HON. SAKHILE MNGADI, MPL

*AN ACTIVIST, PEOPLE CENTRED LEGISLATURE*

# Member of the Provincial Legislature

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18 March 2025

ATT: Hon Sipho Hlomuka

# MEC for Education – KwaZulu-Natal

[Sipho.hlomukaa@gmail.com](mailto:Sipho.hlomukaa@gmail.com)

# Truro House

Victoria Embankment Street Durban, 4001

Subject: Urgent Demand for Repeal of Circular 29 of 2025 and Protection of Legislative Oversight

Dear MEC Hlomuka,

The Democratic Alliance (DA) in KwaZulu-Natal writes to you in the strongest possible terms regarding Circular 29 of 2025, issued by the Head of Department (HOD) of Education, Nkosinathi Ngcobo. This directive, which enforces a 30-day approval period before Members of the Provincial Legislature (MPLs) can conduct school oversight, is an unconstitutional barrier to accountability and a direct attack on the role of the legislature.

At its core, this is a choice between upholding the sanctity of legislative oversight or endorsing an anti-democratic directive designed to impede transparency. Section 114(2) of the Constitution grants the legislature the authority to oversee the executive and hold it accountable. Circular 29 attempts to strip MPLs—particularly members of the Education Portfolio Committee—of this function, replacing oversight with unnecessary red tape designed to frustrate and delay interventions that are often urgent.

Instead of welcoming scrutiny as a mechanism to improve education delivery, this circular suggests an attempt to shield the Department from accountability. Given the severe challenges facing KZN’s education system—ranging from infrastructure collapse to financial mismanagement—such a directive is not only irresponsible but also unlawful. The Basic Education Laws Amendment (BELA) Act reinforces the role of oversight in education governance, yet nowhere does it permit bureaucratic roadblocks that undermine this constitutional imperative.

The DA demands that you take the following immediate steps:

1. Overturn Circular 29 of 2025 – As the political head of the department, you have the authority and responsibility to ensure that oversight is not obstructed. We demand that you issue a directive repealing Circular 29 with immediate effect.
2. Publicly affirm the legislature’s oversight authority – Your office must take a clear stance in support of MPLs’ constitutional right to conduct school oversight without undue interference.
3. Hold HOD Ngcobo accountable for his overreach – If the HOD is allowed to unilaterally impose unconstitutional restrictions on MPLs, it sets a dangerous precedent for governance in KZN.

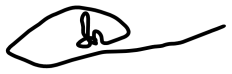
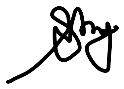
Should you fail to act decisively, the DA will escalate this matter through the following means:

1. Reporting HOD Ngcobo to the Public Protector for abuse of power and unconstitutional obstruction of oversight. His actions violate the principles of ethical governance and public accountability.
2. Taking legal action to have Circular 29 declared unconstitutional and ensure that legislative oversight is restored without unlawful interference.

Your response to this matter will determine whether you stand for accountability and transparency or whether you condone secrecy and obstruction. We urge you to act in the best interests of KZN’s learners, educators, and the rule of law.

We request an urgent response outlining your office’s position and the steps you will take to address this unconstitutional directive.

Yours sincerely,



Regards,

Hon. Sakhile Mngadi, MPL

DA KZN Spokesperson on Education