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Please quote this reference in your reply: **CMS-46720/2025**

Enquiries: Adv Stewart Baloyi

Email: stewartb@pprotect.org

Cell: 069 513 0903

Adv Anthony Brink

Email: anthonybrink.sa@gmail.com

Dear Adv Brink

REFERRAL OF A COMPLAINT IN TERMS OF SECTION 6(4)(c)(ii) OF THE PUBLIC PROTECTOR, ACT 1994-ALLEGED UNDUE DELAY BY THE FUNCTIONARIES OF THE JUDICIAL SERVICE COMMISSION'S JUDICIAL CONDUCT COMMITTEE TO RESOLVE YOUR COMPLAINT

1. The above matter refers.
2. The Public Protector received your complaint on 26 June 2025, alleging that:
 - 2.1. The Judicial Conduct Committee (JCC) has failed to act on a judicial misconduct complaint that you lodged with them two and a half years ago.

- 2.2. The complaint was acknowledged by the committee and allocated a reference number: JSC 1054/22, but you never heard from the committee again.
- 2.3. On 24 April 2025, you wrote to the chairperson of the Judicial Service Commission (JSC), Chief Justice Maya, but you did not receive a response to your complaint.
- 2.4. You are suffering significant harm as a result of the JCC's excessive delay in addressing your complaint; this is irrational, unconstitutional, and illegal.
3. The Public Protector is an independent constitutional body established under section 181(1) (a) of the Constitution of the Republic of South Africa, 1996 (the Constitution) to strengthen constitutional democracy through investigating and redressing improper conduct in state affairs.
4. In terms of section 6(4)(c)(ii) of the Public Protector Act, 1994, the Public Protector shall, be competent at a time prior to, during or after an investigation, refer any matter which has a bearing on an investigation, to the appropriate public body or authority affected by it or to make an appropriate recommendation regarding the redress of the prejudice resulting therefrom or make any other appropriate recommendation he or she deems expedient to the affected public body or authority.
5. In this regard, the Public Protector has identified the Office of the Chief Justice as the best-suited, appropriate authority to refer to the aforesaid matter in terms of section 6(4)(c)(ii) of the Public Protector Act to redress the maladministration and undue delay by the functionaries of the Committee.
6. In terms of Section 11 (1)(b)(vii) of the Public Protector Rules of 2018, the Public Protector shall, if she refuses to investigate a complaint in terms of section 6(3) of the Act, in writing, inform the complainant of the grounds on which the decision is based; including where a matter might be more appropriately dealt with by another public body or dispute resolution forum.

7. The Public Protector is referring this complaint to Chief Justice Maya for consideration and further handling. The Office of the Chief Justice may be contacted at the following details:

Email: enquiries@judiciary.org.za

JSC@judiciary.org.za

8. For the reasons articulated above, the Public Protector shall not investigate your complaint and hereby takes this opportunity to inform you that the file is being closed.

9. Kindly note that in terms of Rule 44(1) of the Public Protector Rules, you have 90 days within which to lodge a request for an internal review. Complainants who are dissatisfied with a decision of any official of the Office of the Public Protector to close or refuse the investigation of a complaint, may, except where the Public Protector has released a final report in terms of 182(1)(b) of the Constitution, 1996 and Sections 8(1) of the Act, request an internal review of that decision if: -

(a) the complainant believes that a decision is wrong because it was made based on incomplete or inaccurate evidence or information that contained inaccurate facts, and he or she can show this using readily available information; or

(b) there is new and relevant information that was not previously available and has a material effect on the decision made.

Yours Sincerely



Ms Lerato Motaung

Senior Investigator: Gauteng Province

Public Protector South Africa

Date: 28 July 2025

