



**Address by Public Protector Adv Thuli Madonsela on the occasion of  
an outreach clinic in Umlazi, KwaZulu-Natal**

*9 March 2010*

**Programme Director,  
Mayors present,  
Councillors,  
Members of the media,  
People of Umlazi and neighbouring areas,  
Distinguished guests,  
Ladies and gentlemen;**

I would like to take this opportunity to greet and thank you all for heeding our call to meet here this morning. As one of the Public Protector's most valuable stakeholders and clients, the importance of your presence here cannot be over emphasised.

The purpose of this meeting is to raise awareness about the existence and role of the Public Protector. Most importantly, I want to hear from you as to how would you like my office to serve you better.

Perhaps I need to, firstly, outline what the Public Protector is and what this institution does so that we all know what we are talking about and understand each other much better.

The Public Protector is established under Chapter 9 of the Constitution to support and strengthen constitutional democracy. It is one of the constitutional institutions commonly referred to as Chapter 9 institutions.

This institution is independent and subject only to the Constitution and the law. The Public Protector must be impartial and exercise its powers and perform its functions without fear, favour or prejudice.

Holding the same rank as a judge of the Supreme Court, the Public Protector is appointed on the basis of a parliamentary selection process, which culminates in a National Assembly vote. This is then followed by a Presidential appointment of the individual recommended by Parliament.

Programme Director, as the Public Protector, I am accountable to the National Assembly and must report on activities and performance of my functions to the Assembly at least once a year. No person or organ of state may interfere with my functioning.

The Public Protector is mandated by the Constitution and national legislation to investigate any conduct in state affairs or in the public administration in any sphere of government that is alleged or suspected to be improper or to result in any impropriety or prejudice. I am also mandated to report on that conduct and take appropriate remedial action.

There are two key pieces of legislation that regulate the operations of the Public Protector, namely the Public Protector Act of 1994, and the Executive Members Ethics Act.

The powers under the Public Protector Act cover the conduct of all public authorities except court decisions. The Executive Members Ethics Act empowers the Public Protector to investigate all allegations of violations of the Act and Code by the members of the executive, that is Ministers, Premiers, MECs etc.

Other legislation, which include anti-corruption legislation and the Protected Disclosures Act, also recognise the role of the Public Protector with regard to investigating state action.

Ladies and gentlemen, all these mean you can approach the Public Protector anytime you have a complaint regarding improper or prejudicial conduct of an organ of state or public official or public office bearer. Even if it is not a complaint but information or an allegation of impropriety, you may still approach the Public Protector.

Most of the complaints from this province relate to social grants, identity documents, provision of low-cost housing and so on. I am calling upon you to approach my office for assistance if you are also not getting the services you deserve from other areas of the state. I encourage you to also report suspected corruption and other forms of maladministration.

It is important, however, to remember that private matters and decisions of courts fall outside the ambit of the Public Protector and therefore I cannot investigate such matters. Your complaint or allegation will be investigated with a view to establishing if the conduct in question was indeed improper or prejudicial. My office may decide to mediate, conciliate or negotiate to resolve the complaint. At all given times, it is important that justice is served. All these services come free of charge.

While in the past we focused a lot on the investigative powers, we have consciously decided to harness the full powers of the Public Protector. With effect from next month, we will be exhausting all the powers given to us by law to resolve your complaints in a manner that ensures justice. These include investigating, mediating, negotiating and taking corrective action.

Another area where we have committed ourselves to improve is that of turnaround times. We have introduced an early resolution mechanism to ensure that uncomplicated urgent matters are resolved within a few weeks.

Yesterday we met with key stakeholders, including representative from the provincial and local government. One of the issues on the table was improved cooperation by departments to assist us in our investigations. We believe improved relations and better cooperation will result in shorter turnaround times, leading to a fair and just public administration.

We are also planning to deepen the rigour of our investigations to ensure that improper conduct does not go unsanctioned simply because we could not dig deeper. To achieve this we are strengthening our specialisation arrangements. This includes separating simple and urgent matters from complex matters.

We are also revisiting our investigation and dispute resolution methods, incorporating more

ADR and strengthening our forensic capabilities. Our efforts towards improving good governance continue. In addition to systemic investigations, we will be engaging in systemic interventions to ensure that government serves all people with accountability, integrity and responsiveness. Systemic interventions seek to respond to systemic malfunctions that breed poor service delivery and improper or prejudicial conduct.

I must also mention that the Public Protector is required by the Constitution to be accessible to all persons and communities. We have always tried to be accessible, through outreach, expansion of offices to provinces and regions within provinces and through using accessible language. We plan to do even more to enhance our accessibility.

Our initiatives include expanded awareness and outreach activities, which will include a Public Protector Good Governance Week and the use of stakeholder avenues to reach our people.

As I draw to a conclusion, I urge you to tell us your needs so that we can be of better service to you. Regarding any complaints or allegations you may have, our mobile service is right here at the back of this venue. Please approach the desks.

On a day-to-day basis you may approach the Public Protector through our toll free line, website, postal mail or visit one of our offices. Contact details are available on the information leaflets distributed at the desks I have just referred to.

**Thank you.**

**Adv TN Madonsela**