

23 June 2016

**Ref: NOMINATION OF MS AUDREY MPOFU FOR THE POSITION OF PUBLIC PROTECTOR**

Honourable Dr MB Khoza (MP): Chairperson of the Ad-Hoc Committee for Nomination of the Public Protector  
c/o: Mr Vhonani Ramaano: Committee Secretary  
Third Floor, 90 Plein Street  
Cape Town  
8000

Dear Honourable Dr MB Khoza (MP)

**Re: Nomination of Ms Audrey Mpofu, ID number [REDACTED] for consideration in the position of the Public Protector**

I Duduzile Khethiwe Marais, ID Number [REDACTED] am writing in response to the call (in the various public media) by the Parliament of the Republic of South Africa for nominations of people to be considered for the position of the Public Protector in terms of Chapter 9, section 182 of the Constitution of the Republic of South Africa, Act 108 of 1996 and as amended. I am submitting this submission in my personal capacity as a citizen of the Republic of South Africa.

I hereby nominate Ms Audrey Mpofu, of address 6 Karmelian Avenue, Wilrow Park, in Roodeport in Johannesburg.

I am of the view that she meets most of the criteria as set in the advert of nominations which include the following:

- Ms Audrey Mpofu has been an admitted non-practising Advocate of the High Court of the Republic of South Africa since 1998.
- She has specialised knowledge and experience for a cumulative period of more than 10 years in the administration of justice in the various categories both as a Public Prosecutor and a Magistrate since 1993.
- She has an extensive knowledge of the Administration of Justice as she has risen through the ranks of the Justice Administration in the Department of Justice since 1987.
- Ms Audrey Mpofu has also trained and developed newly appointed Prosecutors.
- She has also studied various aspects of law including Criminal Law, Private Law, International Law, Constitutional and Administrative Law etc.
- Ms Mpofu has also on part-time basis lectured law students in Administrative Law and Interpretation of Statutes.
- Ms Mpofu has a Masters in Developmental Law and working towards her LL.D.
- Ms Mpofu's excellent record of dedication and service to justice has won her a number of Merit Awards.

I believe that Ms Audrey Mpofu is a well-rounded person who does not only administer justice but who also participates in developmental aspects of the law and participates in various legal bodies such as

the Correctional Service Council. She is a fit and proper person to be considered for the position of the Public Protector.

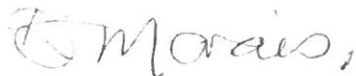
In support of my nomination of Ms Audrey Mpofu's application see the attached detailed:

- Curriculum Vitae (CV) of Ms Audrey Mpofu and her hand-written acceptance of the nomination;

For verification of this nomination, I can be reached at any time through my email address at [Khethiwe@masihlangane.co.za](mailto:Khethiwe@masihlangane.co.za) or my cellphone which is

Thank you for your time and consideration of this nomination.

Yours sincerely



Khethiwe Marais

**AUDREY ELISA MPOFU (NEE' MKGOTSANE)**

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**PERSONAL INFORMATION**

Marital status : Married  
Nationality : South African  
Age : fifty four (54)  
Dependants : six (6)  
Ages – 27, 25, 20, 18, 14, 11  
Health : Excellent  
Language Proficiency : All South African languages (speak, read, and write)

**EDUCATIONAL BACKGROUND**

Secondary education : Matriculated in 1979, exemption  
School attended : Bankuna High School, Letaba, Limpopo  
Subjects : English, Afrikaans, Xitsonga, Biology, Physical Science  
Agricultural Science and Mathematics.

**TERTIARY EDUCATION**

Institution : University of the North  
Qualification : B. UIRIS 1988  
Major Subjects : Private Law, African Law, Mercantile Law,  
Interpretation of Statutes, Law of evidence, Civil  
procedure, Criminal procedure, Constitutional,  
and Administrative Law, Criminology.

## POST GRADUATE

- Institution** : **University of the North**
- Qualification** : LLB 1997
- Courses** : Advance Administrative Law, Specific Crimes, Advanced Criminal Law, Private Law, Public and Private International Law, Research Methodology, Dissertation, Labour Law, Law of Insurance.
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- Institution** : **University of the North in collaboration with the University of Potchefstroom.**
- Qualification** : Masters in Developmental Law by Course Work 2002
- Papers** : Constitutional and Administrative Law, Labour and Employment Law, Agriculture and Water Law, Social and Developmental Law, Mini Thesis titled Judicial Awareness, Training and the Administration of Justice in South Africa.
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- Institution** : **The University of Johannesburg (Kingsway)**
- Qualification** : LLD (Current studies)
- Thesis** : Availability of judicial review to privatisation of government Functions.

I have put my doctoral studies on hold to assist my children pursue their studies.

- Professional Background – Admission as an advocate of the High Court of South Africa (non- practicing 17 November 1998).
- I acted as a Judge in the South Gauteng High Court in 2015.

## EMPLOYMENT HISTORY

- Company/Institution** : **Department of Justice S.A. Government  
(Magistrate Court Soweto)**
- Period : 2004 to date
- Designation : Regional Court Magistrate
- Synopsis of key : - Specializing in the Sexual Offences Court, dealing  
Performance : mainly with children and mentally deranged victims.  
- All other cases of Regional Court competence.
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- Company/Institution** : **Department of Justice S.A. Government  
(Magistrate Court Soweto)**
- Period : 2002 August to 2004
- Designation : Regional Court Magistrate
- Synopsis of key : Presiding in the Regional Court, all cases.
- Performance :
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- Company/Institution** : **Department of Justice S.A. Government (Giyani)**
- Period : 01 May 1993 to 2002
- Designation : Magistrate
- Synopsis of key : - Presiding in the Criminal and Civil Courts.
- Performance : - Inquests  
➤ Training and development of newly appointed Prosecutors  
➤ Statistics  
➤ Mental patient's certificates (I.R.O the Mental Health Act)  
➤ Children's Court Enquiries  
➤ Domestic violence and maintenance applications.  
➤ Deceased assets

**Company/Institution** : **Department of Justice S.A. Government (Giyani)**  
 Period : 04 January 1991 to 01 May 1993  
 Designation : Control Prosecutor  
 Synopsis of key :  
 Performance :

- Supervising, Training and development of prosecutors, including managing and supplementing their work.
- Prosecuting cases on behalf of the State.
- Implementing and monitoring instructions of the Attorney General's Office.
- Deciding on some prosecuting cases.
- Liaising and networking with the Police, Traffic Officers and Social Workers.

**Company/Institution** : **Department of Justice S.A. Government (Giyani)**  
 Period : 04 July 1988 to 1991  
 Designation : Public Prosecutor  
 Synopsis of key :  
 Performance :

- Prosecuting cases for the State.
- Summarizing dockets and dispatching them to the Attorney General for his decision.
- Preparing inquest dockets and submitting them to the Magistrate for a decision.

**Company/Institution** : **Northern Province Development (Co-operation)**  
 Period : 01 May 1987 to 01 July 1988  
 Designation : Assistance Personnel Officer  
 Synopsis of key :  
 Performance :

- Preparing and punching in data for area salaries and wages.
- Staff grievances.
- UIF and Pension matters.

**Company/Institution** : **Trillion Video (Kramerville - Sandton)**  
**Period** : 02 January 1981 to 30 December 1981  
**Designation** : Stock Controller  
**Synopsis of key** : - Keeping stock and advising management of video  
**Performance** : - Keeping stock and advising management of video material need.  
 - Packaging and dispatch of videos to branch shops countrywide  
 ➤ General office routine.

**Company/Institution** : **West Rand Board (Dobsonville)**  
**Period** : 04 January 1980 to 30 December 1980  
**Designation** : Receptionist  
**Synopsis of key** : General office routine, distributing duties to a  
**Performance** : workforce of 30 plumbers for servicing the areas of Soweto, Dobsonville and Diepmeadow.

### **OTHER RESPONSIBILITIES**

#### **1. Correctional Service Council Member 2005-2010:**

I have been nominated and appointed as a member of the Correctional Services Council since 2005. Duties of this Council amongst others include:

- Advising the Minister of Correctional Services on legal issues involving the Department.
- Considering and recommending the release on parole of inmates sentenced to life imprisonment and other parolees.
- I have been instrumental in organizing a meeting of Magistrates in Gauteng with the Correctional Services Management to discuss issues of common concern, (especially the burning issue of overcrowding in prisons).

#### **2. Law Lecturer from 1991 to 2001 (Part time):**

- I had been lecturing to the Law and Administration students for the satellite campus of the University of the North (Giyani branch).
- I was offering Administrative Law and Interpretation of Statutes on a part time basis. During this ten (10) year period, I have single-handedly been responsible for:

- Lecturing the above courses, upgrading learning material (study guides) in keeping with the Constitutional changes of 1993 and 1996.
  - Setting examinations (both supplementary and main examinations for student evaluations).
  - Marking and submitting student's results to my superiors for assessment and to the examination for distribution and/or publication.
- The above has taught me complete independence and objectivity in dealing with issues.

### **LEADERSHIP ATTRIBUTES**

In 1998 I drove a process between the Tshwaranang Legal Resources Centre and the Department of Social Services in Limpopo (Giyani). The outcome was a successful and hugely attended conference for two weeks, on the way to deal with troubled children in conflict with the Law, teenagers and children in need of care generally. This was a fulfilling exercise especially in deep rural Limpopo. Many stakeholders benefited, namely; the Department of Education, Social Services, Health and Justice.

### **SUCSESSES**

I have been producing the highest statistics in the Court where I preside. This is evidenced by the total hours I sat and finalised matters of a high standard.

### **STRENGTHS**

The fact of having adjudicated upon cases puts me above the rest in my class for the Public Protector post.

### **PERFORMANCE MERIT AWARDS**

Merit Award 1993  
 Merit Award 1996  
 Merit Award 1997  
 Merit Award 1998  
 Merit Award 2000  
 Merit Award 2001  
 Merit Award 2002