

Public Protector faces harsh criticism in Parliament over dairy farm debacle

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6 Mar 2018

Public Protector Busisiwe Mkhwebane came under heavy criticism from MPs in the justice committee on Tuesday, 6 March 2018, for her handling of the investigation into the Vrede dairy farm, with parliamentarians questioning why she had not interviewed the failed project's beneficiaries and whether she could be trusted as the custodian of the Executive Members Ethics Act.



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The tense meeting was also attended by supporters of the Black First Land First (BLF) party, who committee chairman Mathole Motshekga instructed to lower their banners failing which they would be asked to leave the meeting. They opted to leave.

Mkhwebane released the 65-page report in February. Its stated remedial actions that, among others, Free State premier Ace Magashule, who is also ANC general secretary, institute disciplinary action against officials implicated in Public Finance Management Act (PFMA) breaches, have raised concerns about conflicts of interest. The DA and the Council for the Advancement of the South African Constitution have taken the report on review in the High Court.

The common thread tying MPs' questions together was why Mkhwebane chose to either ignore or deliberately exclude the rightful beneficiaries of the Vrede dairy farm project, as they had been the most prejudiced. MPs also reminded the Public Protector that she had undertaken to protect the most vulnerable in society during the interview stage to fill the post formerly held by Thuli Madonsela's. Most felt she had fallen woefully short this undertaking.

Parliamentarians also wanted to know whether her office in the Free State had been pressured when conducting the investigation into the project, because her office's final report fell short of expectations.

"To what degree was the Public Protector office in the Free State [pressured]? Was there no space to include or name the beneficiaries? Are you satisfied that you got all the information pertaining to the project? What was your contribution to the report - did you only come up with the remedial action?" MPs asked Mkhwebane.

"I would not want this [justice committee hearing] to interfere with the [High Court review] as [this report] is subject to court action. Aggrieved parties have taken the report on review," said Mkhwebane.

"The report was completed in 2014. [I] engaged the Free State office in 2016, when I went there for a visit. The [investigation] purely focused on issues of maladministration, [in terms of] how the project was managed. The investigation focused on PFMA violations. The investigation never concentrated on the beneficiaries."

As Mkhwebane was responding to MPs' questions, Motshekga interjected to address the BLF supporters in the room: "It is not permissible to hold banners in parliamentary committees. Respect the people of SA who elected [this] Parliament. So, can we all lower the posters or leave the hall. The meeting can't continue when there is defiance of Parliament and the committee."

There was a brief pause in proceedings, but BLF eventually opted to leave the committee hall.

On the question of Magashule, Mkhwebane said: "The premier's conflict of interest was not investigated, [but] can be gladly investigated."

Asked why she had not referred the matter to the Hawks, she responded that the Hawks' investigation into the matter was at an advanced state and that freezing orders had been issued in relation to the project.

The hearing continues and is expected to touch on funding issues bedeviling Mkhwebane's office, as well as her CIEX report, in which she controversially ordered Parliament to institute a process to change the Reserve Bank's mandate.

Source: BDpro