



MEDIA STATEMENT

05 October 2026

CASAC CALLS FOR A CLEARER AND MORE EFFECTIVE EXECUTIVE ETHICS FRAMEWORK

The Council for the Advancement of the South African Constitution (CASAC) has made a submission to the Department of Justice and Constitutional Development on the draft Executive Members' Ethics Amendment Bill, 2026.

We support the Bill's objective of strengthening the statutory framework governing the ethical conduct of members of the national and provincial Executives. This legislative proposal is the first review and update of the executive ethics regimen in 28 years, since the Executive Members' Ethics Act was passed in 1998. The Bill contains a number of welcome reforms, including clearer provision for Public Protector reports, greater legislative oversight and an express statutory basis for sanctions. However, we believe that several aspects of the Bill require further refinement if the framework is to operate effectively.

First, the Bill proposes that the Executive Ethics Code be approved by Parliament, rather than merely adopted after consultation with Parliament. CASAC supports stronger parliamentary oversight but recommends greater clarity on the respective roles of the National Assembly and National Council of Provinces, the procedure where the Houses differ, and the legal effect of the Code. The Code should operate as a binding minimum ethical standard without displacing stricter obligations imposed by the Constitution or other legislation.

Second, we caution against replacing the existing 30-day period for Public Protector investigations with an entirely open-ended process. A more realistic timetable is necessary, but there should remain an obligation to account for delays and provide progress reports where an investigation cannot be completed within the prescribed period.

We also recommend broader access to the complaints mechanism. Ordinary members of the public, civil society organisations, journalists and whistleblowers

should not have to depend on designated public office-bearers before serious allegations can enter the Executive Member's Ethics process. At minimum, the Act should expressly permit the Public Protector to initiate an investigation where credible information concerning a possible breach comes to its attention. Appropriate safeguards should also be provided for information supplied by whistleblowers.

Third, the institutional independence of the Public Protector and Auditor-General must be protected. Any advice sought from those institutions by the Cabinet Secretary (the Director-General in the Presidency) should be confined to general or administrative matters and should not extend to the merits of conduct that they may later be required to investigate or audit. We also recommend clearer obligations on legislatures to consider and act upon adverse Public Protector reports.

Finally, the proposed sanctions framework requires substantial revision. The Bill lists a range of sanctions, including fines, suspension, reduction of remuneration and dismissal or removal, but does not adequately identify who determines that a breach has occurred, who may impose each sanction, or how these powers interact with the Constitution. We therefore recommend that the Act clearly identify the competent decision-maker for each sanction, prescribe proportionality and procedural-fairness requirements, and preserve accountability where a person leaves executive office after the alleged misconduct occurred.

The integrity of executive government depends not only on the standards that govern it, but on whether breaches are investigated effectively, responsibility is clearly assigned, and meaningful accountability follows.

For further enquiries: Lawson Naidoo – 0731585736

[CASAC Submission](#)