



Committee for Section 194 Enquiry

Chairperson: Mr QR Dyantyi, MP

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2 May 2023

Adv B Mkhwebane

Public Protector

Copy: Seanego Inc.

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Dear Madam Public Protector, Adv. B Mkhwebane

RESUMPTION OF THE S194 ENQUIRY

1. I have no doubt that you are as pleased as I am to receive communication informing you that the issue of your legal fees has been resolved. Given that the Inquiry has been ongoing for several months with the first oral hearings having commenced on 11 July 2022, indications are that the PPSA has provided you with sufficient funding to complete the s194 Enquiry process. Whilst you have been requested to appear in person for purposes of giving oral evidence, once that is completed, and given the limitations on expenditure the remaining part of the Inquiry may proceed virtually as a cost saving mechanism.

2. I have noted your comments in the media (and indeed in the hearings itself) indicating your eagerness to complete your testimony and I am relieved that the issue of legal fees will no longer be an impediment to the continuation and conclusion of the hearings.
3. I have requested the Secretariat to work on the programme and factor in all of the final steps of the process. I attach a copy of the draft programme for your information.
4. You will note from the programme, that I intend to reconvene the hearings on 8 May 2023. Unfortunately, the programme is back to back as a valuable period of more than 1 month has unfortunately been lost due to matters out of the control of the Committee. However, the Committee remains duty bound to conclude its process within a reasonable time and to perform its work in a diligent manner without delay. In an ideal world I too would have liked to see the programme stretch for a few days longer but unfortunately the Committee has been besieged with delays and interruptions which have adversely affected its work and which have also contributed to the rising costs.
5. You will agree that I have to be alive to the fact that the issue of legal costs has not been resolved by the waving of a magic wand which will allow for uncapped expenditure. I am therefore extremely cognisant of the fact that the process must be concluded in a manner which does not attract criticism for wasteful or unnecessary expenditure of public funds- both on the side of Parliament and the PPSA. I do this mindful of your right to a fair process and I am firmly of the view that the draft programme is reasonable and fair and that you have been provided with sufficient funds to cover reasonable legal expenses to complete the process.
6. In any event we are faced with a constraint in that the PPSA has indicated they cannot commit to more than R4 000 000.00. I recall from our previous interactions on the issue of the non-payment of fees that this amount exceeds what was typically billed in a calendar month and I therefore am confident that there is no need for this amount to be exceeded, given the number of days required to complete the process. As per the letter from the Acting Public Protector, it remains your responsibility to properly manage the additional funding and I trust you will do so with the requisite austerity, obviously mindful of the terms of the contract and rates that had been concluded with your legal representatives by the PPSA. On the side of the Committee I intend ensuring that the remainder of the process unfolds smoothly

and uninterrupted so that there is no prejudice to you in the form of any delays occasioned by the Committee until its completion and have ensured that the programme reflects such.

7. I have no doubt that the resumption of the hearings will be approached with a commitment from you and your legal team to see the process to its conclusion in the time-frame provided for. I intend ensuring that the proceedings are run according to the draft programme and will expect the members, staff, evidence leaders, yourself and your legal team to also make the necessary sacrifices and commitment to ensure this is the case. I have also indicated to the evidence leaders should either of them not be available on any of the days in the upcoming period that this is not to be an impediment to the hearings proceeding. I trust that you will ensure the same with your legal team.
8. I look forward to welcoming you and your team back to the hearings. If there is anything you wish to bring to my attention before the resumption, kindly do so by no later than close of business on 4 May 2023.

Yours faithfully

A handwritten signature in black ink, appearing to be 'QR Dyantyi', written over a rectangular stamp or box.

Mr QR Dyantyi, MP

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