



**Address by Public Protector Adv. Thuli Madonsela during the
Government Leadership Summit in Pretoria on Wednesday, 03 April
2013.**

**“Leadership, Good Governance and Challenges facing productivity in
the Public Service”**

**His Excellency, Deputy President, Mr Kgalema Motlanthe;
Honourable Minister for Public Service and Administration, Minister Lindiwe Sisulu;
Minister Hon Francis Maude – Minister for the Cabinet Office and Paymaster General:
United Kingdom.**

**Cabinet Secretary in the Government of the UK;
Minister for the Cabinet Office and Paymaster General in the UK;
The Premier of Gauteng, Ms Nomvula Mokonyane;
Chapter 9 and 10 colleagues with us today;
Executive Mayors present;
Her Excellency, the UK High Commissioner; Commissioner Dame
Nicola Mary Brewer DCMG
Directors-General and other dignitaries;**

It is an honour and privilege for me to address this important gathering.

We would like to applaud Minister Lindiwe Sisulu for the stewardship and the wisdom that went behind calling this summit, bringing together all the key players that have a part to play in ensuring that our public service is exactly what President Nelson Mandela had in mind when he presented his first State of the Nation Address, as the country’s first democratically elected President.

President Mandela said the following:

“We are confident that, motivated by the desire to serve the people, the public service will discharge its responsibilities with diligence, sensitivity and enthusiasm, among other things paying attention to the important goal of increasing efficiency and productivity.”

Minister Sisulu, it was always understood that the public service and the public sector had to undergo a fundamental transformation to be able to operate at the level envisaged by former President, Mandela and the Constitution.

We always knew that the South Africa that is envisaged in the Constitution was premised on a new state and new idea. Key among those, being accountability, integrity, inclusiveness and responsiveness to the people's needs.

The poem narrates the story 6 people trapped in mutually dependent circumstances, a black and bitter cold in the face of a dying fire in need of logs. Each was of these six people was in possession of a single log of wood.

The transformation of our state and society is a project that has been unfolding in the last 19 years. How have we fared? We have heard from several key leaders in government thing morning. We have been given an idea of the achievements and challenges, in our quest to realise the state envisaged in the Constitution.

This takes us to the core of our dialogue today, which revolves around leadership, good governance and productivity. We must admit that we still have a long way to go. However, we must not despair as we have a sound policy framework, excellent values and a steady will to succeed.

As a chapter nine institution that is constantly inundated with public service delivery complaints, I must say that it was a breath of fresh air to learn that the Minister planned to introduce, among other things:

- A new public service charter that sets out the norms and standards for public servants;
- Compulsory public service courses for public servants, at a government school;
- Blacklisting of public servants fired for fraud, financial mismanagement and misconduct in terms of employment in any government department or agency;
- The pursuit of disciplinary proceedings against public servants who resign the moment such proceedings are instituted against them; and
- A ban on the phenomenon of state employees doing business with the state.

We wish the Minister and government success in the finalization and implementation of these remarkable and visionary plans. On the eve of our commemoration of 20 years of democracy, such an initiative is timely and may well be the answer to many of the governance, leadership and service delivery challenges we face.

As I was preparing for this engagement, I reflected upon some of the service delivery matters that are currently on my dashboard, particularly those matters that relate to areas that we as a country have over the years been investing a lot of money in. These include education, health, social housing and the infrastructure element of these.

Most if not all of you will recall that in the last financial year, my team and I conducted public hearings linked to our systemic investigation into problems associated with government's social housing focusing on RDP housing programme. This was part of our annual stakeholder consultation dialogue.

Without going into finer details, some of the observations we made during that process which are worth considering as we look closely at productivity challenges in the public service are the following:

- Planning challenges;
- Integrity and governance issues in relations to procurement;
- Integrity and governance problems in regard to allocation of houses;
- Poor quality assurance, leading to fruitless and wasteful expenditure;
- False billing and over billing; and
- Policy issues.

In health, another area where we are spending a lot of resources for which about R133.6 billion has been set aside this financial year, my office is currently engaged in three systemic investigations. One is on neo-natal and infant deaths in public hospitals, the other on alleged management and procurement failures at Chris Hani Baragwanath Hospital in Soweto, and the last one is on systemic deficiencies in the provision of healthcare services as alleged during the Stakeholder Consultations I referred to earlier.

We deal with a lot of investigations in relation to the delivery of infrastructure such as roads, public facilities and housing. The key challenges here are the delivery of shoddy workmanship, with impunity and false billing. Procurement processes associated with public infrastructure delivery remain a cause for concern.

We have also been approached to look into education-related problems such the much publicized textbook delivery problem and the funding of private schools, a matter that we have since referred to fellow chapter nine institution, the South African Human Rights Commission.

On the specific issue of productivity, I only wish to speak to restrict myself to productivity issues related to governance failure, maladministration and corruption, and some of the issue we deal with as part of my office's remit.

Most definitions of "productivity" encompasses the following:

- the relationship between inputs and outputs
- not equal to production
- concerned with how effectively outputs are produced and the value created by the production process
- creating high-value products and services in terms of quality, cost, pricing and timelines
- concerned with productive capacity building of people
- working smarter not harder
- making the greatest use of available resources.

A third quarter Labour Market Navigator survey, released in August 2012 by research firm Prophet Analytics and using data produced by the South African Reserve Bank and Statistics SA states that *SA's labour productivity [is] at a 40-year low* . They indicate that labour productivity has been falling over the past four decades: in the 1980s, a 1% increase in labour input resulted in a 0,7% increase in output; whereas in the 2000s, a 1% increase in labour input resulted in a 0,1% decline in output – a decrease of 111%. *This is a staggering result: in the 2000s, adding workers to the input mix actually reduced output rather than increased it. In other words, South African workers, on the whole, are destroying value...*

It is worth noting that the country's private sector labour productivity is 450% higher than public sector labour productivity. While labour productivity in South Africa has been consistently declining over time, public sector labour productivity has declined by more (-52, 2%) than

private sector labour productivity (-49, 3%).

What I found remarkable was the fact that the factors identified as undermining productivity tallied with my office's observations when we investigate maladministration, corruption and ethical lapses.

The problems identified in the study include inappropriate management practices, weak and inefficient decision making, low efficiency, poor investment planning, low productivity and overstaffing, and a host of other organizational and institutional problems, ranging from a history of ineffectual bureaucratic methods and low-quality administrative skills to political patronage and government interference.

Our observations have highlighted the following:

- (1) Human Resource (HR) Capacity deficits
- (2) Leadership and governance lapses
- (3) Attitudes
- (4) Systems and policy deficiencies
- (5) Procurement management lapses and Demand Management
- (6) Performance Management Lapses
- (7) Inconsistent deficiencies in incentives
- (8) Ethical lapses, including corruption
- (9) Unmanaged overlapping responsibilities

On the definition of productivity an emerging understanding that public sector productivity should focus on *thinking about how much value people place on the services that are delivered through the use of public funds.*

From the Public Protector's perspective, the primary indicator for the level of productivity in the public sector would be more relevant to the impact that the availability or unavailability of efficient and effective public service delivery would have on the lives of the ordinary people of this country. Personally, I believe productivity should be regarded as timely delivery of quality and respective services at a minimum cost in case of money and other resources.

The White Paper on the Transformation of the Public Service (WPTPS), published on 24 November 1995, sets out eight transformation priorities, amongst which Transforming Service Delivery is the key. This is because a transformed South African public service will be judged by one criterion above all: its effectiveness in delivering services which meet the basic needs of all South African citizens.

I'm encouraged by the fact that the summit today links productivity to leadership and good governance with the ultimate goal being excellence in the public service delivery.

Public sector leadership and good governance should yield the upholding of the principles of public administration in Chapter 10 of the Constitution. This is a precedent from productivity, service excellence and ultimately delivery on the constitutional dream. Section 195 of the Constitution provides that the public administration must fulfill the following:

- a high standard of professional ethics be promoted and maintained;
- services be provided impartially, fairly, equitably and without bias;

- resources be utilised efficiently, economically and effectively;
- peoples' needs be responded to; * the public be encouraged to participate in policy-making; and
- it be accountable, transparent and development-oriented.

Institutions Supporting Democracy, such the Public Protector, exist to ensure that the people of South Africa enjoy the better life promised by the country's Constitution. We enrich democracy as a dialogue primarily between those entrusted with public power, resources and opportunities and the people as the power givers and intended beneficiaries of the exercise of state power.

Its constitutional mandate to strengthen democracy means that the Public Protector has an added responsibility to constantly and continuously strive to contribute to the transformation of government, in terms of its accountability and sensitivity to individual rights and administrative justice. Yet the significance and effectiveness of this transformation does not lie in legal and academic discussions, but in the difference made to the lives of ordinary South Africans who experience the adverse consequences of a government agency's mistake or poor administrative practice on a daily basis.

If I may borrow from the WHITE PAPER ON TRANSFORMING PUBLIC SERVICE DELIVERY improved productivity cannot only be achieved by the issuing of circulars, directives or instructions because it is not simply an 'administrative' activity. *It is a dynamic process out of which a completely new relationship is developed between the public service and its individual clients ... a fundamental shift of culture whereby public servants see themselves first and foremost as servants of the citizens of South Africa, and where the Public Service is managed with service to the public as its primary goal.*

Elsewhere I have referred to the ideal culture as an attitude of stewardship. We need a public service with a commitment to a higher purpose in which involves making a difference in the lives of people. For many civil servants the occupation is not just a way to earn a living and to make ends meet. The way in which some officials make great sacrifices to perform their duties with diligence cannot be procured by money.

We need to recognise and enhance the culture of being a servant of citizens and not a servant of government, as a prerequisite of the public service delivery programmes.

Where public institutions do not live up to the principles and values contained in section 195 of the Constitution and people are unfairly or unreasonably affected by decisions, public institutions are compelled to take all fair and reasonable steps to "make good" and give visible meaning to constitutional democracy.

The principal aim of the Public Protector is to protect the rights and interests of the public against injustices caused by maladministration. In addition, the Public Protector strives to ensure that investigation and resolving of complaints, incorporates the promotion of good governance to ensure that no one suffers the same fate in the future.

This is accomplished, firstly by undertaking an impartial investigation of complaints submitted to the Public Protector, honest and good faith attempts at resolving disputes and rectifying improper acts and omissions, and the issuing findings to the administration and demanding compliance with the remedial action that is required to remedy the actions and the consequences thereof. These powers and functions of the Public Protector are regulated by the Constitution and various Act including the Public Protector Act, 1994, the Executive Members

Ethics Act, Prevention and Combating of Corrupt Activities Act, the Protected Disclosures Act, and others.

What can Organs of State Institutions do in response to reports of institutions such as the Public Protector, particularly where efforts geared at enhancing productivity and ultimately service delivery are concerned? I would like to put forward the following suggestions:

- a. There is a need to show willingness to take responsibility for findings of maladministration and to reverse the consequences as indicated in the remedial action;
- b. There is a need to try not to provide justification, using information and resources to find support from experts and legal advisors, to avoid compliance with the findings and remedial action of institutions such as the Public Protector.
- c. There is a need to make an effort to understand the constitutional imperative of institutions such as the Public Protector, which in terms section 182 of the Constitution, is required to provide remedial action for prejudice resulting from improper administrative action.
- d. There is a need to try not to confuse lawfulness and fairness. Fairness involves considering both legal and non-legal issues. Appropriate weight should be given to broad questions of reasonableness, the effect of decisions and the ethical obligations of fairness and accountability.

I am glad that in our midst are high-level public service decision makers such as Directors-General, Heads of Departments, Senior Management Service at large, Executive Mayors, Mayors and Municipal Managers. It is important that we continue to engage in dialogues on leading the public service to higher productivity and ultimately efficient and responsive service delivery.

Citizens are shareholders and not customers. They have a right to complain. They deserve more from those they have entrusted with the power to manage their affairs and resources. Where promises have been made in the Constitution or directly to the citizens, it is wrong to brand the people as a complaining public when they exact accountability in the face none or poor delivery.

Public servants need to let the Constitution guide their decisions particularly Section 237 which stipulates that all constitutional obligations must be performed diligently and without delay, must be at the core of decisive action and resource allocation. In this regard I was encouraged by a note on one slide of Minister of Finance's slides which was highlighting the need to give priority to basics. Citizens want a state that cares, listens and is ethical.

We all have a role to play with a view to ensuring that ours is a state that is accountable, operates with integrity and is responsive to the needs of all its people. After participating in this summit, I am convinced we are on the right track.

Thank you.

Adv Thuli Madonsela

Public Protector of the Republic of South Africa