(1) The following paper is referred to the **Standing Committee on Finance** for consideration and report:

(a) Prudential Authority's Revised Budget, Estimates of Expenditure, Fees and Levies Proposals for 2026/27, in terms of the Financial Sector Regulation Act, 2017 (Act No. 9 of 2017).

(2) The following paper is referred to the **Portfolio Committee on Transport** for consideration and report:

(a) Revised Annual Performance Plan of the Department of Transport for 2026/27.

TABLINGS

National Assembly and National Council of Provinces

1. The Speaker and the Chairperson

(a) Prudential Standard R05: Requirements for the Identification of Resolution Groups and Reporting Obligations for Designated Institutions, issued in terms of section 105 of the Financial Sector Regulation Act, 2017 (Act No. 9 of 2017).

COMMITTEE REPORTS

National Council of Provinces

1. Report of the Select Committee on Security and Justice on the Magistrates Commission's progress report dated 31 March 2026, tabled by the Minister to Parliament, on the provisional suspension from office of Magistrate of Mr AAK Singh, Senior Magistrate, Pietermaritzburg, on the grounds of misconduct in terms of the Magistrates Act, 1993 (Act No 90 of 1993), and referred to the Committee on 20 April 2026, dated 5 August 2026.

The Select Committee on Security and Justice, having considered the Magistrates Commission Progress Report dated 31 March 2026, submitted in terms of section 13(3)(f) of the Magistrates Act, No. 90 of 1993 (the Act), the Magistrates Commission must cause a report on the progress made in respect of inquiries against magistrates who have been provisionally suspended from office to be submitted to Parliament every three months.

Progress to date:

1. Mr Singh is a Senior Magistrate at Pietermaritzburg. Having received a number of complaints against him, the Magistrates Commission on the *prima facie* evidence at its disposal, resolved to summarily charge him with misconduct. A charge sheet, dated 27 September 2023, containing four (4) counts of misconduct.
2. The Minister, on the advice of the Commission provisionally suspended Mr Singh from office with effect from 18 December 2023, which suspension was confirmed by the NA and the NCOP on 12 March 2024 and 09 May 2024, respectively.
3. The misconduct charges preferred against Mr Singh relate to allegations that he:
    a. On 8 July 2023 and at Pietermaritzburg sent a WhatsApp message to a journalist, who wrote an article for the Daily Maverick titled "NPA, Magistrates Commission asked to probe KZN magistrate's murky immersion in spying and politics", which was published on 6 July 2023. After publication of the article Mr Singh sent an inappropriate, concerning and threatening WhatsApp messages from cellular phone number 072 608 0356 which is the number he used to be in contact with the journalist;
    b. On 8 July 2023 and at Pietermaritzburg he sent a WhatsApp message to another journalist and the Managing Editor at AmaBhungane, who commissioned the journalist, to write the article for the Daily Maverick

mentioned in Charge 1 above and assisted him in writing and editing the article which was published on 6 July 2023. After publication of the article Mr Singh sent an inappropriate, concerning and threatening WhatsApp message from cellular phone number 072 608 0356 which is the number he used to be in contact with the journalist;

c. On 10 November 2017, under oath, stated that he on Friday, 30 November 2016 arrive at the Drakensburg Sun Hotel at about 16:00 and attended a meeting with individuals who are all members of the South African Police Services Crime Intelligence Unit, and an informant/contact/individual, whilst in truth and in fact he did not attend such meeting on 30 December 2016 at the Drakensburg Sun Hotel, and;

d. Had and/or has a close relationship with officials attached to the South African Police Services and more especially to those attached to the Crime Intelligence Unit to such an extent that he, during the period 2016 and 2017, actively involved himself in the Crime Intelligence Unit's investigations and undercover operations by identifying and recruiting suspects appearing in the Pietermaritzburg Magistrates Court as informants/contacts for the Crime Intelligence Unit, assisted with the arrangements for the Crime Intelligence Division's Technical Surveillance Unit, KZN to do a covert installation of equipment at an office which he identified for recording purposes, assisted the Crime Intelligence Unit with an investigation of a project into the "fees must fall" incidents and divulged information regarding the strength of a case against arrested persons to an identified informant/contact.

e. Two additional charges 5 and 6, were added in February 2024 and served on Mr A.A.K Singh on 15 February 2024.

f. Charges 5- relates to his participation as founder, and or administrator, and or active participant of WhatsApp and or chatgroup called www.samrem.co.za, herein after referred to as, "The South African Minority Rights and Equality Movement", where sensitive, and or political and or messages that do not stand the test of Judicial office candidature, are posted.

g. Charge 6 relates to his participation in a workshop coordinated by Solidarity Movement, on 6 June 2023, with the aim to help Civil Society align their resistance, to the Employment Equity Amendment Act, focusing on the critique against the law, and planning what to do to offer resistance.

4. The Person Leading Evidence (PLE) and Presiding Officer (PO) were appointed on 04 and 06 December 2023 respectively.
5. A Pre-trial conference was scheduled for 04 March 2024, at the Pietermaritzburg High Court however the pre-trial conference did not proceed after Mr Singh, and his Attorney caused such a commotion that the PLE decided to call off the pre-trial.
6. The Commission in the meantime received concerns regarding the PLE and resolved to replace him in the interest of having the matter proceeding and a new PLE was appointed on 08 April 2024. The Commission had to replace him as he was also appointed to act as a Judge in Free State High Court. The new PLE set the matter down for the 10-11 October 2024 at the Pietermaritzburg High Court.
7. The hearing proceeded on 10 and 11 October 2024 as arranged. Mr Singh refused to plea to the charges and raised a number of preliminary points and also requested opportunity to make a recusal application against the presiding officer. The matter was adjourned to 11-12 of November 2024 to allow Mr Singh an opportunity make written submissions.
8. On 11-12 November 2024, the matter proceeded wherein Mr Singh`s preliminary points were argued and was postponed to 10-14 March 2025 for finalization of preliminary points and hearing. Mr Singh`s attorney informed the Commission of his withdrawal as attorney of records.
9. In January 2025, the presiding officer sent a formal ruling / direction and ordered Mr Singh to formerly submit all his points *in limine*, on or before the 28th of February 2025. Mr Singh failed to submit preliminary point as directed.
10. On 10 March 2025, the PLE moved a motion to prefer charges, and Mr Singh opposed the motion and proceeded to raise further preliminary points including a request to apply for recusal of the Presiding Officer. The PO adjourned the matter to the 12 March 2025 to consider whether he should recuse himself from the matter.
11. In his judgement on 12 March 2025, the PO decided to recuse himself from the matter and adjourned the hearing *sine die*, pending the appointment of another PO. The Presiding Officer indicated that the fact that he served as an Acting Judge in Pretoria High Court under the leadership of the Chairperson of the Magistrates Commission may lead to a perception that he will not be independent. The Magistrates Commission has appointed retired Judge H Fabricius to preside over the matter, and a pre-hearing was arranged for the 17 November 2025. Mr Singh indicated that he will not attend the pre-hearing and as such it was not held.

12. The matter has been set down for the 9-13 February 2026 at the Pietermaritzburg High Court. Mr Singh applied for the recusal of the presiding officer at the hearing and the ruling on the application was delivered on the 19 February 2026. The application for recusal was dismissed, and the matter will proceed from 20-24 April 2026 in Pietermaritzburg High Court.
13. Mr Singh is on provisional suspension.

Report to be considered.

2. Report of the Select Committee on Security and Justice on the Magistrates Commission's progress report dated 31 March 2026, tabled by the Minister to Parliament, on the provisional suspension from office of Magistrate of Mr D Nair, Chief Magistrate at Pretoria, on the grounds of misconduct in terms of the Magistrates Act, 1993 (Act No 90 of 1993), and referred to the Committee on 20 April 2026, dated 5 August 2026.

The Select Committee on Security and Justice, having considered the Magistrates Commission Progress Report dated 31 March 2026, submitted in terms of section 13(3)(f) of the Magistrates Act, No. 90 of 1993 (the Act), the Magistrates Commission must cause a report on the progress made in respect of inquiries against magistrates who have been provisionally suspended from office to be submitted to Parliament every three months.

Progress to date:

1. The Commission charged Mr Nair with misconduct, and a charge sheet dated 29 November 2019, containing two (2) counts of misconduct, was served on Mr Nair and his representative.
2. The misconduct charges preferred against Mr Nair relate to allegations that he, during the period 2016, asked for, or accepted/received a special favour or dispensation or benefit from BOSASA to install security upgrades at his private residence, to the approximate value of R200 000.00 (Two Hundred Thousand Rand).
3. The Minister, on the advice of the Commission, provisionally suspended Mr Nair from office with effect from 24 February 2020, which suspension was confirmed by the NA and the NCOP on 12 March and 02 June 2020 respectively. Two Regional Magistrates were appointed to Lead the Evidence (PLE) and to Preside (PO) at the misconduct hearing.
4. The PLE set the matter down to commence on 21 December 2020 and advised the Public Service Association ("the PSA"), who was acting on Mr Nair's behalf.
5. In a letter dated 09 November 2020 from Attorneys Ulrich Roux addressed to the PLE and the Secretary of the Commission confirmed that they had been appointed by the PSA to represent Mr Nair at the inquiry, and indicated that 21 December 2020 is not suitable, as their appointed counsel and their offices were not available. Arrangements were made with

the PO and Mr Nair's legal team to commence with the misconduct hearing/inquiry on 29 and 30 March 2021.

6. The inquiry commenced on 29 March 2021. Mr Nair briefed senior counsel who raised a point *in limine* against the validity of the charges of misconduct instituted against Mr Nair. His counsel submitted substantive Heads of Arguments where after the PLE requested a postponement to prepare her Heads of argument. The PO postponed the inquiry to 07 June 2021 for the PLE to submit Heads of Argument. The PLE submitted the heads of arguments and Mr Nair's legal team replied thereto on 39 August 2021. A provisional date for the PO to consider the Heads of Argument of both parties and rule on the points raised was set for 04 October 2021. The PO later requested a postponement to the 23 November 2021 since he was due to be interviewed by the JSC for appointment to the High Court bench as a judge.
7. The JSC recommended that the PO be elevated to the High Court bench. The PO therefore requested the parties' views whether he would be competent to continue presiding at the inquiry. He postponed the inquiry to 30 November 2021 for the parties to address him on this issue and to give his ruling on the points *in limine.* The parties addressed him on 30 November 2021 on the issue of his competency to continue presiding at the inquiry. The PO was convinced that he could proceed and postponed the inquiry further to 21 January 2022 for the parties to orally address him on the points *in limine* and objections against the charges raised by Mr Nair's legal team. This parties again addressed the PO where after he postponed the inquiry to 01 March 2022 for his ruling.
8. On 31 March 2022 the PO dismissed the point *in limine* raised by Mr Nair. The matter was postponed to 04-05 and 11 July 2022, to accommodate the PO, for the leading of evidence.
9. Two (2) witnesses testified and were extensively cross-examined on these dates. The inquiry was postponed to 05-09 December 2022 for further evidence.
10. The Commission's third witness presented his evidence in chief on 06 December 2022 and was partly cross-examined on 06 and 07 December 2022. The PO postponed the inquiry to 10 March 2023 for further cross-examination of this witness. The matter did not proceed on the day due to the sudden and unexpected unavailability of the PO. The PO postponed the inquiry to 05 July 2023. Counsel for Mr Nair concluded his cross examination of the Commission's third witness on 05 July 2023. The PLE applied for her next witness to testify virtually and for the inquiry to be conducted at the Commission's offices for this purpose. The witness was, due to his ill-health, not in a position to physically attend the

inquiry. Counsel for Mr Nair had reservation in that regard and the PO requested the PLE to submit her application in writing. The inquiry was postponed to 19 and 20 September 2023 for further evidence, on the proviso that the PO ruled in favour of the PLE's application for the Commission's last witness to testify via a virtual platform.

11. On 14 September 2023 the PLE advised that, due to Mr Nair's late queries relating to this issue, they were not able to arrange properly with the witness. Furthermore, the venue which was utilized ever since the commencement of the inquiry was said to be no longer available. There was no time to secure an alternative venue on this short notice. The inquiry therefore did not proceed and was postponed to 01 to 05 April 2024, during the recess of the Western Cape High Court to accommodate the PO. The PLE abandoned the request to have the last witness testify virtually.
12. The matter proceeded on the 01 April 2024 wherein the Mr Nair`s legal representative made an application for Mr Nair to be acquitted after the Commission closed its case (absolution from instance). The matter was postponed to the 25 September 2024 for the Commission to make its submission on the application. The matter could not proceed as the PLE became ill. The matter was postponed to 27 January 2025 for oral submissions by the Commission on the application. The Commission`s oral arguments were heard via a virtual platform on the 27 January 2025, and the matter was postponed *sine die* for judgment on the application for absolution from the instance.
13. The Application for Absolution from instance was dismissed on 1 April 2025 mainly on the basis that the Regulations for Judicial Officers in the Lower Courts, 1994 do not provide for such an application. Counsel for Mr Nair was consulted on the date for the next hearing but he did not want to agree to a date for the hearing before consulting with his client and this caused a delay. The parties set the matter down for the 29-30 September 2025 where Mr Nair testified on both dates. The hearing was postponed to 14-15 January 2026 to hear testimony of two witnesses.
14. The matter proceeded on the 14-15 January 2026 and evidence in the matter has been concluded. Final oral arguments will be heard virtually on 05 October 2026, both parties have exchanged their heads of arguments. The Commission is in the process of engaging parties to consider an earlier date for oral arguments.
15. Mr Nair is provisionally suspended from office.

3. Report of the Select Committee on Security and Justice on the Magistrates Commission's progress report dated 31 March 2026, tabled by the Minister to Parliament, on the provisional suspension from office of Magistrate of Mr ES Nzimande, Regional Court President, KwaZulu-Natal, on the grounds of misconduct in terms of the Magistrates Act, 1993 (Act No 90 of 1993), and referred to the Committee on 20 April 2026, dated 5 August 2026.

The Select Committee on Security and Justice, having considered the Magistrates Commission Progress Report dated 31 March 2026, submitted in terms of section 13(3)(f) of the Magistrates Act, No. 90 of 1993 (the Act), the Magistrates Commission must cause a report on the progress made in respect of inquiries against magistrates who have been provisionally suspended from office to be submitted to Parliament every three months.

Progress to date:

1. Mr Nzimande is the Regional Court President of the Regional Division, Kwazulu-Natal. He is 65 years of age. Mr Nzimande served the Lower Courts Judiciary as a Regional Magistrate since 01 July 2000 and was appointed the Regional Court President, Kwazulu-Natal on 01 June 2011.
2. The Magistrates Commission (the Commission), during a preliminary investigation conducted in terms of regulation 26(1) of the Regulations for Judicial Officers in the Lower Courts, 1994, obtained reliable evidence indicating that the allegations against Mr Nzimande are of such a serious nature as to make it inappropriate for him to perform his functions as a judicial officer and Regional Court President.
3. Having considered the existing evidence against him, the Commission at its meeting held on 31 August 2018 resolved to charge Mr. Nzimande with misconduct. A charge sheet, dated 31 August 2018, containing 50 counts of misconduct, was served on Mr. Nzimande on 04 September 2018.
4. The Minister, on the recommendation of the Commission, provisionally suspended Mr. Nzimande from office on 05 October 2018. The National Assembly confirmed the Minister's decision on 05 October 2018. The NCOP passed a similar resolution on 19 March 2019.

5. In summary, the misconduct charges preferred against Mr Nzimande, inter alia, relate to acts of impropriety in that he:
   a) in his capacity as Head of the Office for the Kwazulu-Natal Regional Division during the period 2012 to 2016, was responsible for the recommendations of acting Regional Magistrates to the Minister for appointment in terms of section 9(3) of the Magistrates Courts Act, No 32 of 1944 (the Minister has delegated the appointment of acting magistrates to the Deputy Minister);
   b) on various occasions during the period 2012 to 2016, approached the Deputy Minister, recommending the acting appointment of a number of attorneys for them to act in the Regional Courts within his Regional Division;
   c) in turn, received numerous payments form these attorneys, which were deposited into his bank accounts either prior to, or after their respective approved acting appointments.
   d) during the period 2012 to 2015 unlawfully and wrongfully victimized and/or sexually harassed a female acting Regional Magistrate for the Kwazulu-Natal Regional Division by making subtle sexual advances to her and/or calling her into his office, asking her to sit on his lap whilst talking to her and/or indicating that she was indebted to him for her job and that he was personally responsible for her receiving the position as acting Regional Magistrate and/or attempted to coerce her and pressure her into engaging in a sexual relationship with him and/or consistently discussed his personal circumstances such as who his sexual partners were and the activities which he engaged them in and/or consistently tell her of other magistrates who will engage in sexual favours in return for employment perks and/or sent a picture/photo of his genitalia via cellular phone to her, which conduct violated her rights to integrity of her body and personality.

6. On 25 October 2018, Mr Nzimande responded to the allegations of misconduct against him, as fully set out in the charge sheet, denying all the allegations against him.

7. CHRONOLOGY OF EVENTS AND THE REASONS FOR DELAY
   7.1. The delay in finalizing the matter can be attributed to several challenges. Mr. Nzimande was provisionally suspended from office on 05 October 2018. The provisional suspension was confirmed by the National Assembly on 05 October 2018.

7.2. On 25 October 2018, Mr Nzimande responded to the allegations of misconduct against him, as fully set out in the charge sheet, and denied all the allegations against him.

7.3. The previous Chairperson of the Commission had an agreement with the former National Director of Public Prosecutions (NDPP) to release a Senior Advocate from his Office to assist the Commission in leading the evidence at the disciplinary hearing.

7.4. The Senior Advocate was released for that purpose and was appointed on 04 December 2018 as the Person Leading Evidence (PLE). He, however, retired and was not willing to provide further assistance as the PLE.

7.5. The newly appointed NDPP was advised accordingly and requested to appoint someone pursuant to the agreement with her predecessor.

7.6. On 22 February 2019, after obtaining approval from the Heads of Courts to release the magistrates to preside over Mr. Nzimande's disciplinary hearing, the Commission appointed three (3) Regional Court Magistrates as Presiding Officers (POs).

7.7. On 19 March 2019, the National Council of Provinces confirmed the provisional suspension.

7.8. The matter was stagnant until 24 January 2020, when the NDPP responded and confirmed the NPA would release another senior advocate to assist as a new PLE. The new PLE unfortunately withdrew on 22 February 2021.

7.9. Following the PLE's withdrawal, the Commission resolved not to approach the Office of the NDPP for assistance again and further resolved to appoint two senior magistrates as PLEs. On 29 March 2021, a Regional Magistrate and a Senior Magistrate were appointed.

7.10. On 04 June 2021, the Regional Magistrate requested to withdraw as PLE for the reason that he would be retiring in 2022, and the disciplinary hearing will not be finalized by the time he vacates office. On 20 August 2021, the Senior Magistrate also requested to withdraw. The Commission thereafter resolved to appoint two private practitioners as PLE.

7.11. The Commission's Executive Committee (EXCO) resolved to appoint two private practitioners to lead the evidence on behalf of the Commission. This resolution was taken with consideration of the duration of the inquiry and the fact that if magistrates were to lead the evidence, those magistrates would have to be replaced

in their courts. The two PLE`s were duly appointed by the State Attorney on 23 September 2021. The 41 arch lever files, containing the evidence, were prepared by the I/O and handed over to counsel. The I/O briefed them on the contents of the evidence from 06 to 10 December 2021.

7.12. The PLE's interviewed/consulted with most of the available witnesses in February 2022.

7.13. Although a date for the misconduct inquiry to commence was set in consultation with the PO's, for 18 August 2022, the Commission found it difficult to find a Presiding Officer within the ranks of magistrates owing to Mr. Nzimande's rank as Regional Court President and seniority and resolved to rather appoint a retired judge.

7.14. The Commission approached retired Judge Shongwe to indicate his willingness to preside at the Inquiry and he agreed. The Minister duly appointed him as Presiding Officer. The Commission was not satisfied with the work of the PLEs and resolved to remove the Senior Counsel from the team and replace him with another Counsel (Junior).

8. HEARING

8.1. The parties agreed to hold a pre-hearing conference on the 13 November 2023. The hearing commenced on the 23 January 2024 and was due to sit until the 02 February 2024. Mr. Nzimande pleaded not guilty to all the charges, and the matter was postponed at the Commission`s request to the 04-15 March 2024 to add further documents to the evidence bundle.

8.2. The hearing proceeded on 04 – 08 March 2024 and three witnesses testified. It was postponed to 9-12 April 2024 for further evidence. The hearing proceeded on the 9-12 April 2024 and postponed to 10-14 June 2024 for further evidence.

8.3. The hearing proceeded on the following date: 10-14 June 2024 where four witnesses testified and 9-12 July 2024 where four witnesses testified. The hearing was then postponed to 2-6 September 2024 for further evidence; however, the presiding officer indicated that he is not available.

8.4. The hearing proceeded from the 30 September to 4 October 2024 and three witnesses testified (including former Deputy Minister, Mr. John Jeffery). The hearing was postponed to 9-13 December 2024 however it did not proceed because Counsel that

was appointed to lead evidence (PLE) terminated their mandate with the Commission after a dispute arose with their legal fees.

8.5. The hearing was postponed to 27-31 January 2025 after another evidence leader was appointed by the Commission however the matter did not proceed on the date due to the unavailability of the presiding officer. The matter was postponed to 3-7 March 2025 and again did not proceed due to the unavailability of the presiding officer. It was postponed to 2-6 June 2025 but did not proceed as scheduled as the Presiding Officer indicated that he was ill.

8.6. The Chairperson of the Magistrates Commission, Acting Judge President Ledwaba held a virtual meeting with the parties on the 30 May 2025 to inform the parties about the non-availability of the Presiding Officer. The parties agreed that the matter will be postponed sine die and that they will reconvene on the 04 July 2025 to assess the situation and agree on the way forward.

8.7. On the 10 June 2025, the Presiding Officer requested to be released from Presiding in the matter due to continued ill-health. On the 04 July 2025, The Chairperson of the Magistrates Commission held a virtual meeting with the legal teams and informed them about the Presiding Officer`s request. The legal teams agreed to communicate with each other propose a way forward on the evidence already led in the hearing.

8.8. On the 22 July 2025, the Commission requested representation from Mr Nzimande on why it should not determine to withhold his remuneration in terms of section 13 (4A) (a) of the Magistrates Act, 1993. The Commission was of the opinion that it was not in the interest of the public / judiciary that she should continue to receive remuneration whilst on suspension and after he turned 65 years of age. Mr Nzimande responded on the 04 August 2025. The Commission considered his responses on the 8 October 2025 and resolved not to determine that his remuneration should be withheld. The Commission considered the fact that the delay in the disciplinary hearing were mainly caused by the Commission.

8.9. The Commission approached the Minister of Justice and Constitutional Development to facilitate appointment of Judge Khami Makhafola (Retired) as the judicial presiding officer. Judge Makhafola met with the Commission` evidence leader and the Mr Nzimande`s legal team on the 17 December 2025 to arrange the resumption of the hearing. The parties agreed that the matter should not start de novo

and that the records of proceedings should be submitted to the presiding officer for him to prepare.

8.10. The hearing was set down for the 9-13 March 2026 in Durban. The hearing proceeded on the 9-13 March and three further witnesses testified. The hearing will proceed again 4-7 May 2026, 11-14 May and 18-19 May 2026 in an attempt to finalize the matter. The Commission is hopeful that the hearing will be finalized before the end of 2026.

Report to be considered.

4. Report of the Select Committee on Security and Justice on the Magistrates Commission's progress report dated 31 March 2026, tabled by the Minister to Parliament, on the provisional suspension from office of Magistrate of Mr LT Mkansi, Regional Magistrate, Bloemfontein, on the grounds of misconduct in terms of the Magistrates Act, 1993 (Act No 90 of 1993), and referred to the Committee on 20 April 2026, dated 5 August 2026.

The Select Committee on Security and Justice, having considered the Magistrates Commission Progress Report dated 31 March 2026, submitted in terms of section 13(3)(f) of the Magistrates Act, No. 90 of 1993 (the Act), the Magistrates Commission must cause a report on the progress made in respect of inquiries against magistrates who have been provisionally suspended from office to be submitted to Parliament every three months.

Progress to date:

1. The Commission resolved to charge Mr Mkansi with misconduct. A charge sheet, dated 12 December 2019, was duly served on Mr Mkansi the next day.
2. The misconduct charges against Mr Mkansi relates to prima facie evidence that, during the period 28 March 2017 and 04 May 2018, he had cellular phone contact with an accused on 49 occasions before, during and/or after the accused had to appear before him in court on 24 counts of fraud.
3. The Commission at its meeting held on 29 November 2019 resolved to recommend that Mr Mkansi be provisionally suspended from office.
4. The Minister provisionally suspended Mr Mkansi from office on 09 May 2020. The National Assembly and National Council of Provinces confirmed his provisional suspension.
5. On 24 June 2020 the Commission appointed the PLE and the PO to respectively lead the evidence and to preside at the inquiry.
6. Mr Mkansi on 22 July 2020 filed an Application with the Gauteng Division of the High Court, Pretoria to review and set aside the following decisions:

   a) The decision of the Commission's Ethics Committee to not support the findings of the Ethics Division;

   b) The resolution by the Ethics Committee to conduct a preliminary investigation into the allegations levelled against him;

   c) The Commission's decision to charge him with misconduct, and

d) The Minister's decision to provisionally suspend him from office "pending the inquiry by Parliament into his fitness to hold office" (sic).

7. The Commission opposed the Application. When it appeared that Mr Mkansi failed to further his application, the Person Leading the Evidence (the PLE) at the inquiry was instructed to, in consultation with the Presiding Officer (the PO) and Mr Mkansi, to set a date for the hearing to commence.
8. The inquiry was set down for a week from 16 until 20 May 2022. Mr Mkansi and his attorney were duly advised of the dates and the venue in writing. A subpoena was served on Mr Mkansi by his attorney. The venue was, by agreement between the parties, set to be at the Department's Regional Office in Bloemfontein. On 16 May 2022 Mr Mkansi, for no reason at all, however reported to the Commission's offices in Pretoria. His attorney was also absent. The matter was therefore postponed to 18 May 2022 to give him and his attorney the opportunity to travel to Bloemfontein and attend the proceedings. Mr Mkansi on 18 May 2022 attended the hearing and advised that he is still pursuing his review application, that the pleadings have closed and that his attorney will provide him with a case-line report still that day. He further advised that he instructed his attorney to file an *Ex parte* application at the Pretoria Magistrates Court to interdict the inquiry to proceed.
9. The PO, on Mr Mkansi's request, postponed the inquiry to 20 May 2022 for him to provide her with the outcome of this interdict application as well as a case-line report on the review application.
10. Mr Mkansi's attorney on 20 May 2022 informed the PLE that the court dismissed the interdict application and that he holds instructions to appeal the judgment in the High Court.
11. The PO postponed the inquiry to 25 and 26 July 2022 for the defence to proof how far they are with the review application and what they had done to expedite the matter. The review application, which was filed in the High Court in July 2020, was placed on the roll for August 2022, but was subsequently removed from the roll on 01 July 2022.
12. Despite having been duly notified of the dates and having been provided with a copy of the record of proceedings thus far, both Mr Mkansi and his attorney were absent on Monday, 25 July 2022. The PO therefore ordered the inquiry to be rolled over to 26 July 2022.
13. Neither Mr Mkansi nor his attorney was present on that day. The PLE placed on record numerous email correspondences from Mr Mkanzi's attorney since the last postponement. The attempts and efforts by PLE to elicit a response were fruitless. It was only a few days before the commencement of the inquiry that Mr Mkansi advised the PLE that he instructed

another attorney where after he, on very short notice, electronically submitted a medical certificate claiming that he was ill and booked off for that week.

14. Mr Mkansi had on the previous occasion indicated that the inquiry is "weighing heavily on him, putting stress on him and that he wants it to be finalised". There is however no evidence to indicate that he is putting pressure on his attorney to speedily attend to his review application.
15. Based on the medical certificate which Mr Mkansi forwarded to the PLE, the PO postponed the inquiry until 15 to 18 November 2022 and ordered that the inquiry will proceed, whether Mr Mkansi is present or not. She further ordered that his attorney or counsel must be advised to be present. The PO was further advised that Mr Mkansi's review application was re-enrolled for 10 October 2022 but that it was again, on short notice, removed from the roll on 05 October 2022.
16. Mr Mkansi was once again absent from the misconduct inquiry on 15 November 2022 again submitting a medical certificate from a different medical practitioner. The PO postponed the inquiry as a final postponement to 20 to 22 February 2023 for hearing.
17. In the meantime, Mr Mkansi again enrolled his review application to be heard on 23 January 2023, which application was once again removed from the roll. Mr Mkansi filed a joinder application to cite Parliament as a Respondent. The PLE took ill and the matter did not proceed on 20 to 22 February 2023.
18. The Commission's Ethics Committee was of the view that Mr Mkansi is deliberately delaying the conclusion of the misconduct inquiry against him. It was therefore resolved that Mr Mkansi be given the opportunity to submit reasons why the Commission should not recommend that his remuneration be withheld forthwith pending the finalization of the inquiry.
19. Having considered Mr Mkansi's representations in this regard, the Commission's Ethics Committee at its meeting held on 06 February 2023 resolved not to recommend to the Commission to consider withholding Mr Mkansi's remuneration forthwith because the inquiry did not proceed on 20 February 2023, as the PLE had to undergo a medical procedure. The fact that the inquiry could not continue was not due to Mr Mkansi's action or inaction.
20. The PLE was again indisposed from May to August 2023. The PLE in consultation with the PO and Mr Mkansi's legal team, set a new date for the inquiry for the 19-23 August 2023.
21. It must be noted that the PO is now on retirement. Arrangements were made with the Deputy Minister to appoint her on an acting basis to finalize the misconduct hearing and he agreed.

22. Furthermore, Mr Mkansi's criminal trial commenced at the Bloemfontein Regional Court on 28 September 2023. Evidence was led and the case postponed to 19-21 February 2024 for further trial. His application to be discharged at close of the case of the prosecution was dismissed in terms of section 174 of the Criminal Procedure Act, 1977 was dismissed by the Presiding Officer. He then testified and closed his case. The criminal trial was postponed to 27 May 2024 for judgement.
23. Mr Mkansi was found Guilty of Defeating the Administration of Justice on the 27 May 2024. The matter was postponed to the 1 July 2024 for sentencing. On the 1 July 2024, the co-accused in the matter terminated the services of his attorney and the matter was postponed to the 8 August 2024 for attorney for the co-accused in the matter.
24. The disciplinary enquiry was set down for hearing from the 19 to 23 August 2024. The disciplinary enquiry proceeded and was postponed to the 21 to 23 October 2024 for further hearing and cross examination. Mr Mkansi’s attorney applied for postponement of the matter, pending the outcome of a review that he has lodged at the High court. The application was granted, and the enquiry was postponed to 24-26 March 2025.
25. Mr Mkanzi’s review application in the High Court was unsuccessful and the dismissed with costs on the 17th February 2025. Thereafter Mr Mkanzi, was convicted and sentenced in the Regional Court on the same facts as on this matter, for Defeating the Administration of Justice. He was sentenced on the 25th March 2025 to a fine of R120,000 or 5 years imprisonment.
26. The dates for further enquiry are re-arranged for 18th – 20th June 2025, as the officer leading evidence had undergone a surgical procedure and was booked off for the pre-arranged dates. The matter proceeded on these dates and the evidence was finalised. Judgement was delivered on the 20th June 2025 and Mr Mkansi was found guilty as charged.
27. The sanction in this matter was delivered electronically by the Presiding Officer on the 24th June 2025. The recommendation of the Presiding Officer is that Mr Mkansi should be removed from office in terms of Regulation 26 (17) (b) of the Regulations for Judicial Officers in the Lower Courts,1994. Mr Mkansi is was required to make representations on the sanction within a period of 21 days. He duly submitted his representation and the Presiding Officer, after consideration of his representation, proceeded to recommend removal from office.
28. On the 08 October 2025, EXCO determined that Mr Mkansi`s remuneration should be withheld pending the decision to remove him from office. Mr Mkansi is currently not receiving remuneration.

29. On the 25 November 2025, the Magistrates Commission considered the recommendation of presiding officer in the disciplinary hearing that Mr Mkansi should be removed from office. The Commission accepted the recommendation and resolved to recommend to Parliament that Mr Mkansi should be removed from office, and correspondence was sent to the Minister of Justice and Constitutional Development. The Select Committee on Justice and Police considered the report of the Minister on the 25 March 2026 and resolved to recommend to the National Council of Provinces not to restore Mr Mkansi to his office.

Report to be considered.

5. Report of the Select Committee on Security and Justice on the Magistrates Commission's progress report dated 31 March 2026, tabled by the Minister to Parliament, on the provisional suspension from office of Magistrate of Ms R Govender, an Additional Magistrate at Lenyenye, Limpopo, on the grounds of misconduct in terms of the Magistrates Act, 1993 (Act No 90 of 1993), and referred to the Committee on 20 April 2026, dated 5 August 2026.

The Select Committee on Security and Justice, having considered the Magistrates Commission Progress Report dated 31 March 2026, submitted in terms of section 13(3)(f) of the Magistrates Act, No. 90 of 1993 (the Act), the Magistrates Commission must cause a report on the progress made in respect of inquiries against magistrates who have been provisionally suspended from office to be submitted to Parliament every three months.

Progress to date:

1. Ms Govender was appointed on the bench as additional magistrate for the Tzaneen Magisterial District at Lenyenye in Limpopo on 1 February 2018.
2. A charge sheet and a letter of provisional suspension dated 24 August 2023 were served on Ms Govender 25 and 30 August 2023, respectively.
3. The Minister, on the advice of the Commission provisionally suspended Ms Govender from office with effect from 20 December 2023, which suspension was confirmed by the NA and the NCOP on 12 March 2024 and 09 May 2024 respectively.
4. The Magistrates Commission preferred misconduct charges against Ms Govender that emanates from Criminal Case A81/2019 – The state versus Mongwe Victor Mangena, special review REV60/2020 in the High Court of South Africa, Limpopo, Division, Polokwane [S v Mangena](A81/2019) [2021] ZALLMPPHC 1; 2022(1) SACR 102(LP), in which Judge Kganyago ruled that a copy of the judgment be forwarded to the Commission.
5. According to the judgment, Ms Govender was dishonest, and her behaviour brought the name of the magistracy into disrepute. The Commission resolved to charge her with misconduct.
6. Ms Govender was invited to furnish the Commission with representations why the Commission should not recommend charging and suspending her. She elected to remain silent.

7. The Presiding Officer (PO) and the Person Leading Evidence (PLE) were appointed on 13 December 2023.
8. Ms Govender's inquiry was set down for hearing on 28 and 29 February 2024 at the Lenyenye Court. Ms Govender was served with a Notice of Hearing. She did not attend the hearing, and it proceeded in her absence. Two witnesses testified. The hearing was postponed to 04 April 2024 for judgment.
9. On 04 April 2024, Ms Govender was found guilty of misconduct. Her sanction hearing was set down to 4-6 June 2024.
10. Ms Govender`s sanction hearing took place on 4-6 June 2024 at Lenyenye Court. She did not attend her sanction hearing and the matter proceeded in her absence. The Presiding Officer issued a ruling on the 05 June 2024 and has recommended that Ms Govender be removed from office, in terms of section 13(4) (a) (i) of the Act.
11. On 2 July 2024, Ms Govender was served with Regulation 26 (20) (a) of the Regulations for Judicial Officers in the Lower Courts, 1994, (the Regulations,) wherein she was invited to lodge representations with the Magistrates Commission on the ruling by the Presiding Officer. Ms Govender had 21 days after receipt of the Regulation 26(20) (a) notice, to lodge her representations, which she failed to do.
12. On the 30 July 2024, the Minister provisionally suspended Mr Govender from office in terms of section 13(3) (a) of the Act.
13. On the 10 October 2024, the Commission recommended the removal of Ms Govender from office in terms of section 13(4) (a) (i) of the Act.
14. On 11 February 2025, the Minister confirmed Ms Govender's suspension from office, pending a resolution by Parliament whether to restore her to office or not, in terms of section 13(4) (c) of the Act and tabled a report in Parliament.
15. The National Council of Provinces passed a motion not to restore Ms Govender to her office on 3 July 2025.
16. The Commission is awaiting the Portfolio Committee on Justice and Constitutional Development's decision on the matter.

Report to be considered.

6. Report of the Select Committee on Security and Justice on the Magistrates Commission's progress report dated 31 March 2026, tabled by the Minister to Parliament, on the provisional suspension from office of Magistrate of Ms K Bodlani, Regional Magistrate, Umlazi, on the grounds of misconduct in terms of the Magistrates Act, 1993 (Act No 90 of 1993), and referred to the Committee on 20 April 2026, dated 5 August 2026.

The Select Committee on Security and Justice, having considered the Magistrates Commission Progress Report dated 31 March 2026, submitted in terms of section 13(3)(f) of the Magistrates Act, No. 90 of 1993 (the Act), the Magistrates Commission must cause a report on the progress made in respect of inquiries against magistrates who have been provisionally suspended from office to be submitted to Parliament every three months.

Progress to date:

1. Ms Bodlani was appointed as a magistrate on 01 October 1996 and has been acting in the Regional Court, Umlazi (eMlazi), Kwazulu-Natal as an aspirant Regional Magistrate since 04 November 2013. She was, since the commencing of her probation period as acting Regional Magistrate on 04 November 2013, mostly presiding in the Sexual Offences Court, Umlazi (eMlazi).
2. Having received, and considered a number of complaints against Ms. Bodlani, the Commission's Ethics Committee, at its meeting held on 05 April 2019, resolved to conduct a preliminary investigation in terms of regulation 26(1) of the Regulations for Judicial Officers in the Lower Courts, 1994 (the Regulations) and that a quality assurance assessment of all the cases finalized by Ms. Bodlani over the past year or so, be conducted. The investigation was conducted by a Regional Magistrate and the judicial quality assessment by an experienced magistrate.
3. On 21 July 2020, acting on the recommendation of the Commission, the Minister provisionally suspended Ms Bodlani from office, which provisional suspension was confirmed by Parliament. The National Assembly confirmed her provisional suspension on 19 March 2021 and the National Council of Provinces on the 17 September 2020.
4. Ms Bodlani indicated that she would apply to be allowed to vacate Office on account of ill-health. The intended application for early retirement was not supported by the Commission, and she did not take the matter any further.

5. After considering the preliminary investigation report into allegations of misconduct against Ms. Bodlani, which also referred to her incapacity to perform her official duties efficiently, the Commission resolved to charge her with six (6) counts of misconduct. A charge sheet, dated 22 September 2020, was served on her on 25 September 2020.
6. The allegations of misconduct against Ms Bodlani are, inter alia, that she:
    a) sent e-mail messages to several peers which contained racial remarks, allegations of racism and allegations of favouritism against the duly appointed Acting Regional Court President, KZN and one of her colleagues;
    b) on several occasions acted in a manner unbefitting of a judicial officer by sending out e-mail messages, in which derogatory and insulting comments were made about one of her colleagues at the Umlazi (eMlazi) Court House, which e-mail messages were copied to several persons as well as the Commission.
    c) during January 2019, after returning from annual leave, was to preside over a priority case, Umlazi (eMlazi) case number, RC161/18 S v Ncwane. Although the parties were ready to proceed and the witnesses present, she invited the prosecutor and the defence attorney into her chambers and discussed with them her reasons for not being ready, to proceed with the trial in the said case. The reason being that she was looking for her diary and that she needed to be emotionally stable before she could proceed with any trials. She thereafter, on record, postponed the case, repeating her reasons for the postponement. There was no valid reason for the postponement of this priority case. She acted against the principles laid down in the case flow management directives and postponed the case to 26 February 2019, indicating to the witnesses that the case might not even proceed on that day;
    d) presided in Umlazi (eMlazi) case number RC 191/19; S v Ndelu. Ms Maharaj was the attorney on record for the accused since December 2017. Ms Maharaj, since June 2018, knew that Dr Badal, an expert witness, would be testifying in the case as the only remaining witness for the State. Ms Bodlani allowed Ms Maharaj to shout at, and address Dr Badal directly in a discourteous, demeaning and rude manner in open court. She failed to maintain good order in court and acted in contrast to the commonly accepted decorum of the court. Ms Bodlani thereafter granted a postponement at the request of Ms Maharaj on unreasonable grounds;

e) presided in Umlazi (eMlazi) Case Number RC46/14 S v Mbuyisa and made derogatory, sexist and gratuitous remarks and displayed prejudicial conduct towards the accused, and

f) on several occasions, indicated in writing that she would not comply with an order, duly given to her by her Judicial Head of Office and the acting Regional Court President, KwaZulu Natal, to furnish the latter with various case records and her reasons, to be sent on special review in terms of section 304(4) of the Criminal Procedure Act, No 51 of 1977. Ms Bodlani, in an email to the Commission, indicated that she would not comply with lawful instructions given to her by the acting Regional Court President, thereby challenging the authority of the acting Regional Court President to give her official and work-related instructions. She thereafter attempted to send the case records on special review, without submitting them to the acting Regional Court President, as instructed.

7. The judicial quality assessment report of Ms. Bodlani's work revealed serious irregularities and shortcomings. A number of her cases had to be sent on special review in terms of section 304(4) of the Criminal Procedure Act, no 51 of 1977 (the CPA) as several serious incompetent sentences were imposed. She was allocated to the Sexual Offences Court and dealt with many child victims being raped by adults where the prescribed minimum sentence is life imprisonment.
8. In almost all the finalised cases which were assessed, Ms Bodlani imposed sentences where either the accused were cautioned or strongly reprimanded or wholly suspended. The suspended sentences she imposed were both incompetent and incomplete. She disregarded the procedures prescribed by sections 77 and 78 of the CPA and made nonsensical findings contra to those prescribed by the CPA and case law. The provisions of several sections of the CPA, relating to child witnesses were often not followed and, in many cases where the Child Justice Act, no 75 of 2008 was applicable, the provisions of the Act were not complied with.

9. Hearing

9.1. The proceedings in Ms. Bodlani's matter were dormant for some time until the Commission appointed a Regional Court President (PLO) and a Regional Magistrate (PLE) on 25 August 2023.

9.2. On 9 September 2023, Ms. Bodlani requested the Minister through the State Attorney to assist her with legal representation for the disciplinary hearing.

9.3. The PLE immediately contacted Ms Bodlani`s legal representative to arrange a pre-hearing conference. Twice, on 26 October 2023 and 24 November 2023 respectively his efforts failed because they were reportedly uncooperative.

9.4. On 11 December 2023, the Commission was advised that the Minister rejected Ms. Bodlani's request. It is only then that Ms. Bodlani's legal representatives agreed to the pre-hearing conference, which was eventually held on 22 January 2024 in Durban.

9.5. The PLE attempted to set the hearing down and once again, he encountered challenges with Ms. Bodlani`s legal representatives. The inquiry was set down for hearing on 10-14 June 2024. Ms Bodlani was served with the notice set down and the witnesses were subpoena to attend the hearing.

9.6. At the hearing, Ms. Bodlani appointed a new legal representative and filed an interlocutory application alleging irregularities, which application was dismissed by the Presiding Officer. Parties agreed to have a pre-trail and postponed the trial to 16-20 September 2024.

9.7. The trial proceeded on 16-20 September 2024 and one witness testified. The matter was postponed to 21- 23 October 2024, for further evidence.

9.8. During the misconduct hearing on 21-23 October 2024, Ms Bodlani filed a recusal application alleging that the Presiding Officer is conflicted by virtue of her being trained in the past by the Presiding Officer. The application was followed with a threat that if it is refused, they will approach the High Court for relief. After consideration of the recusal application, the presiding officer decided to recuse herself. The matter started de novo on 15-16 May 2025 after the Commission appointed a new evidence leader.

9.9. On the 15-16 May 2025, three witnesses completed their testimony and the matter was postponed to the 14-18 July 2025 for further evidence. On the 14-18 July, two further witnesses testified, and the matter was postponed to the 15-17 September 2025.

9.10. The hearing proceeded, and one witness testified. The matter was then postponed to 9-12 December 2025 where the commission was scheduled to conclude it evidence.

9.11. On the 08 October 2025, the Commission made a determination to withhold Ms Bodlani`s remuneration

9.12. On the 9-12 December the matter proceeded, and one witness testified. The Acting Regional Court President served Ms Bodlani with the letter informing her of the determination to withhold her remuneration. The evidence leader was informed that Ms Bodlani has submitted her resignation indicating her end date as 28 February 2026 and proceeded to argue that hearing be stopped on the basis of the resignation. The request to stop the proceedings was rejected by the Commission.

9.13. On the 11 December 2025, whilst the last witness was still in the witness box and before cross examination, her legal team requested a postponement of the matter. The presiding officer refused the postponement and Ms Bodlani`s legal team indicated that they wanted to review the decision to refuse a postponement.

9.14. The matter was then postponed to the 26 February 2026 to allow Ms Bodlani an opportunity to file their review application.

9.15. On the 8 January 2026 the Magistrates Commission was informed by the acting Regional Court President, Kwazulu-Natal that Ms Bodlani has amended her resignation date to the 31st December 2025. Ms Bodlani is therefore no longer a judicial officer.

10. Miscellaneous

10.1. After Ms. Bodlani’s suspension, and on 6 May 2022, the High Court in Pietermaritzburg directed her and the parties to reconstruct the record in one of the matters where she presided. The Acting Regional Court President, at the time only communicated this Court Order to the Commission on 29 March 2023.

10.2. On 21 April 2023, the Commission's Executive Committee (EXCO) of the Commission received an Internal Memorandum recommending the provisional upliftment of Ms. Bodlani's provisional suspension from office to enable her to comply with the Court Order.

10.3. EXCO accepted the recommendation, and in turn, recommended to the Minister that Ms. Bodlani's provisional suspension be uplifted only for purposes of complying with the Court Order. The Minister agreed and placed the report before Parliament for consideration.

10.4. Both the National Assembly and the National Council of Provinces have now passed resolutions endorsing the recommendation that Ms. Bodlani’s provisional suspension be uplifted for purposes of reconstructing the record as directed by the Court.

10.5. Ms. Bodlani was approached by the Acting Regional Court President, Mr. M Maharaj and the administrative staff at Umlazi to comply with the High Court order issued 6 May 2022, however she refused to comply with the High Court order.

10.6. The Minister issued a formal notification of Parliament`s decision to Ms. Bodlani on 30 July 2024. Various attempts were made by the Acting Regional Court Magistrate to serve the letter on Ms. Bodlani however this was not successful.

10.7. The Minister`s letter of upliftment was eventually served on Ms. Bodlani on 23 October 2024, by the Acting Regional Court President, Mr. Maharaj at her misconduct hearing.

10.8. The Commission was subsequently informed that transcribed records (State versus Clement Mbuso Ndlovu, case number RC 249/13) that led to the temporary upliftment of Ms. Bodlani suspension have been recovered in the system by IT personnel and forwarded to the High Court. That meant the need to remove the upliftment of Ms. Bodlani suspension for the reconstruction of the records was no longer necessary.

Report to be considered.