



LAW SOCIETY
OF SOUTH AFRICA
PRESS RELEASE

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**LAW SOCIETY APPLAUDS LANDMARK JUDGMENT ON THE BINDING NATURE
OF THE PUBLIC PROTECTOR'S REMEDIAL ACTION**

The Law Society of South Africa (LSSA) has noted the landmark judgment of the Constitutional Court in the *Economic Freedom Fighters v Speaker of the National Assembly and Others; Democratic Alliance v Speaker of the National Assembly and Others* [2016] ZACC 11 case, and in particular how it confirms the binding nature of the remedial action taken by the Public Protector in terms of section 182(1)(c) of the Constitution.

The LSSA believes in respect for the Constitution, the Rule of Law and for the Chapter 9 institutions, of which the Office of the Public Protector is one.

In 2015, the LSSA held a 'Colloquium on the Extent and Limits of the Powers of the Office of the Public Protector: *Quo Vadis* Public Protector?' Subsequently, the LSSA took a position that

- it would do its part to urge state organs to respect their obligations in terms of the Constitution when dealing with findings and recommendations from the Office of the Public Protector, and
- to engage in discussions to explore means through which national respect for the Office of the Public Protector can be created and promoted.

As the court noted, there is an obligation to assist and protect the Public Protector so as to ensure the independence, impartiality, dignity and effectiveness of the Office of the Public Protector by complying with her remedial action.

'We applaud our judiciary in its decision in this important judgment. This reinforces the need for respect for our Constitution, as well as the enhancement of our constitutional democracy,' say LSSA Co-Chairpersons Busani Mabunda and Richard Scott.

**ISSUED ON BEHALF OF THE CO-CHAIRPERSONS OF THE LAW SOCIETY OF SOUTH
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Editor's note:

The Law Society of South Africa brings together its six constituent members – the Cape Law Society, the KwaZulu-Natal Law Society, the Law Society of the Free State, the Law Society of the Northern Provinces, the Black Lawyers Association and the National Association of Democratic Lawyers – in representing South Africa's 23 600 attorneys and 5 400 candidate attorneys.