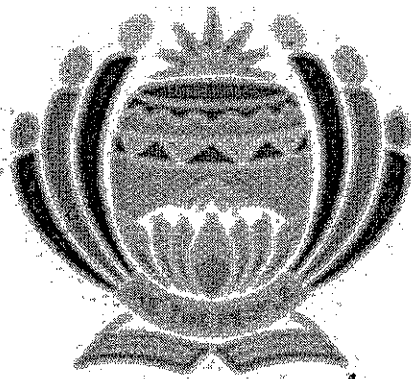


**AD HOC COMMITTEE TO NOMINATE A PERSON FOR
APPOINTMENT AS PUBLIC PROTECTOR**

QUESTIONNAIRE FOR CANDIDATES



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

Section 193 of the Constitution, 1996 and section 1A of the Public Protector Act 23 of 1994 set out the requirements for appointment as the Public Protector.

To assist the Ad Hoc Committee in its process, all those who have applied or been nominated for appointment as Public Protector are requested to supplement their application or nomination by answering this questionnaire.

Please return the questionnaire by no later than 08 July 2016 to:

Mr V Ramaano

vramaano@parliament.gov.za

SECTION 1: PERSONAL

1.1. What are your full names and surname?

1.1.1. Surname MTHEMBU

1.1.2. Full names MHLALISENI MICHAEL

1.2. What is your date and place of birth?

1.2.1. Date of birth 24 MAY 1948

1.2.2. Place of birth MTUBATUBA, KWAZULU NATAL

1.2.3. Citizenship SOUTH AFRICAN

1.2.4. Identity Number 

1.3. Please indicate your gender MALE

1.4. Please furnish particulars of your tertiary education:

| Qualification | Institution | Year |
|---|-----------------------------|------|
| B.PROC. BACHELOR OF LAW | UNIVERSITY OF ZULULAND | 1978 |
| L.L.B BACHELOR OF LAWS | UNIVERSITY OF KWAZULU NATAL | 1991 |
| CERTIFICATE IN MEDIATION | UNIVERSITY OF KWAZULU NATAL | 1997 |
| CERTIFICATE IN DIPLOMACY AND DIPLOMATIC TRA | ZIMBABWE | 1993 |

1.5. Please furnish chronological particulars of employment/work experience since leaving school or university

| Name of employer | Position | Period |
|------------------|---------------------|--------|
| SELF EMPLOYED | PRACTISING ATTORNEY | 1981 |
| SELF EMPLOYED | ADVOCATE | 2002 |

SECTION 2: MOTIVATIONAL

2.1. Please explain why you believe you are the right person to serve as the next Public Protector?

The position of Public Protector require someone who is a fit and proper person, suitably qualified and bears a measure of experience on the law generally.

Someone who exhibit the reputation of honesty, integrity, impartiality, independence and effectiveness.

I submit that I am a fit and proper person and has all the qualities stated above. The experience acquired while presiding as a Commissioner in the Small Claims Court, and the experience acquired while presiding as a Regional Court Magistrate, and while presiding in the Tax Appeals Tribunal and the experience acquired as a Judge in both the High Court and a Judge in the Electoral Court will stand me well in performing the role and duties of the Public Protector.

The role I played while presiding in various Commissions of enquiry will stand me in a better position to perform the duties of the Public Protector.

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2.2. In your opinion, what are the key challenges facing our country and what role should the Public Protector play in supporting our democracy?

Our democracy is young and is still at its nascent stage of development.

The challenge of crime, in particular fraud, bribery, corruption and money laundering impact negatively towards the development of our democracy in that the resources necessary to fund development are illegally diverted to individual causes of no concern to the state and the people.

The funds designed to address societal ills are squandered and thus deprive the state of the required funds to resolve societal ills. The role of the Public Protector is to investigate any conduct in state affairs and the administration in any sphere of government that is alleged or suspected to be improper or to result in impropriety or prejudice, following such investigation, the Public Protector has to report on the conduct and may take remedial action.

The primary role and duty of the Public Protector is to strengthen constitutional democracy by investigating matters such as maladministration, undue delay, abuse of power and/or any conduct resulting in impropriety or prejudice by an organ of state in order to enhance fairness and efficiency in public administration.

From a symbolic perspective the very existence of the Public Protector gives citizenry a feeling of satisfaction that our people may report maladministration and abuse in state affairs to the Public Protector, who will report thereon and make necessary remedial order.

SECTION 3: GENERAL

3.1. Are there any circumstances, financial or otherwise, known to you which might cast doubt on your fitness to hold office as Public Protector? (Indicate with an "X")

| | | | |
|-----|--------------------------|----|-------------------------------------|
| YES | <input type="checkbox"/> | NO | <input checked="" type="checkbox"/> |
|-----|--------------------------|----|-------------------------------------|

If so, please furnish particulars.

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3.2. Have you ever been convicted of any offence involving dishonesty, violence, or any other disreputable and/or dishonourable conduct? (Indicate with an "X")

| | | | |
|-----|--------------------------|----|-------------------------------------|
| YES | <input type="checkbox"/> | NO | <input checked="" type="checkbox"/> |
|-----|--------------------------|----|-------------------------------------|

If so, please furnish full particulars and dates.

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AD HOC COMMITTEE TO NOMINATE A PUBLIC PROTECTOR – QUESTIONNAIRE TO CANDIDATES

3.3. Has any legal or other professional body ever found you guilty of any unprofessional or disgraceful conduct? (Indicate with an "X")

| | | | |
|-----|---|----|--|
| YES | X | NO | |
|-----|---|----|--|

If so, please furnish particulars.

Some 27 years ago in 1989 I was suspended from practising as an attorney for negligent and unprofessional conduct for 9 months and the operation of the suspension was suspended by Judges Didcott and Wilson to enable me to continue to practise as an attorney. Such negligence and lack of professionalism arose out of such conduct as:
① Failure to reply to correspondence, Failure to reply to correspondence on time, Failure to pay fines levied by the Society, Failure to pay fines on time, Failure to ensure that I obtain a by-law certificate on prescribed time, Double booking and failure to pay subscription fee. I have atoned for such misdemeanor and negligent conduct.

3.4. At any of your previous places of employment have you ever faced an internal investigation, a disciplinary inquiry or been dismissed from employment? (Indicate with an "X")

| | | | |
|-----|--|----|---|
| YES | | NO | X |
|-----|--|----|---|

If so, please furnish particulars.

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AD HOC COMMITTEE TO NOMINATE A PUBLIC PROTECTOR – QUESTIONNAIRE TO CANDIDATES

3.5. Are there any other relevant matters which concern your honesty, integrity and reliability which you should bring to the attention of the Committee? (Indicate with an "X")

| | | | |
|-----|--|----|---|
| YES | | NO | X |
|-----|--|----|---|

If so, please furnish particulars.

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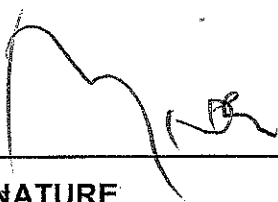
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SIGNATURE

8 July 2016

DATE