**MEDIA STATEMENT**

**COMMITTEE FOR SECTION 194 HEARS CONTINUATION OF ADV MKWHEBANE WITH HEARINGS NEXT WEEK**

**Parliament, Friday, 31 March 2023 –** The Committee for Section 194 Enquiry into Public Protector (PP) Adv Busisiwe Mkhwebane’s fitness to hold office will continue with its hearings next week. The committee resolved to continue with its work despite concerns raised about the funding of the PP’s legal team.

Committee Chairperson Mr Qubudile Dyantyi said in his ruling it would be unfair to the PP and everyone involved to stop the process at this stage. He said the committee noted the correspondence by the Office of the Public Protector South Africa (PPSA) at the start of this month, that they are unable to continue funding the PP’s legal team at the hearings due to financial constraints.

Mr Dyantyi said today was the sixth day of Adv Mkhwebane’s testimony. Initially, she was scheduled to appear for nine days after Adv Dali Mpofu, SC, indicated that he required six of the nine days and the belance would be for the Evidence Leaders. A request was later made that the PP’s legal team would need 10 to 12 days. According to Mr Dyantyi next week there will be an extra four days because the PP’s team still has to deal with the CIEX/Reserve Bank matter; Vrede dairy matter and the Human Resources issues.

Mr Dyantyi’s ruling follows an address by Adv Mpofu at the close of today’s proceeding indicating that the legal team’s mandate has been terminated due to the funding issues. Adv Mpofu said: “It is regrettable that we have to announce that effective marks then of the road for the Public Protector's legal team.” Adv Mpofu said they had hoped for some miracle to end the impasse. He said Adv Mkhwebane therefore did not give the legal team a further mandate and the team has since taken on other work as the funding from the PPSA would not be extended beyond today.

Adv Mkwhebane informed the committee that she does not have the resources to pay for the legal team after having been “clobbered” with a personal cost order made against her. She said: “As the Public Protector of South Africa, I did not bring myself to this committee.”

Adv Mkhwebane appealed to the PPSA to avail the resources for her legal expenses. She maintained that the hearings cannot continue unless she has legal representation.

According to correspondence from the PPSA, payments of the invoices are currently being processed, which will bring the total expenditure for the legal fees in respect of the litigation on the impeachment process, as well as the proceedings before the Section 194 Enquiry for the 2022/23 financial year, to approximately R26,2 million. PPSA indicated that an amount of R14. 9 million was originally budgeted for the 2022/ 23 financial year for the procurement of all legal and related services for the PPSA. As at the end of February 2023 the expenditure for legal services sourced by the PPSA for the financial year in question had already exceeded the allocated budget by R12 million.

Mr Dyantyi said funds would have to be found in order to conclude the enquiry and it does not have to be from the PPSA. “There is a lot of homework that needs to be done. We leave here with a huge task but will be back on Monday, Tuesday, Wednesday and Thursday.”

Today’s testimony revolved around the South African Revenue Services’ (SARS’) Investigative Unit, the qualifications of Mr Ivan Pillay as Deputy Commissioner of SARS and the manner in which Adv Mkhwebane perceived treatment from Minister Pravin Gordhan during her investigations.

The committee is expected to continue on Monday with further evidence from Adv Mkhwebane. 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=41ee8d1df1&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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