

ENGLISH



PUBLIC PROTECTOR
SOUTH AFRICA

DO YOU HAVE ANY
COMPLAINTS ABOUT
GOVERNMENT SERVICES?

THE PUBLIC
PROTECTOR MAY BE
ABLE TO HELP YOU!

MPUMALANGA P.O. Box 3373 Nelspruit 1200 Pinnacle Building Suite 101 1 Parkin Street Nelspruit Tel: (013) 752 8543 Fax: (013) 752 7883	NORTHERN CAPE P.O. Box 1505 Kimberley 8300 4 Sydney Street Pretmax Building 2 nd & 3 rd Floor Kimberley 8300 Tel: (053) 831 7766/ 8325381/2 Fax: (053) 832 3404	MABOPANE P.O. Box 3165 Rosslyn 0200 Central House 2 nd Floor, Room 334 Mabopane Tel: (012) 702 5458/4330 Fax: (012) 702 8127	NEWCASTLE No 58 Corner Allen and Scott Street Newcastle 2940
NORTH WEST P.O. Box 512 Mafikeng 2745 Public Protector's Chambers Cnr Martin & Robinson Streets Mafikeng Tel: (018) 381 1060/1/2 Fax: (018) 381 2066	WESTERN CAPE P.O. Box 712 Cape Town 8000 4 th Floor 51 Wale Str/Bree Str Cape Town Tel: (021) 423 8644 Fax: (021) 423 8708	RUSTENBURG P.O. Box 371 Tlhabane 0309 Suite No 12 Old SARS Building 135 Klopper Street Rustenburg Tel: (014) 592 9023/6 Fax: (014) 592 9031	SIYABUSWA P.O. Box 2391 Siyabuswa 0472 Old Parliament Building Job Skosana Street Siyabuswa 0472 Tel: (013) 973 0033/6 Fax: (013) 973 0029
GEORGE P.O. Box 9481 George 6530 1 st Floor South Wing Bataleur Park Cnr Cathedral & Cradock Street George 6259 Tel: (044) 874 2887/904 Fax: (044) 874 5922	KURUMAN P.O. Box 79 Mothibistad 8474 1 Rose Avenue Shop 1 Kuruman 8460 Tel: (053) 712 1762 / 2347 Fax: (053) 712 2417	UPINGTON P.O. Box 15 Upington 8800 Umbra Building 55-59 Mark Street Upington 8800 Tel: (054) 338 5740 Fax: (054) 331 0036	VRYBURG P.O. Box 891 Vryburg 8000 Old Mutual Building Market Street Vryburg 8600 Tel: (053) 927 2221 Fax: (053) 927 2509
HEAD OFFICE Office of the Public Protector Private Bag X677 Pretoria 0001 175 Lunnon Street Hillcrest Office Park 0083 Tel: (012) 366 7000 Fax: (012) 362 3473	EASTERN CAPE P.O. Box 1400 Bisho 5605 Unathi House Independent Avenue, Bisho Behind Pick 'n Pay Tel: (040) 635 1286/7/ 1145/1126 Fax: (040) 635 1291	FREE STATE P.O. Box 383 Bloemfontein 9300 Public Protector House 82 Kellner Street Bloemfontein Tel: (051) 448 6172/6185 Fax: (051) 448 6070	GAUTENG P.O. Box 32738 Braamfontein 2017 Constitutional Hill Women's Jail 2 Kotze Street C/o Kotze & Joubert Streets Johannesburg Tel: (011) 339 3737/2047 Fax: (011) 339 2858
KWAZULU-NATAL P.O. Box 4267 Durban 4000 22nd Floor Suite 2114 Commercial City Building Durban Tel: (031) 307 5300/5250/5251 Fax: (031)307 2424	LIMPOPO P.O. Box 4533 Polokwane 0700 Unit 2301, Wyndom Park 23 Rabe Street Polokwane Tel: (015) 295 5712 (015) 295 5699 (015) 295 5956 Fax: (015) 295 2870		

What is a Public Protector?

A Public Protector (or Ombudsman as the Office was previously known):

- Is a high level official;
- Is independent of government and political parties;
- Is appointed by Parliament in terms of the Constitution
- Receives complaints from aggrieved or distressed persons against government departments, agencies or officials; and

Has the power to:

- Investigate;
- Mediate, conciliate and negotiate;
- Recommend corrective action; and
- Issue reports.

How does the Office of the Public Protector work?

Anyone can lodge a complaint with the Public Protector, who will then investigate it.

Think of the Public Protector as a referee who can look at all sides of a problem. If the Public Protector finds that the complaint is justified, he/she will do whatever possible to find a solution to the problem, which includes recommending changes to the system.

The Public Protector can also report the matter to Parliament, which will debate the matter and ensure that recommendations are followed.

Investigations are mostly done informally, but the Public Protector can serve summons on people to

give evidence under oath or affirmation when this becomes necessary.

Who can be investigated by the Public Protector?

- Government at any level. This includes national, provincial and local government;
- Any person performing a public function. This includes anyone performing any official duty which affects all, or part of the people of South Africa, for example a government employee, such as an electoral officer;
- Public entities such as the SABC, Eskom and Telkom; and
- Statutory councils, for example the Human Sciences Research Council and the Council for Scientific and Industrial Research.

What can the Public Protector investigate?

Improper prejudice experienced as a result of:

- Abuse of power;
- Unfair, discourteous or other improper conduct;
- Undue delay;
- Decisions taken by the authorities;
- Maladministration;
- Dishonesty or improper dealing with respect to public money;
- Improper enrichment; and
- Receipt of improper advantage.

When does one complain to the Public Protector?

Before you complain to the Public Protector, you should try to solve the problem yourself, for example by:

- Speaking to the official(s) involved or if that does not help;
- Writing to the person in charge of the official(s), for example the Head of the Department, the Chief Executive Officer or the Municipal Manager; and
- You may also consider approaching a Member of Parliament or Provincial Legislature.

The following information should be contained in your complaint

- The nature of your complaint;
- Background and history of the complaint;
- The reasons you feel the complaint should be investigated by the Public Protector;
- The steps you have taken to solve the problem yourself. You should mention names, dates, and what was said. Copies of any correspondence between you and the officials should be attached to your letter; and
- Your postal address and a telephone number where you can be reached.

You may write, or request someone to write on your behalf. You can also phone the Public Protector's office where trained professional staff members will listen to your complaint.

You can also visit any of our offices located in all nine provinces for an interview or consultation, if you prefer.

A complaint must be reported to the Public Protector within two years from the date of occurrence of the incident.

Complaints can also be lodged at visiting points and workshops conducted by the office. Visiting points are areas that have been identified for the purpose of conducting interviews with complainants, and they are found in all provinces. Visiting points are serviced at least once a month.

Will anyone else hear about my complaint?

The Public Protector and staff will keep the name of the complainant confidential when necessary.

How much does it cost to get help from the Public Protector?

Services are free

The Public Protector cannot investigate the following:

- Court decisions and sentences;
- Private individuals;
- Private companies; and
- Professionals not employed by government such as doctors or lawyers.

However, staff of the Public Protector can help by telling you where to complain or what to do in the above cases. In instances such as the ones above, where the Public Protector does not have the authority to investigate your complaint, he/she will direct you to the appropriate institution.