



Address by Public Protector Adv Thuli Madonsela on the occasion of a stakeholder consultation meeting in Cape Town, Western Cape

16 March 2010

**Programme Director,
Executive Deputy Mayor of the City of Cape Town; Mr Alderman Nielson,
Councillors,
Heads of Departments,
Representatives of various government departments,
Representatives of Chapter 9 and other state institutions,
City Ombudsman; Mr M Baba,
Chairperson of the Cape Bar Council; Adv Jeremy Muller,
Political Parties present,
Members of the media,
Ladies and Gentlemen;**

Let me start by extending my warmest greetings to all of you this morning and also express my sincere appreciation for your positive response to our invitation for this meeting.

Let me also thank Executive Deputy Mayor Nielson for a warm welcome to the Mother City, the legislative capital of our country.

This is the city well-known the world over for its natural setting, which include popular landmarks and tourist attractions such as the Table Mountain and the Cape Point.

It is also a few kilometers outside this city, where one can find Robben Island, an island where some of our country's freedom fighters, including former President, Humanitarian and Nobel Laureate Nelson Mandela, President Jacob Zuma and his deputy Kgalema Motlanthe, were imprisoned during the dark days of apartheid.

I am sure that, as some of the 2010 FIFA World Cup games will be played here at the Greenpoint Stadium, our international guests will have a good time touring these and many other sites found in this province.

Honourable Mayor, we truly feel welcome in the City of Cape Town and not only do we hope to have a wonderful stay in your territory, we also hope for a productive visit all round.

Coming to why I am here today, most of you may be aware that early last month, I embarked on a consultative process across the country, holding talks with stakeholders, including the general public.

I kick-started this process in Gauteng and to date have interacted with stakeholders in six of the nine provinces. As this process winds down, I must say I am satisfied with the inputs and response I have received thus far.

This process will culminate in a national stakeholders meeting, where I will be mainly giving feedback about what I have gathered from the provinces.

The purpose of this consultative process is to introduce myself and engage you on the Public Protector Vision 2020, our proposed vision for the next 10 years, with the aim of sourcing comments and inputs so that we can jointly path the direction this institution will follow during my term of office. I believe copies of this document have been distributed to all of you. I will take you through shortly.

I am also here to establish what your expectations are regarding the services of the Public Protector, obtain your views regarding the legislative and constitutional mandate of the Public Protector. I would also like to discuss cooperation for purposes of enhancing the responsiveness of my office to the people of this country.

Yesterday I had a successful meeting with Premier Helen Zille and I must say I am satisfied with the support she pledged for the work of our institution. I am confident that with such relations, our work will be much easier.

Programme Director;

At this point, I am going to briefly discuss what the Public Protector is and what role this institution plays in a constitutional democracy for the benefit of those who may be hearing about for the first time. I do this with a full knowledge that most if not all of us here are aware of the existence of this institution and its role.

The Public Protector is established by the Constitution to receive and resolve complaints about the services and conduct of 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 possesses the power to investigate, mediate, negotiate, conciliate and take remedial action to ensure that all components of the state are accountable and responsive to the needs of all.

I conduct investigations and resolve complaints in terms of the Public Protector Act. In addition to that, my responsibility includes enforcing the Executive Members Ethics Act and playing a role in enforcing 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 and therefore carry out my responsibilities impartially without fear, favour or prejudice. That is, in a nutshell, what the Public Protector is about.

Programme Director;

In its mid-year population estimates for 2009, Statistics South Africa put the Western Cape

populace at a staggering 5, 356 million heads. This amounted to about 10,9 percent of the total South African population.

While certain indicators such as literacy levels, access to electricity for lighting, piped water and sanitation in the Western Cape reflect figures that are fairly favourable when compared to other provinces in the country, this province still faces many socio economic and other challenges.

These include general service delivery by government, particularly at a local level. However, government is endeavouring to address some of these stumbling blocks through specific programmes such as the Local Government Turnaround Strategy, which is currently being implemented nationally, including in this province.

The service delivery challenges that I have just alluded to are, to a certain extent, reflected by the upward trend in the demand for Public Protector services in this province. For example, in the 2008/09 financial year, my office in this province received a total of 812 complaints. By March 2010 in the current fiscal year, the same office had received 1140 complaints, marking a 40 percent rise in complaints received. Just over a thousand of these (1093) were finalised. The top four institutions that communities complained against in this province this financial year were municipalities, the Department of Home Affairs, Department of Labour (mostly Unemployment Insurance Fund matters) and the South African Social Security Agency (SASSA).

The municipalities and Home Affairs led the pack, each accounting for 16 percent of the total complaints. These were followed by Labour which accounted for 12 percent of the complaints while SASSA accounted for only 11 percent.

As the Public Protector, we have a general challenge of poor cooperation from some government departments and state institutions, which today's meeting also aim to address. However, following my meeting with the Premier, I am hopeful that we will see a positive shift.

We are also continuously liaising with fellow Chapter 9 institutions. In addition, we have entered into Memorandums of Understanding with Regional Coordinators of Community Development Workers in the Cape Town Metropole to share information, cooperate in relation to the improvement of service delivery in communities and for public education purposes.

While still on the public education subject, I must mention that we have been using the little resources we have in this province to ensure that we reach out to all communities and raise awareness about our existence.

Apart from the provincial office, which is located here in Cape Town, we have a regional office in George to try and enhance accessibility of our services. Obviously this is not enough.

To supplement this, we have the outreach programme through which we cover the rest of the province. Between April and December 2009, we reached out to all regions of this province, conducting 73 public education sessions.

During these sessions, which were mostly conducted in remote areas, members of the communities were able to consult our investigators and lodge complaints.

Ladies and gentlemen, the Vision 2020 I referred to earlier includes 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 principles 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.

Programme Director, 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 I am 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 malfunctions that lead to poor service delivery.

Lastly, I trust that we will have fruitful discussions this morning so that we can realise the ideal of an accountable and responsive public sector that puts the needs of the public first.

Thank you.

Adv TN Madonsela