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Our Ref: MM Ncongwane // Public Protector

01 August 2023

Parliament of the Republic of South Africa
Public Protector
Pprotector@parliament.gov.za

Attention: Mr V Ramaano

Email: <Pprotector@parliament.gov.za>

UNFAIR SHORLISTING PROCESS FOR PUBLIC PROTECTOR.

1. We refer to the moneyweb publication dated 30th July 2023, wherein 8 shortlisted candidates were published. I was a candidate nominated for the position of Public Protector, I do not believe that the process that was followed in shortlisting was transparent.
2. The Constitution of the Republic of South Africa requires that all process embark on by the State must be rational, transparent, effective, accountable and responsive, therefore a high degree of care is required in a form of due process.
3. I was nominated and which nomination was accepted, however it is not my inclination that after my nomination I am entitled to be shortlisted for the process that is underway rather I am concerned at the manner in which the whole process of shortlisting played out in the public platform.

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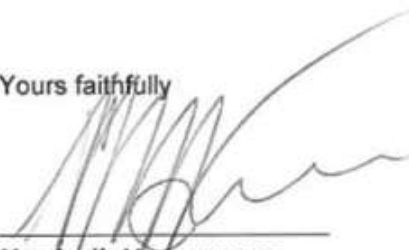
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4. *Prima facie* and based on the engagement of Parliamentarians credence is not given that the process was transparent, fair and open. It appears further that MP's were ticking the boxes of only filling 8 candidates. I accept that about 38 candidates were nominated and therefore it was a mammoth task to run all interviews of 38 people looking at the constraints of time for the appointment of the Public Protector in October 2023.
5. Parliament has absolute duty to run a process that is scandal free, transparent and fair to all, at the end of the day the public must have faith in the process and that no potential candidate was left out due to a process that appears to have been rushed.
6. I picked up from the Committee discussion at 36, of the parliament TV that there were merely ticking up the boxes and there was no intentions of vociferously engaging with the Questionnaire submitted by candidates.
7. There is no reason why we have completed such questionnaires and volunteered so much information and the Committee which comes with a fixed number of candidates that they believe will be Public Protector.
 - 7.1 The question that stands out is what instrument or criteria used to fix the shortlisted candidates to only 8?
 - 7.2 Secondly which instrument or criteria used to single out other candidates without following the necessary audis?

- 7.3 Why candidates were not given an opportunity to comment on any adverse comments made in deliberation by the committee before a final decision was made.
8. I am persuaded to say from 36 minutes of the committee deliberations Honourable members of parliament sadly failed to apply their minds in engaging the questionnaires thoroughly.
9. I therefore challenge the process because of the obvious lack of transparency and rationality, I therefore propose that the process of shortlisting be must start *de novo* and Committee members are given an opportunity to seriously engage to the Questionnaire.
10. The Committee is therefore given until 3rd of August 2023, with a proper directive on whether proper engagement is going to be considered by the committee or not.
11. I reserve my rights in case no reasonable response is received by my office.

Yours faithfully



Macbeth Ncongwane

CEO/Director

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01 August 2023

Date

