**MEDIA STATEMENT**

**COMMITTEE LOOKING INTO PUBLIC PROTECTOR’S FITNESS TO HOLD OFFICE PREFERS ‘MEMBER-LED’ INQUIRY**

**Parliament, Wednesday, 28 July 2021 –**The Committee for Section 194 Enquiry today indicated its preference to adopt a “hybrid” approach for conducting the inquiry into the fitness to hold office by the Public Protector – meaning the process will be led by Members of the committee.

The committee was established by the National Assembly (NA) on 16 March 2021 to conduct a constitutional inquiry into the fitness to hold office of Public Protector Adv Busisiwe Mkhwebane.

Committee Chairperson, Mr Qubudile Dyantyi, said the committee today received a presentation on three possible options it may use to come to a conclusion on the matter. “The committee indicated its preference for the Member-led approach with internal and specialised external support, which was referred to in the meeting as the ‘hybrid approach’. This way the process is Member-led but with added external forensic support to assist the committee in unpacking the evidence. In this hybrid scenario, the role played by the external support will be more limited than compared to that of an evidence leader.”

Mr Dyantyi said it will now be up to the committee to determine the exact role of the support. “This will include the skill sets that the expert should have in order to assist the committee in doing its work effectively and efficiently.”

During today’s presentation, the committee heard that an example of such a resource may provide a summary to the committee on each charge and the related evidence, identify issues that require further probing and assist with the formulation of questions. Committee Members will, however, retain the lead and are actively involved in the process.

The committee resolved to include the audi alteram partem (listen to the other side) rule in its pursuit to ensure fairness in the process. This will mean that the Public Protector will be afforded the right to be heard in her own defence and to be assisted by a legal practitioner or other expert, who however may not participate in the committee.

The committee was also informed that at this point the rules of the committee are in compliance with the Constitution. The committee has therefore been charged by the National Assembly to continue with the inquiry irrespective of a court challenge on removal rules.

The committee furthermore adopted a draft programme which will see it concluding its work in January 2022.

**ISSUED BY THE PARLIAMENTARY COMMUNICATION SERVICES ON BEHALF OF THE CHAIRPERSON OF THE COMMITTEE FOR SECTION 194 ENQUIRY, MR QUBUDILE DYANTYI**