IN THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

SCA CASE NO:
COURT *A QUO* CASE NO: 6175/19

In the matter between:-

HELEN SUZMAN FOUNDATION	**APPLICANT**
And	
ROBERT MCBRIDE	**1ST RESPONDENT**
THE INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE	**2ND RESPONDENT**
THE MINISTER OF POLICE	**3RD RESPONDENT**
PORTFOLIO COMMITTEE ON POLICE: NATIONAL ASSEMBLY	**4TH RESPONDENT**

FILING NOTICE

DOCUMENT:	**FOURTH RESPONDENT'S ANSWERING AFFIDAVIT**
FILED BY:	**ATTORNEY FOR FOURTH RESPONDENT** THE STATE ATTORNEY 316 SALU BUILDING CNR FRANCIS BAARD & THABO SEHUME GROUND FLOOR PRIVATE BAG X91 PRETORIA TEL: (012) 309 1623 FAX: (012) 309 1649/50

DIREC FAX: 086 507 1910
EMAIL: rsebelemetsa@justice.gov.za
REF: 00418/2019/Z64/Jb
ENQ: MR. R J SEBELEMETSA

C/O STATE ATTORNEY, BLOEMFONTEIN
11TH FLOOR, FEDSURE BUILDING
49 CHARLOTTE MAXEKE STREET
BLOEMFONTEIN
TEL: (051) 400-4341
EMAIL: IGough@justice.gov.za

TO: THE REGISTRAR OF THE
SUPREME COURT OF APPEAL
BLOEMFONTEIN

AND
TO: **WEBBER WENTZEL**
ATTORNEYS FOR APPLICANT
90 RIVONIA ROAD
SANDTON
TEL: 011 530 5867
FAX: 011 530 6867
E-MAIL: Lavanya.Pillay@webberwentzel.com;
vlad.movshovich@webberwentzel.com;
pooja.dela@webberwentzel.com;
dylan.cron@webberwentzel.com;
Daniel.Rafferty@webberwentzel.com
REF: V Movshovich / P Dela / D Cron

C/O SYMINGTON DE KOK ATTORNEYS
169B NELSON MANDELA DRIVE
WESTDENE
BLOEMFONTEIN
TEL: (051) 505 6665
FAX: 051 430 4806
EMAIL: LVENTER@symok.co.za
REF: L Venter

COPY RECEIVED ON:

DATE:

TIME:

_____

APPLICANT'S ATTORNEYS

AND
TO:

ADAMS & ADAMS
1ST & 2ND RESPONDENTS' ATTORNEYS
LYNNWOOD BRIDGE OFFICE PARK
4 DAVENTRY STREET
LYNNWOOD MANOR
TEL: 012 432 6000
EMAIL: jac.marais@adams.africa; thando.manentsa@adams.africa; moya.vaughan-williams@adams.africa; Mpumelelo.ndlela@adams.africa
REF NO: JSM/TDM/mnn/LT4287

RECEIVED

DATE:

TIME:

_____

1ST & 2ND RESPONDENTS' ATTORNEY

IN THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

SCA CASE NO:_____
GP Case No.: 6175/19

In the matter between:

HELEN SUZMAN FOUNDATION	Applicant
and	
ROBERT McBRIDE	First Respondent
THE INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE	Second Respondent
MINISTER OF POLICE	Third Respondent
PORTFOLIO COMMITTEE ON POLICE: NATIONAL ASSEMBLY	Fourth Respondent

---

ANSWERING AFFIDAVIT (FOURTH RESPONDENT)

I, the undersigned,

TINA JOEMAT-PETTERSSON

do hereby make oath and state:

1. I am an adult female Member of Parliament and the duly elected Chairperson of the fourth respondent, the National Assembly's Portfolio Committee on Police ("**the Committee**") in this application for special leave to appeal.

2. The facts in this affidavit are true and, except where otherwise stated, within my personal knowledge. Where I make legal submissions, I do so on advice from my legal representatives.

3. This affidavit is filed after the expiry of *dies* for the reasons set out in the letter sent to the Court on 11 June 2019. To the extent necessary, the Committee formally seeks condonation.

4. In consequence, I do not repeat factual averments canvassed by either the applicant or the third respondent (**"the Minister"**) save where necessary. Moreover, I do not repeat legal argument raised in the Minister's affidavit with which the Committee aligns itself.

THE *LIS* IN THE COURT *A QUO*

5. The first respondent (**"McBride"**) sought conditional relief that section 6(3)(b) of the Independent Police Investigative Directorate Act, 1 of 2011 (**"IPID Act"**) be declared unconstitutional *"to the extent it confers the power to renew the appointment of the Executive Director of IPID on the [Minister], rather than on the [Committee]* ". (FA11: p 67 para 4)

6. McBride sought, in the first instance, to attack the Minister's purported final decision not to renew his term of office. Only if the Court *a quo* found that the Minister was entitled to take such a decision did McBride seek, as a form of collateral challenge, to attack the statute.

7. In other words, the Court *a quo* was never called upon to determine the constitutional validity of section 6(3)(b).

8. It is common cause that the Minister clarified that his decision not to renew McBride's term of office was a "preliminary decision" and that the power of renewal vested with the Committee as the appointing authority. Importantly, this was the relief sought by McBride (FA11: p 67 para 3)

9. As a result, the matter settled before the Court *a quo* and the conditional constitutional question was never ventilated.

10. I am advised that our Courts repeatedly refuse to grant declaratory relief where there is no *lis* between the parties. (*Minister of Finance v Oakbay Investments (Pty) Ltd and Others; Oakbay Investments (Pty) Ltd and Others v Director of the*

Financial Intelligence Centre 2018 (3) SA 515 (GP) paras [51]-[85])

11. The common legal approach by the parties cannot be attacked by the HSF in circumstances where the settlement agreement endorsed by the Court *a quo* does no more than to restore the *status quo* prior to the Minister's purported decision.

12. This is demonstrated by the fact that had McBride withdrawn the application pursuant to a settlement agreement that contained the same or similar terms as agreed to by the parties, the HSF as an *amicus curiae* would not be entitled to block such a withdrawal pursuant to a settlement agreement on the grounds that it had separate legal arguments that it wanted the Court to adjudicate. This is owing to the fact that there would be no *lis* before the Court for the HSF to object to.

13. A *fortiori* the HSF's attempt to resuscitate concluded proceedings for the purpose of ventilating issues that were not the subject of the *lis* in the Court *a quo* must be refused. The HSF does not only drag the parties to this Court to defend an

entirely new cause of action of its own creation, it does so in circumstances where the parties themselves have long since resolved the dispute and have conducted themselves accordingly. Respectfully, for this reason, special leave to appeal should be refused.

ENTER THE HELEN SUZMAN FOUNDATION ("the HSF")

14. The HSF was granted leave to intervene as an *amicus curiae* in the Court *a quo* by the parties. (FA13: pp 73-75)

15. The HSF indicated it "*[intended] to make written and oral submissions that the term contemplated in section 6(3) ... is renewable at the instance only of the Executive Director ... and not the Minister (or a parliamentary committee)*". (FA12: p 74 para 5.4)

16. This is a substantially different cause of action to that which McBride sought to pursue on a conditional basis (see quoted para 4 of the notice of motion above).

17. What the HSF has conspicuously failed to address is whether, after being admitted as an *amicus curiae*, it is entitled to pursue an entirely separate cause of action to the applicant.

18. Ignoring for the moment that McBride's conditional constitutional question was never ventilated, the answer must be an emphatic "No".

19. As the Court *a quo* held, *"it is inappropriate for an amicus to try and introduce new contentions based on fresh evidence"*. (FA2: p 42 para 14)

20. While the HSF's submissions may not have been *"fresh evidence" per se*, it is incontrovertible having regard to how the matter unfolded before the Court *a quo* that the HSF was no longer participating in the proceedings as an *amicus curiae* but instead sought to *"[raise] new issues ..., which have not been ... addressed between the parties"*. (FA2: p 42 para 13)

21. I am advised that this is not the same situation where, for example, the HSF participated as an *amicus curiae* in *Glenister v President of the Republic of South Africa and Others* 2011 (3)

SA 347 (CC) ("**Glenister II**"). In *Glenister II,* the HSF, as an *amicus curiae,* raised new and different arguments relating to the same cause of action pursued by the applicant in those proceedings. That is entirely proper. It is not, however, what the HSF attempts to do in this application.

22. Admission as an *amicus curiae* is not licence to act as an applicant seeking distinct relief to what is being disputed by the parties. If this Court upholds the HSF's appeal, it will open the door to *amicus curiae* intervening in litigation in order to obtain relief without risk in circumstances where they should do so as an applicant in their own right.

23. The HSF's contentions, while interesting, are not justiciable at this moment before the Court. Why it persists with this appeal in these circumstances rather than bring a fresh application in its own right as it has been invited to do is unknown.

24. Respectfully, this Court is not the appropriate forum to provide the answer. This is especially the case where this Court will have to determine constitutional questions for the first time on appeal without application for such relief having been

prosecuted in terms sought by the HSF before the Court a quo or in this Court.

25. This is particularly egregious where the HSF's conduct also has the consequence of depriving the respondents of ventilating other issues that are germane to the HSF's irregular interpretation of section 6(3)(b).

26. For example, the Minister has attacked the HSF's intellectual dishonesty regarding renewable terms of office. On the one hand the HSF purports to rely on the "*trilogy of cases: Glenister, Helen Suzman Foundation and JASA*" (FA: p 22 para 62) to establish that political actors being involved in renewable decisions is inimical to institutional independence. On the other hand, the HSF accepts that institutions such as IPID enjoys no more than adequate independence as affirmed by the Constitutional Court in *Glenister II* (FA: p 21 para 57).

27. The Minister has attacked this contradictory position as being in truth an argument in favour of absolute independence which the Constitutional Court was at pains to reject in *Glenister II*. This is correct.

28. Respectfully, the Committee may want to, for example, bring a counter-application in its own name in order to scrap section 6(3)(b) in its entirety relying on the very same "trilogy of cases" referred to above. The Committee may wish to have a renewable term of office replaced with a single non-renewable term of office, consistent with the conditions of similar constitutional office bearers such as the Public Protector.

29. The Committee could not have done this before the Court *a quo* because McBride's conditional constitutional question was never ventilated nor did the HSF bring an application in its own right for relief that would have permitted the Committee to do so. Self-evidently, the Committee cannot do this on appeal.

30. For this additional reason, special leave to appeal ought to be refused. This application, if granted, would respectfully amount to an abuse of process.

THEMATIC RESPONSES ON "THE MERITS"

31. In the section below I briefly address "the merits" of the HSF's application out of an abundance of caution. This is not to

suggest, however, that the HSF's case on the merits, such as it is, is properly before the Court for the reasons canvassed above.

32. First, this matter does not concern the interpretation of section 6(3)(b) of the IPID Act. Instead it concerns the ability of an *amicus curiae* to introduce its own substantive relief regarding the interpretation of that section in circumstances where the interpretation of that section was not before the Court.

33. Second, although the Constitutional Court may have criticised renewable terms of office and the role that political actors play in respect thereof, the HSF has made a categorical error in respect of same. The Constitutional Court has struck down legislative provisions that concentrate appointment and/or renewal powers within a single organ of state and particularly within the Executive Branch. The Constitutional Court has in fact endorsed the role that Parliament, as a multi-party representative of the people, has to play in a democracy like South Africa. (*Glenister II* at paras [216] and [239]; *Helen Suzman Foundation v President of the Republic of South Africa*

and Others 2015 (2) SA 1 (CC) para [96]; *McBride v Minister of Police (Helen Suzman Foundation amicus curiae)* 2016 (2) SACR 585 (CC) at para 38). In any event, the HSF's elevation of the Committee's characterisation of itself as a multi-party structure for the purpose of opposing a truncated timeline suggested by McBride in the Court *a quo* (FA16: p 84 para 33), cannot be elevated to a concession regarding the partisan political nature of the Committee. The Committee in the portion of its answering affidavit in the Court *a quo*, annexed as FA16, does no more than say that the Committee would only be in a position to take a decision regarding McBride's renewal after having a sufficient amount of time to consult with the political parties whose members the Committee comprises of. There is nothing unusual about this, it is the way Parliament works.

34. Third, the distinction the HSF attempts to create in respect of the decisions cited in the paragraph above between Parliament's oversight role on one hand and the fact that It is a political entity (FA: pp 22-23 para 63) on the other hand is meretricious and unsustainable. In fact, if the HSF's arguments

are correct then Parliament would be excluded from taking any decision in respect of any entity falling under its oversight role that required adequate independence. This is clearly incorrect.

35. Fourth, to the extent that the HSF contends that the perception of political interference exists due to the fact that the majority of members and the Minister belong to the same political party (FA: pp 22-23 para 63) falls to be rejected. Not only is the public perception test qualified in that it is subject to a "reasonableness" requirement, the attempt by the HSF to disregard Parliament's separate role and function is a subversion of democracy. This Court should bear in mind that the applicant in the *Glenister II* matter attempted to raise a similar argument before the Constitutional Court when attempting to demonstrate that the alleged lawful basis for which Parliament had to disband the so-called Scorpions was motivated by political *animus*. Not only was this argument rejected by the Constitutional Court, the Constitutional Court went further in showing its displeasure by refusing to overturn

the punitive costs order granted against the applicant by the Court *a quo* in that matter.

36. Fifth, the effect of the Court a quo's order was not to elevate the Minister's "preliminary decision" to that of being a "jurisdictional prerequisite". (FA: p 20 para 55) The Speaker of Parliament's letter to the Minister quite clearly demonstrates that the Minister's preliminary decision is no more than a recommendation and that such recommendation will be "*[referred] to the Committee in terms of the Rules for consideration and report*". (FA10: p 65) The Minister is quite obviously an interested stakeholder in the Committee's renewal decision and would thus be entitled to make his views known. Importantly, the Minister's recommendation is not a trigger for the Committee to make its own decision but is instead one of the many inputs that Parliament must receive. For example, I attach marked **TJP1, TJP2** and **TJP3** being respectively letters inviting McBride, as the incumbent, Corruption Watch and Helen Suzman Foundation, being *Amici,* to make representations to the Committee.

37. Sixth, to the extent that a vacancy may arise in the office of Executive Director of IPID on account of the fact that the Committee fails to initiate the renewal process timeously, the appropriate relief would not be to afford the incumbent an effective automatic right of renewal. Instead the incumbent or any other such interested person could apply to the Court to compel the Committee to take such a decision as in fact McBride did in these proceedings. (FA11: p 67 para 3)

38. Seventh, to the extent that the HSF complains that there are no guidelines in terms of which the Committee may choose to renew the incumbent's terms of office (FA: p 9 para 14.2), such complaint also exists if the HSF's interpretation of section 6(3)(b) is correct. In other words, the incumbent will be given free rein to determine whether or not his own term of office should be renewed with no regard to any appropriate criteria. This demonstrates that the HSF's arguments in this regard are farcical. Respectfully, there is not a single public office bearer that would have such powers to secure their automatic right of renewal. This absence is particularly telling when one has

regard to the principles contained in section 195 of the Constitution.

39. Eight, the effect of the HSF's interpretation would deny the Committee the right to make a legitimate and lawful decision to prefer the appointment of a new Executive Director of IPID instead of renewing the term of office of the incumbent. This is a polycentric and high constitutional decision requiring the consideration of multiple factors that pertain to the security cluster as a whole. The absence of qualifying criteria is indicative of the Legislature's appreciation that the Committee needs to be given a wide remit when making such a decision. The consequence of the HSF's complaint, both in respect of automatic renewal and the absence of qualifying criteria means that a fundamentally different standard will apply in cases where the Committee may wish to not renew the term of office of the incumbent. The decision would no longer be a matter of renewal per se but would be elevated to one of removal which is a higher and legally more onerous test. Respectfully that is inappropriate in the circumstances for the reasons canvassed above.

40. Nine, the HSF's reliance on the Constitutional Court's decision in *Airports Company South Africa v Big Five Duty Free (Pty) Ltd and Others* (CCT257/71 [2018] ZACC 33 (27 September 2018) ("ACSA") is inapposite. So too is the HSF's reliance on the *McBride* judgment referred to above.

40.1. The obligation to have a settlement agreement debated in open Court applies to situations where the parties seek to invalidate the effect of a judgment *in rem* on appeal.

40.2. The need for such debate is obvious: the legal and binding effect of a judgment, particularly one that settles a question of law, cannot be abandoned at the convenience or whim of one of the parties thereto.

40.3. An appeal court is called upon in such circumstances to effectively discharge its powers to invalidate a judgment of a Court *a quo* on appeal where all of the parties agree that the judgment should be so invalidated.

40.4. An Appeal Court therefore must convince itself that, notwithstanding the agreement of the parties, there is sufficient legal reason to invalidate the judgment of the Court a quo on the strength of that agreement.

40.5. That scenario is wholly distinguishable from what occurred in the Court *a quo* in these proceedings.

40.6. Equally an obligation on the Court to *mero motu* address a point of law that is apparent from the papers does not apply in this scenario. As addressed above, the Order granted by the Court *a quo* was not a judgment *in rem*. Moreover, the point of law referred to by the HSF was never canvassed on the papers.

41. Ten, the HSF's contention that the parties were forewarned regarding its position in respect of the ACSA judgment above is irrelevant. The notice of the HSF's intention does not cure the fatal defect before the Court *a quo* namely that it was not entitled to seek relief in its own right in respect of those proceedings. It is similarly impossible for the HSF to seek such relief on appeal.

42. Eleven, the HSF's appeal to international law obligations (FA: pp 23-25 para 65) is respectfully irrelevant in these proceedings. The international law obligations relied upon by the HSF does no more than emphasise that institutions like IPID should be adequately independent. I have already addressed above, with reference to Constitutional Court authority, why the Committee's legitimate role in respect of a decision to appoint and/or renew falls within the permissible terms of adequate independence.

MOOTNESS

43. In addition to the reasons advanced above, I point out that the relief sought by the HSF is moot to the extent that a vacancy in the office of Executive Director has occurred and an Acting Executive Director has been appointed pursuant to section 6(4) of the IPID Act.

44. In the absence of specific relief seeking the reviewing and setting aside of the decision to appoint an Acting Executive Director, and further relief seeking that McBride's term of office is extended pending the outcome of this matter and any such

review brought by him, the decision taken to appoint an Acting Executive Director continues to have legal effect.

45. Not only does this demonstrate that the HSF's conduct before this Court is improper because it seeks to "*snatch a remedy from the air*", (*Muldersdrift Sustainable Development Forum v Council of Mogale City* [2015] ZASCA 118 (11 September 2015) at para 10) it also demonstrates that the HSF's conduct does not comport with that of an *amicus curiae*.

46. The HSF foreshadowed the difficulty it is now faced with in its letter to the parties in which it sought leave to intervene as an *amicus curiae* (FA12: pp 71-72 para 5.5). In that letter the HSF specifically stated that it would seek –

> "just and equitable relief, in the exercise of the Court's power under section 172 of the Constitution, to ensure that the Minister is interdicted from appointing a new Executive Director and that Mr McBride's tenure is maintained until a decision to renew Mr McBride's term of office is taken by [the Committee]. Such relief is necessary to protect the integrity of the office of the Executive Director and to ensure that Mr McBride's ability to be restored to his position is not irreparably harmed by the appointment of a new Executive

> Director in the period during which [the Committee] must take this decision."

47. Not only did such an application concede that McBride sought different relief to what the HSF seeks now, purportedly as an *amicus curiae*, no such application as referred to above was in fact made. Moreover, no such relief is sought before this Court to the extent that a decision has been made and an Acting Executive Director has been appointed.

48. Therefore, the HSF's contention before this Court that McBride would resume his office is respectfully incorrect.

49. I am advised that this Court has developed a long line of jurisprudence in which it declines to hear matters that will have no practical effect.

NO COMPELLING REASONS FOR THE APPEAL

50. Should none of the reasons above suffice as to discharge the HSF's appeal, this Court, in terms of section 17(1)(a)(ii) of the Superior Courts Act, 2013 should not exercise its discretion to hear the appeal.

51. First, there are no conflicting judgments regarding settlement agreements. The Court *a quo* correctly interpreted the ACSA decision as not being applicable to these proceedings.

52. Second, the Order does nothing to "[*undermine] the structural and operational independence of IPID*"(FA: p 28 para 77.2). If anything, the effect of the Order of the Court *a quo* is consistent with the Constitutional Court's authority on the meaning of adequate independence.

53. Third, this application for special leave to appeal does not invalidate the appointment of the Acting Executive Director as addressed above.

54. Fourth, far from having a chilling effect on the role of *amicus curiae*, (FA: p 29 para 77.4) this Court's dismissal of this application will reaffirm the correct role of *amici* and furthermore, serve to warn *amici* not to abuse the process of the Court.

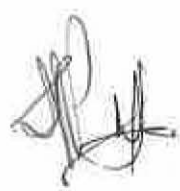
SERIATIM

55. I am advised that the averments above sufficiently address contentions in the founding affidavit and that *seriatim* responses are not necessary where they have already been foreshadowed. Therefore, and to the extent necessary, and unless the context indicates otherwise, I deny the contents of the founding affidavit in its entirety.

COSTS

56. I am advised that appeals as against costs orders are ordinarily not entertained by this Court on account of the fact that such matters fall within a discretion of the Court of first instance.

57. Respectfully the HSF has done nothing to invite this Court to overturn the Court *a quo's* decision in respect of the application for leave to appeal. This is due to the fact that the Court *a quo* in its discretion found that none of the arguments repeated by the HSF in the application for leave to appeal have raised any novel contentions that would warrant the attention of an Appellate Court.



58. Moreover, to the extent that the HSF relies on the so-called *Biowatch* principle (FA: p 33 para 91) to attempt to immunise itself from an adverse costs order in respect of the application for leave to appeal before the Court *a quo*, and this application for special leave, the argument must be rejected.

59. *Biowatch* at 242F-H, having regard to the decision in *Affordable Medicines Trust and Others v Minister of Health and Others* 2006 (3) SA 247 (CC) at 297E-H, stated the following:

> "... A party should not get a privileged status simply because it is acting in the public interest or happens to be indigent. It should be held to the same standards of conduct as any other party, particularly if it has had legal representation. This means it should not be immunised from appropriate sanctions if its conduct has been vexatious, frivolous, professionally unbecoming and or in any other similar way abusive of the processes of the court." (own emphasis)

60. For the reasons above, I respectfully submit that the HFS's conduct is abusive of this Court's process and it should be mulcted with an appropriate costs order.

CONCLUSION

61. The application for special leave to appeal should be dismissed.

Deponent

I hereby certify that the deponent declares that the deponent knows and understands the contents of this affidavit and that it is to the best of the deponent's knowledge both true and correct.
This affidavit was signed and sworn to before me at Cape Town on this 23rd day of July ~~MAY~~ 2019, and that the Regulations contained in Government Notice R1258 of 21 July 1972, as amended, have been complied with.

SOUTH AFRICAN POLICE SERVICE
UNIT COMMANDER PARLIAMENT
PROTECTION AND SECURITY SERVICES
WESTERN CAPE
2019 -07- 23
PRIVATE BAG X1, STALPLEIN 8015
CAPE TOWN
SOUTH AFRICAN POLICE SERVICE

COMMISSIONER OF OATHS

"IPI"

PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

LEGAL SERVICES
PO Box 15 Cape Town 8000 Republic of South Africa
Tel: 27 (21) 403 2911
www.parliament.gov.za

Mr R McBride
Executive Director: IPID
Private Bag X941
PRETORIA
0001

Dear Mr McBride,

Re: McBRIDE V MINISTER OF POLICE AND ANOTHER (CASE NO.: 6175/19)

1. The above matter, and the Court Order issued by the Gauteng Provincial Division of the High Court, Pretoria, refer.

2. Please find attached the written reasons for the Minister's preliminary decision not to recommend your renewal of your term of office as Executive Director of the Independent Police Investigative Directorate ("IPID").

3. The terms of that Court Order set out a timeline regarding the Portfolio Committee's role in the renewal of your term of office, in terms of section 6(3)(b) of the IPID Act, No 1 of 2011.

4. In terms of that Court Order, the Portfolio Committee has to make that decision by or before 28 February 2019.

5. In order for the Committee to comply therewith, the Committee has now decided to initiate a process to consider the matter of whether your term of office ought to be renewed.

6. Since you are the incumbent whose renewal is under consideration, the Committee deems it appropriate to invite you to respond in writing to the Minister's reasons for his preliminary decision not to renew your contract.

7. The Committee also invites you to advance any other reasons you believe may be relevant for its consideration regarding the potential renewal of your term of office, including any positive case as to why the Committee ought to reappoint you.

8. It would be appreciated if, in your response, you could provide the Committee with any available documentary or other such evidence that you may rely upon for your response.

9. Given the urgency of the matter you are kindly requested to provide your response to the Committee by no later than the close of business (17h00) on Wednesday, 21 February 2019. If you are able to provide the Committee with your response and/or any evidence sooner than this time, that will be appreciated.

(F Beukman)
Chairperson of the Portfolio Committee on Police
DATE: 20/2/2019

"TTP2"

PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

LEGAL SERVICES
PO Box 15 Cape Town 8000 Republic of South Africa
Tel: 27 (21) 403 2911
www.parliament.gov.za

Mr D Lewis
Executive Director: Corruption Watch
Corruption Watch (RF) NPC
8th Floor, South Point Corner
87 De Korte Street
Braamfontein
2001

Dear Mr Lewis,

PRELIMINARY DECISION NOT TO RENEW EMPLOYMENT CONTRACT OF ROBERT MCBRIDE

1. The above matter and the Court Order issued by the Gauteng Provincial Division of the High Court, Pretoria, have reference.

2. The terms of that Court Order set out a timeline regarding the Portfolio Committee's role in the renewal of the term of office of Mr McBride as the Executive Director of the Independent Police Investigative Directorate ("IPID"), in terms of section 6(3)(b) of the IPID Act, No 1 of 2011.

3. As you will know, the Portfolio Committee has to make that decision by or before 28 February 2019.

4. In order for the Committee to comply with the terms of the Court Order, the Committee has now decided to initiate a process to consider the matter of whether Mr McBride's term of office ought to be renewed.

5. Since you had intervened as an amicus in this litigation, the Committee deems it appropriate to invite you to make submissions/representations on the matter for its consideration, if you have any.

6. It would also be appreciated if you could provide the Committee with any available documentary or other such evidence that you may have relied upon to inform your submissions/representations.

7. Given the urgency of the matter you are kindly requested to provide your submissions/representations to the Committee by no later than the close of business (17h00) on Wednesday, 20 February 2019. If you are able to provide the Committee with your submissions/representations and/or any evidence sooner than this time, that will be appreciated.

(F Beukman)
Chairperson of the Portfolio Committee on Police
DATE: 14 FEBRUARY 2019

PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

LEGAL SERVICES
PO Box 15 Cape Town 8000 Republic of South Africa
Tel: 27 (21) 403 2911
www.parliament.gov.za

Mr F Antonie
Director: Helen Suzman Foundation
6 Sherborne Road
Parktown
2193

Dear Mr Antonie,

PRELIMINARY DECISION NOT TO RENEW EMPLOYMENT CONTRACT OF ROBERT MCBRIDE

1. The above matter and the Court Order issued by the Gauteng Provincial Division of the High Court, Pretoria, have reference.

2. The terms of that Court Order set out a timeline regarding the Portfolio Committee's role in the renewal of the term of office of Mr McBride as the Executive Director of the Independent Police Investigative Directorate ("IPID"), in terms of section 6(3)(b) of the IPID Act, No 1 of 2011.

3. As you will know, the Portfolio Committee has to make that decision by or before 28 February 2019.

4. In order for the Committee to comply with the terms of the Court Order, the Committee has now decided to initiate a process to consider the matter of whether Mr McBride's term of office ought to be renewed.

5. Since you had intervened as an amicus in this litigation, the Committee deems it appropriate to invite you to make submissions/representations on the matter for its consideration, if you have any.

6. It would also be appreciated if you could provide the Committee with any available documentary or other such evidence that you may have relied upon to inform your submissions/representations.

7. Given the urgency of the matter you are kindly requested to provide your submissions/representations to the Committee by no later than the close of business (17h00) on Wednesday, 20 February 2019. If you are able to provide the Committee with your submissions/representations and/or any evidence sooner than this time, that will be appreciated.

(F Beukman)
Chairperson of the Portfolio Committee on Police
DATE: 14 FEBRUARY 2019