



**Address by the Public Protector, Adv Thuli Madonsela, during the  
National Stakeholder Consultative Dialogue and Public Hearing at the  
Matibidi, Mpumalanga 22 August 2012**

***Programme Director  
Deputy Public Protector, Adv Mamiki Shai;  
Kgosikgadi Mohlala of Matibidi  
Kgosi MM Mogane of Moremela Mashile Tribal Council  
Mayor BM Ngcongwane, Mayor of Thabe Chewu Municipality  
Speaker of Thaba Chewu Municipality  
Councillors  
Municipal Manager  
Brigadier Mashiane of the SAPS  
People of Mpumalanga  
Members of the Media***

Thank you for coming out in your numbers. We trust you are ready to talk to us about your RDP housing problems and other service delivery challenges that affect you as a community. Happy women's month to the women of Matibidi and the rest of the Mpumalanga province!! I trust that you are aware that we are here for a public hearing, which forms part of our annual stakeholder dialogue. Last year we had a more general dialogue. But even then we collected and investigated all of the complaints we were entrusted with.

A Complainant, I will call Mr M from Gutjwa in Mbombela complained that he applied for an RDP house in 2006 and that his application was approved. The house was never built and his house plan was taken away from him by a certain departmental official and was never returned. In 2009, complainant visited the Department to enquire about the construction of his house. He was informed that the system indicated that he had already benefitted and that payment was reflecting.

On investigation by the Public Protector, the Department of Human Settlements confirmed that the system reflected that payment had been made on complainants name and that on inspection it was found that the house had not been built. The Department has undertaken to provide the PPSA with a report on the matter and also to indicate how the complaint will be resolved.

Another complainant from Barberton in the Mjindi Municipality, Ms B, reported that she applied and was approved for an RDP house in 2006. After approval, a foundation trench was dug and

the contractor left promising to come back and finish the house. She waited until 2008 and decided to report to a certain housing official. The official then sent a contractor to attend to her problem. The contractor promised to come back but never did. On investigation by the Public Protector, the Department of Human Settlements acknowledged that only a slab had been laid and that no further construction took place afterwards. The department has undertaken to appoint a contractor to build the house.

There are other cases that we concluded favourably bringing joy to those that had been wronged in their interface with government. We also investigated corruption and other allegations of integrity violations.

This time the main issue we are engaging the nation through public hearings. The hearings focus on problems you have encountered in the delivery of RDP housing. Part of each public hearing is dedicated to problems you have experienced with a taxi that was converted from a panel van into a minibus. We also like to hear about any grievances you may have as a community regarding other public service delivery matters.

The public hearings are part of our National Stakeholder Consultative Dialogue. This year's dialogue incorporates public hearings that for part of two systemic investigations my office is currently conducting.

The main systemic focuses on the delivery of RDP housing. We are undertaking a systemic investigation in response to a flood of complaints we have received for many years. These range from alleged planning inadequacies, procurement irregularities, including corruption and fraud, leading to defective houses among many inadequacies, allocation irregularities and post allocation challenges such as missing title deeds and illegal sale of RDP houses. Let us talk very briefly about a systemic investigation. A systemic investigation covers what is done in a normal investigation and more.

In a normal investigation we generally focus on whether or not a complainant or complainants were wronged by conduct in state affairs or the public administration. If we conclude that the complainant or complainants were indeed wronged, we then endeavour to place them as close as possible had the state treated them right in the first instance. Where the investigation focuses on wrongdoing involving conduct failure such as unethical conduct, abuse of power, abuse of state resources or corruption, we seek to ensure individual accountability for such wrong doing. This includes clawing back public funds that may have been wrongfully appropriated.

We adopt a diagnostic systems approach with a view to establishing the causal factors behind a flood of complaints or potential flood of complaints. In the RDP systemic investigation, we seek to establish the factors or gaps are behind all of the problems that have been reported in all nine provinces. Why is it that until now our solutions, are not working for example efforts aimed at rectifying defective houses and addressing allocation irregularities, appear like we are pushing water up a waterfall? The outcomes include remedial action aimed at switching off the waterfall or preventing a recurrence. We also ensure justice for each person or persons that we believe suffered an injustice.

The other systemic investigation focuses on allegations that certain panel vans were illegally converted and sold as minibus taxis resulting in accident prone taxis, which have allegedly cost lives and prejudiced affected persons regarding insurance claims. Although we had only received two complaints on this matter by the time we commenced the systemic investigation, the allegations suggested there were lots of people that may have been affected, including

passengers and families of passengers.

As I indicated earlier, during today's public hearing you will also be allowed to tell us about other service delivery complaints you have that affect you as a community or group. For individual complaints we have a team that will assist you to complete a form to lodge a complaint. We will attend to all complaints equally whether they are raised at plenary or privately with our investigation team.

Where does a systemic investigation fit into the role of my office? We employ systemic investigations to proactively promote good governance. This is to help organs of state to get things right most of the time instead of getting things wrong a lot of the time.

My office's key purpose is to ensure that people get justice when they've been wronged by someone in government. In a nut shell, my office investigates and redresses people's grievances arising from decisions and actions in state affairs or the public administration.

My office conducts systemic and other investigations in pursuit of his/her constitutional mandate to support and strengthen constitutional democracy by investigating alleged or suspected improper or prejudicial conduct in all state affairs or the public administration; reporting on that conduct; and taking appropriate remedial action.

The mandate is expanded by the Public Protector Act (PPA) and other laws. For example, the PPA expands the idea of improper conduct to include maladministration, abuse of power, abuse of state resources, etc., The PPA further extends the mandate to go beyond investigating and to include the power to resolve disputes in state affairs through mediation, conciliation, negotiation and any other means deemed appropriate by the Public Protector. It further gives the Public Protector extensive investigation powers, which include subpoenas, search and seizure, referral for prosecution(similar to police), contempt of the public protector orders similar to contempt of court orders. There are also fines for failure to comply during an investigation.

Five other laws giving additional powers to the Public Protector are worth noting. These are the Executive Members Ethics Act, which appoints the public protector as the sole enforcement agency for the Executive Ethics Code; the Protected Disclosures Act, which designates the Public Protector and the Auditor General as key agencies to receive protected disclosures from whistle-blowers; the Prevention and Combatting of Corrupt Activities Act, which sees the Public Protector as one of the anticorruption enforcement agencies; and the Housing Protection Measures Act, which grants the Public Protector the power to review decisions of the Home Builder's Registration Council. The Public Protector is currently also one of the information regulators under the Promotion of Access to information Act. In addition, there are other laws that recognize the oversight role of the Public Protector and those that assign additional non-investigative responsibilities.

An effective use of my office and other institutions supporting democracy means people need not take to the streets or destroy something to get government's attention. To make this a reality my office is always urging government structures and actors to cooperate in the spirit of section 181(3) of the Constitution and general commitment to public accountability and the idea of democracy as a dialogue.

We would appreciate it if you could also inform others about the two systemic investigations. We would like to hear from them too. They may also approach us on any public gathering. My office may be contacted through our toll free line number : **0800 11 20 40**, website:

**www.publicprotector.org** , e-mail: **registration2@pprotect.org** and our 20 walk-in offices in all 9 provinces.

Tell us about your service delivery frustrations, your views on the causal factors and your suggested solutions. My team and I believe that together we can ensure public accountability, integrity and responsiveness. It this happens a better life for all will be achieved faster..

**Thank you.**

**Adv TN Madonsela**  
**Public Protector of the Republic of South Africa**