



**Address by Public Protector Adv Thuli Madonsela on the occasion of
the official opening of the Mthatha Regional Office in the Eastern Cape
on Friday, October 01, 2010.**

01 October 2010

**Programme Director;
Speaker of the National Assembly, Honourable Nomaindia Mfeketho;
Speaker of the OR Tambo District Municipality, Cllr Madalane;
Mayor of the King Sabatha Dalindyebo Municipality; Cllr Mlamli;
Speaker of the King Sabatha Dalindyebo Municipality, Cllr Dondashe;
Deputy Public Protector, Adv Mamiki Shai;
CEO of Public Protector South Africa, Mr Themba Mthethwa;
Representatives of fellow Chapter 9 and other constitutional institutions;
Public Protector staff;
Ladies and gentlemen**

I am honoured to be the bearer of good news to the community of Mthatha and neighbouring areas this morning. This occasion marks a milestone for us at Public Protector South Africa. It affirms that we have succeeded in bringing the services of the Public Protector closer to your doorsteps by opening our twentieth office countrywide, here in Mthatha.

All along you have been coming into contact with my office through our occasional outreach clinics, telephone calls and letters. From today, you will simply walk into these premises during working hours and on week days to lodge your complaint about government services or conduct and look forward to prompt remedial action!

Section 182 (4) of the Constitution of the Republic of South Africa demands that the Public Protector be accessible to all persons and communities. The establishment of this office is therefore one of several measures that seek to make the services of the Public Protector accessible to you.

Ladies and gentlemen;

I am aware that most of you know about Public Protector South Africa and its services. However, I would like to share with you a brief background on this institution for the benefit of the few, who may need information about this office and its services.

The Public Protector is an independent officer and institution established by Chapter 9 of the

Constitution to support and strengthen constitutional democracy by holding government accountable for services and conduct. This is done by investigating any conduct in state affairs or in the public administration in any sphere of government that is alleged or suspected to be improper or result in any impropriety or prejudice, reporting on that conduct and taking appropriate remedial action. In simple terms my role is the right administrative wrongs of the state.

Several key pieces of legislation enable and give the Public Protector specific powers and responsibilities regarding correcting service failure, maladministration and abuse of state power and resources. These are the Public Protector Act of 1994 (PPA), the Executive Members Ethics Act of 1998, the Protection and Promotion of Access to Information Act of 2000 (PAIA), the Protected Disclosures Act of 2000 (PDA) and the Prevention and Combating of Corrupt Activities Act of 2004 (PCCA).

Anyone can complain to the Public Protector about government services or conduct and the Public Protector will see to it that your problem gets resolved. In addition, the Public Protector's services come free of charge. I would also like to assure you that in dealing with complaints, as the Public Protector I am independent and impartial and exercise my powers and functions without fear, favour or prejudice. This is spelt out in the Constitution.

Programme Director;

All along, the people of this province have been relying on the provincial office in Bhisho for services. Other areas in the province including Mthatha were accessed through my office's outreach programme.

During the past financial year, 306 of the 828 complaints received in this province were from this area. Most of these complaints, which were lodged during our outreach clinic, related to social grants, identity documents, pensions and general service delivery at municipal level.

One such complaint is that of Ms Kanyiswa Mcimeli, who visited the outreach clinic held at Mxhosa Community Hall in Libode, Ward 16 on 21 September last year.

Ms Mcimeli complained that the South African Social Security Agency (SASSA) could not help her when she went to its offices in Libode to apply for a child support grant. She alleged that, on applying, officials at SASSA informed her that her name was already in the system, registered to be the recipient of two of grants for two children she did not know. SASSA then registered the child under the name already in the system and when Ms Mcimeli visited the pay point on pay day, her finger prints did not match those on the system and no grant was paid to her.

On investigation, the real name of the other person receiving the grant was discovered. She was getting the money at Xhosa Supermarket here in Mthatha not at the bank or pay point. The suspect alleged that she had been sold ID books by one official of the Department of Home Affairs for R300. She had also managed to secure clinic cards for R30 and was assisted by a SASSA official to apply for the grants at a fee. This goes to show the extent of the rot that is slowly but surely engulfing state organs.

Ms Mcimeli has since received all the monies due to her, dating back to the day she first applied and the other illegal application was cancelled. I am informed that a criminal case was opened at Libode Police Station and one of the officials at Home Affairs was suspended. We do hope that justice will prevail.

This is one example of how the Public Protector helps ordinary citizens, who are powerless and have no resources to take on the mighty state, in a court of law.

Programme Director;

The Public Protector no longer relies only on investigating and issuing reports with recommendations. The Public Protector Act actually gives me the power to take remedial action. One of the ways of taking this remedial action to rectify the failures of the state is to use appropriate dispute resolution mechanisms such as mediating, negotiating and conciliating. I am very proud to say a lot of complaints have been resolved this way.

We have committed ourselves to a vision that states that we seek: “to be a trusted, effective and accessible Public Protector that rights administrative wrongs and consistently acts with integrity to ensure fair, accountable and responsive decision-making, service and good governance in all state affairs and public administration in all spheres of government”.

Flowing from this vision, are three specific promises, we have made to the public:

- To be accessible to and trusted by all persons and communities;
- To deliver prompt remedial action
- To promote good governance.

As I draw towards my conclusion, I would like to inform this gathering that this year we are celebrating Public Protector South Africa’s 15th anniversary. To mark this, we will be hosting an inaugural Public Protector Good Governance Week, which will henceforth be an annual affair. The week will be observed between 11 and 15 October 2010.

During this Week, we will be highlighting the role and mandate of the Public Protector with a view to reach more people and promote good governance in all state affairs. One of the activities that will characterize this Week is a high level conference on good governance which is co-arranged by us and the Commonwealth in Pretoria. Over the next few days you will hear more about this Week in the media.

In conclusion, ladies and gentlemen, I would like to call on the collective gathered here to spread the word about this office and make full use of it. In fact, you can start today right after the last item of the programme by visiting the stall at the back of this tent where investigators are ready to take your complaints. There you will also find material with all contact information for your convenience.

Thank you.

Adv TN Madonsela
Public Protector South Africa