**MEDIA STATEMENT**

**COMMITTEE FOR SECTION 194 POSTPONES HEARINGS DUE TO ADV MKHWEBANE’S ILL HEALTH**

**Parliament, Thursday, 23 March 2023 –** The Committee for Section 194 Enquiry into Public Protector (PP) Adv Busisiwe Mkhwebane’s fitness to hold office today had to postpone its planned hearings for the week after it received a sick note from the PP indicating that she has been booked off until Monday.

Committee Chairperson Mr Qubudile Dyantyi indicated that, in effect, the committee has lost a further three days of hearings – today, tomorrow and Monday. The committee’s draft programme will therefore now have to be amended to accommodate the days missed. Furthermore, committee Members will have to “sacrifice” their constituency period early next month in order to prioritise the committee hearings.

Mr Dyantyi also raised another “risk factor” –Adv Mkhwebane’s legal representation will only be funded by the Office of the Public Protector South Africa (PPSA) until the end of next week. The committee was copied into correspondence earlier this month from that Office to Adv Mkhwebane’s attorneys, wherein the PPSA indicated it cannot afford to fund the Public Protector’s legal team after 31 March 2023 due to lack of funds. In addition, its work is suffering due to the expenses related to the enquiry.

Mr Dyantyi allowed committee members to deliberate extensively on these matters. Members were of the view that the last parts of Adv Mkhwebane’s affidavit cannot be delayed any further and should be handed to the committee by tomorrow, as per the agreement. The committee had already been lenient in allowing the affidavit to be delayed and in allowing it to be submitted in separate parts to accommodate the PP’s legal team. Any new witnesses Adv Mkhwebane might want to call at this stage will have to provide written affidavits.

The committee also resolved that due to the days lost and the programme extension, urgent intervention is required to address the funding matter. The committee noted that it is aware that the Constitutional Court ruled that Adv Mkhwebane is entitled to have legal representation at the hearings. However, the court did not rule that the PPSA or Parliament is responsible for funding those costs. “We are the last people who can put the PPSA in an unfunded expenditure,” said Mr Dyantyi.

“However, this might impact the work of the committee, but it is not really our space to intervene. The Portfolio Committee on Justice and Correctional Services, the Speaker or the Minister of Justice and Correctional Services should rather be approached to drive this matter,” he said.

Regarding the amended committee programme, members agreed that several options must be considered. This includes working through the next constituency period, reducing the number of days set aside for members to engage with the PP through written questions and reducing the number days set aside for closing arguments by providing the committee with written heads of arguments.

Mr Dyantyi said the committee further noted the sick certificate provided by Adv Mkhwebane, agreed not to display it for privacy reasons and wished her a speedy recovery. The hearing is set to continue on Tuesday.

The committee was established on 16 March 2021 to conduct a constitutional inquiry into the PP’s fitness to hold office and is now expected to conclude its work towards the end of May 2023. 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=9c61261357&e=da105e4f6a)

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

For media enquiries or interviews, please contact the committee’s Media Officer:
**Name: Rajaa Azzakani (Ms)**
**Tel: 021 403 8437**