

Ramaphosa files supporting evidence in Gordhan matter

President Cyril Ramaphosa has filed a supporting affidavit in the North Gauteng High Court in relation to Public Enterprises Minister Pravin Gordhan's court application for the suspension of the enforcement of remedial action recommended by the public protector...



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“In an affidavit filed with the North Gauteng High Court, Ramaphosa has indicated his support for Minister Gordhan’s suspension application in as far as the relief sought by the minister relates to the president,” said the Presidency on Wednesday.

The legal action arises from an investigation by Public Protector Advocate Busisiwe Mkhwebane into a matter involving the establishment of an investigative unit in the South African Revenue Service (Sars).

Gordhan has asked the North Gauteng High Court to suspend the enforcement of the recommended remedial action, pending a review by the same court of the public protector’s investigation into and a report on the Sars matter.

The report released earlier this year relates to the "Investigation into Allegations of Maladministration and Impropriety in the Approval of Mr Ivan Pillay's Early Retirement with Full Pension Benefits and Subsequent Retention by the Sars".

“The president says in his submission that it is clear from Minister Gordhan’s review application that there is a bona fide

justiciable dispute between Minister Gordhan and the public protector over the legal validity of the public protector's investigations and findings and the remedial action she has directed in her report.

“Moreover, Minister Gordhan also takes issue with the tacit assumption of the public protector that the president has legal powers ‘to take appropriate disciplinary action’ against the minister when the minister is not appointed to the cabinet as an employee who is subject to disciplinary action but rather as a minister who serves at the pleasure of the president,” the president’s office said.

The president argues that any “appropriate disciplinary action” he may take against the minister would need to be informed by whether the investigation and findings of the public protector are legally valid and whether the president has, if any, “disciplinary powers” over members of the cabinet.

“The president says these are all issues to be determined by the North Gauteng High Court in the minister’s principal review application,” said the Presidency.

The high office said under the circumstances, it would be premature for the president to attempt to take “appropriate disciplinary action” against Gordhan while the principal review application is still pending. It said the disputes over the validity of the investigation into and findings against Gordhan and the extent, if any, of the president’s “disciplinary powers” over the minister remain unresolved.

“The president therefore supports Minister Gordhan’s application that remedial action be suspended pending the principal review,” the Presidency said.

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