**MEDIA STATEMENT**

**COMMITTEE FOR SECTION 194 HEARS HOW OFFICE OF PUBLIC PROTECTOR NEARLY DID NOT PAY SALARIES**

**Parliament, Friday, 9 September 2022 –** The Committee for Section 194 Enquiry into Public Protector (PP) Adv Busisiwe Mkhwebane’s fitness to hold office today heard that in 2018 the Office of the PP had serious financial constraints which could have led to salaries not paid and the Office’s outreach strategy being hindered.

Ms Nthoriseng Motsitsi, Public Protector Executive Manager: Complaints & Stakeholder Management, told the committee that it is pivotal for the PP's Office to be accessible to ordinary people and for its outreach programmes to reach the poorest of the poor.

She said that, during her stint as Acting Chief Executive Officer (CEO), she received a report indicating the Office of the PP’s dire financial situation and realised that it was in a position of being unable to pay salaries from Feb 2018, something which could jeopardise the livelihood of staff. Ms Motsitsi said it was one of several stressful aspects of being the CEO in the Office of the PP at that time. The Office of the PP had to seek a bank overdraft facility of R15 million to address the its financial needs.

The committee heard that the Office of the PP was considering paying R3 million, possibly more, in order to part ways with the former spokesperson, Ms Cleopatra Mosana. Ms Motsisi told the committee that she was informed that there had been a breakdown in the working relationship between the PP and Ms Mosana, and the latter had first been offered R1 million, and then later R3 million to vacate her position.

Ms Motsitsi told the committee that these offers were unaffordable to the Office. She said she made an alternative proposal of transferring Ms Mosasa from the “private office of the PP” to avoid large settlement payout. However, Ms Mosasa did not accept the monetary offers to leave the Office of the PP. She later took the Office to the Commission for Conciliation, Mediation and Arbitration and she was successful.

Ms Motsisi further informed the committee that she was concerned about the “unreasonable” deadlines set by the PP for investigations and reports. She felt that the reports were rushed and that according to her compromised the quality of reports. “You always get reports of low quality,” she added.

The committee heard that in November 2018 Ms Motsitsi had to obtain an explanation from Ms Ponatshego Mogaladi about delays in the finalisation of a specific report. She obtained the explanation which she accepted (as Ms Mogaladi’s manager) because the justification offered was reasonable. Ms Motsitsi was then issued with an audi letter (an opportunity to be heard), noting that disciplinary steps could be taken against her because she had accepted Ms Mogaladi’s explanation.

Ms Motsitsi said she was between a rock and a hard place. She couldn't compel Ms Mogaladi to submit a factually incorrect report, which would lead to an audi letter. She said had she accepted Ms Mogaladi’s explanations for delays, she would also be issued with an audi letter.
Earlier in the day the committee finalised its engagement with Mr Thembinkosi Muntu Sithole, Manager for Legal Services at the Office of the PP. Adv Nazreen Bawa, SC, stated that, out of more than R140 million spent on legal fees between 2017 and 2022, Seanego Attorneys received more than R49 million. The law firm that received the second largest allocation got about R14 million of work. Mr Sithole accepted these figures, and said in response that some firms have received a larger number of cases than Seanego Attorneys.
Committee Chairperson Mr Qubudile Dyantyi, after several interruptions by Adv Dali Mpofu SC, had to stop him from “disrupting” the line of questioning by Adv Bawa. Mr Dyantyi indicated that hearings will continue virtually tomorrow, with Ms Motsisi under cross examination.
The committee was established by the National Assembly (NA) on 16 March 2021 to conduct a constitutional inquiry into the Public Protector’s fitness to hold office. The enquiry is hybrid and can be followed live on Parliament’s media platforms. Committee documents can be found at: [Committee for Section 194 Enquiry - Parliament of South Africa](https://parliament.us15.list-manage.com/track/click?u=174940c63c5e06b60f5650bea&id=65a07965e5&e=da105e4f6a)

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

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