



PUBLIC PROTECTOR  
SOUTH AFRICA

**Address by Public Protector Adv Thuli Madonsela on the occasion of  
the stakeholder consultative meetings in Durban, KwaZulu-Natal**

*08 March 2010*

**Programme Director  
Deputy Mayor of the eThekweni Metro Cllr L Naidoo  
Mayor of Mkhambathi Municipality Cllr TE Maphumulo  
Mayor of Richmond Municipality Cllr B Ngcobo  
Mayor of Indaka Municipality Cllr NB Mchunu  
Mayor of Msinga Municipality Cllr FJ Sikhakhane  
Mayor of Newcastle Municipality Cllr Afzul Rehman  
Mayor of Mbonambi Municipality Cllr ME Mthethwa  
Mayor of Greater Kokstad Municipality Cllr M Sithol,  
Councillors present  
Traditional Authorities present  
Representatives of Chapter 9 institutions  
Heads of Departments  
Government Officials  
Members of the media  
Public Protector CEO Themba Mthethwa  
Distinguished guests  
Ladies and gentlemen**

Let me start by extending my warmest greetings to all of you this morning. Thank you for honouring our invite despite your busy schedules.

Let me also thank the Deputy Mayor for the warm welcome to eThekweni, home of the legendary King Shaka. I am looking forward to the opening of the new airport that has been named in honour of this iconic leader.

Deputy Mayor, I am told that in this part of South Africa there are only two seasons, namely summer and summer. This city is also home to some of our country's most beautiful beaches and boasts the busiest port in the country.

As one of the host cities for the 2010 FIFA World Cup tournament, guests will be delighted to watch their favourite teams battling it out at the majestic and newly-opened Moses Mabhida Stadium, which many people regard as second to none in the country.

There are a whole lot other notable interesting facts about eThekweni. I could go on and on until sunset. Deputy Mayor, I feel honoured and privileged to be here.

Programme Director;

Let me, at this point; come back to what has brought us here this morning. Early last month I embarked on a stakeholder consultation process which commenced in Gauteng. Our visit to KwaZulu-Natal is therefore a continuation of that process. To date, I have been to four provinces holding talks with various stakeholders, whom I consider very key to the Public Protector's discharge of its constitutional mandate.

The stakeholders I am referring to include senior government leaders, other Chapter 9 institutions, statutory bodies, state-owned enterprises, provincial administrations, local government, political parties, the media, professional bodies, trade unions and other civil society entities.

The purpose of these meetings is to introduce myself. Through these meetings I also wish to engage you on the Public Protector Vision 2020, our proposed vision for the next 10 years. The comments I have received to date have been valuable.

These meetings also seek is to establish your expectations regarding the services of the Public Protector, obtain your views on the legislative and constitutional mandate of the Public Protector. I am also using these encounters to discuss co-operation for purposes of enhancing the responsiveness of the Public Protector.

Programme Director, I am aware that most if not all the guests here know what a Public Protector is and what such an institution does. However, I will outline that briefly for the benefit of those who may not be fully aware of the role and powers of this constitutional institution.

The Public Protector is established by the Constitution to receive and resolve complaints from members of the public about the services and conduct by organs of state. Alleged and suspected corruption and other forms of maladministration in the public sector can also be investigated by the Public Protector.

The Public Protector has the power to investigate, mediate, negotiate, conciliate and take remedial action to ensure that all state components are accountable and responsive to the needs of all.

In addition to conducting investigations and resolving complaints in terms of the Public Protector Act, my responsibility includes enforcing the Executive Members Ethics Act and playing a role in the enforcing of the anti-corruption legislation and a few other laws that regulate the conduct of public authorities.

As the Public Protector, I am independent of government and political parties. I therefore carry out my responsibilities impartially without fear, favour or prejudice. While I take complaints from

the public, I am not necessarily their attorney. I just act to ensure there is a fair and just public administration.

In other words, if my investigations can find no wrong doing on the part of the state or any of its organs, I will say so in the same way that I do when impropriety or some other wrong doing has been proven.

Programme Director,

The kinds of complaints my office receives from members of the public in this part of the country are not unique to this province. These include social grants such as old age grants, foster care grants, disability grants and related services and the conduct of the South African Social Security Agency.

Many people in this province also complain frequently about regular re-applications for identity documents due to lost application forms allegedly by Home Affairs officials.

The provision of low cost housing in the eThekweni Metro is also an area of concern.

This province is also not immune to the challenges the Public Protector encounters in other parts of the country. There are a number of departments and institutions that do not give us joy when we investigate public complaints. The challenges include the following:

- Lack of cooperation from departments;
- Delayed responses from departments;
- Lack of understanding of the Public Protector mandate by officials;
- Officials refusing to give complete information about queries raised;
- Senior officials such as Heads of Department being continuously unavailable to attend to matters they undertook to attend to; and alternatively, not keep their promises of delivering as promised.

Despite these and many others, we are taking steps to improve cooperation for the benefit of complainants. We would like to have a situation whereby there are designated officials to handle enquiries in all departments and institutions. We believe that this will help in our effort to shorten our turnaround time.

Accessibility to all persons, as required by the Constitution, is also one of the issues we are grappling with. We opened an office in Newcastle late last year to ease the burden on our office here in Durban. However, the challenge remains enormous.

To further take our services to the people and raise awareness about our existence, we hold clinics on a monthly basis to spread the word about our services and take complaints from the public.

We also have Mobile Office of the Public Protector, better known as MOPP services. With this service, we reach out to far-flung areas with the aim of bringing the services of the Public Protector to the door steps of communities.

We have also been collaborating with other Chapter 9 institutions such as the Independent Electoral Commission to educate the public about our role and how we can be of assistance to them.

Ladies and gentlemen, the vision I referred to earlier include the following:

#### Vision

A trusted, effective and accessible Public Protector that rights 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 any sphere of government.

#### Mission

We serve the public in accordance with our constitutional mandate by rectifying and redressing any improper or prejudicial conduct in state affairs and resolving related disputes through investigation, mediation, conciliation, negotiation and other measures to ensure fair, responsive and accountable public sector decision-making and service delivery.

#### Values

- Independence and impartiality;
- Human Dignity;
- Equality;
- Ubuntu and Empathy;
- Redress;
- Accountability;
- Integrity;
- Responsiveness;
- Transparency; and
- Justice and Fairness.

In addition, we are guided by three main pillars namely accountability, integrity and responsiveness. We have also proposed strategic objectives for the next three years as the mechanism for ensuring, among other things, that there is prompt remedial action for all wrongs committed by public authorities and that good governance generally is achieved in the conduct of all state affairs.

We are also making several improvements with the aim of serving complainants more effectively and responsively. The key improvements include improving turnaround times primarily through an early resolution mechanism we have just created.

We have also shifted our operational emphasis from focusing on investigations to resolving complaints against public authorities. We resolve the complaints through using various powers given by the Constitution, which include investigations, mediation, conciliation, negotiation and any other competent action as I have already indicated.

I'm also in the process of implementing measures to strengthen our capacity especially on the areas of rigour and forensic investigation. These are critical for investigating corruption and other forms of maladministration.

Another area of focus is that of systemic interventions to identify and address the system malfunction that leads to poor service delivery.

In conclusion, Programme Director, let me express my gratitude again for your attendance.

I trust that through our discussions, a lot of positives will be yielded so that we realise the ideal of an accountable and responsive state that operates with integrity.

**Thank you.**