



PRESS RELEASE

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LAW SOCIETY CONCERNED AT PARLIAMENTARIANS' INAPPROPRIATE QUESTIONING OF PUBLIC PROTECTOR

The Law Society of South Africa (LSSA) expresses its concern at the recent tone of the questioning of the Office of the Public Protector by members of the Portfolio Committee on Justice and Constitutional Development.

'South Africa is a constitutional democracy and not a parliamentary democracy,' say LSSA Co-Chairpersons Kathleen Matolo-Dlepu and David Bekker. They add: 'The Public Protector is accountable to the Constitution. We are of the view that the recent line of questioning by portfolio committee members requesting the Public Protector to explain why she has investigated specific cases, is wholly inappropriate. Parliamentary oversight is limited to how the Office of the Public Protector uses public moneys and to protecting and rendering assistance to the Public Protector in dealing with complaints. Parliamentarians, therefore, need to act and speak with circumspection when raising questions as regards the Office of the Public Protector, lest they confuse the public and themselves of the hard-won freedoms that gave rise to our constitutional democracy.'

Parliament needs no reminder that its role is to protect the independence, impartiality, dignity and effectiveness of Office of the Public Protector. Although parliamentarians stressed in hindsight that they were not questioning the Public Protector's sole discretion to make decisions as to what she should investigate, the very fact that they did so impacts on the independence, dignity and impartiality of her office and on her ability to investigate matters without fear, favour or prejudice and exposes a new trend that is emerging among some politicians who are confusing truth with power,' say Ms Matolo-Dlepu and Mr Bekker.

The subsequent actions of the Deputy Public Protector in seemingly 'apologising' to Parliament for the responses of the Public Protector can be described only as an attempt to ingratiate himself with those who may appoint the next Public Protector. This does not augur well for the future.

The LSSA met with the Office of the Public Protector recently. Both bodies committed themselves to upholding the values of the Constitution and the broad interest of the

public and to support one another in the best interests of South Africa and all its people. Initiatives will be put in place to support the work of the Public Protector by providing *pro bono* services by attorneys in serious cases that may emanate from the Office of the Public Protector.

The LSSA welcomes the suggestion made at the parliamentary hearings that a public debate should be held to clarify the meaning of s 181 of the Constitution, and the relationship between the legislature and the Chapter 9 institutions, including the Office of the Public Protector, against the background of our constitutional democracy.

ISSUED ON BEHALF OF THE CO-CHAIRPERSONS OF THE LAW SOCIETY OF SOUTH AFRICA, KATHLEEN MATOLO-DLEPU AND DAVID BEKKER

by Barbara Whittle

Communication Manager, Law Society of South Africa

Tel: (012) 366 8800 or 083 380 1307

E-mail: barbara@lssa.org.za Website: www.lssa.org.za

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 21 400 attorneys and 5 800 candidate attorneys.