



**Address by Public Protector Adv Thuli Madonsela during the
Stakeholder Consultative Dialogue outreach event in Tongaat,
KwaZulu-Natal on Tuesday, July 24, 2012**

**Programme Director, Adv Mlandeli Nkosi
Local Ward Councillor, Cllr N. Mabaso;
CEO of the Public Protector SA, Mr Themba Mthethwa;
Community leaders;
The Public Protector team;
Members of the media;
Ladies and gentlemen;**

I bring warm greetings from the Public Protector Team at large. We are very delighted to be in Tongaat this morning to hear the voices and views of this and neighbouring communities.

KwaZulu-Natal is the second province we are visiting as part of the third annual Public Protector National Stakeholder Consultative Dialogue, which got off in Pretoria two weeks ago.

This year's theme is: ***“Joining hands to end maladministration and ensure responsive service delivery: Focus on RDP houses and regulatory gaps on the illegal conversion of panel vans into taxis.”***

Our stakeholder dialogue this year incorporates public hearings, where you as stakeholders share your experiences on problems, regarding the state's RDP housing programme. We also want your views on conversion of panel vans to taxis.

The hearings serve as an information gathering platform for two systemic investigations we are currently conducting, focussing on problems plaguing the RDP housing programme and illegally converted taxis.

Let's us start with the RDP programme. This programme is South Africa's socio-economic policy framework implemented to give effect to the Section 26 of the Constitution through the fully state-funded housing programme.

This section of the Constitution states that everyone has the right to have access to adequate housing and that the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.

Since 1994, government has built in excess of 2 million RDP houses, ensuring that millions of South Africans who previously had no proper roof over their heads, had a place they could call a home of their own.

While this brought the much needed relief to millions of poverty-stricken communities, there have been problems as well. Such problems include allegations of long waiting periods from the point of application, flouting of procurement procedures, poor quality of homes, and illegal sale of RDP homes.

Over the years my office has been receiving a number of complaints relating to the conduct of government with regard to the RDP housing programme. These complaints come from all corners of the country.

The commonality of RDP complaints from one province to the other was one of the key motivations for us to undertake the huge task of launching a systemic investigation into the matter.

Looking at this province in particular, 995 complaints we received in the previous financial year. Sixty-two related to the RDP housing programme. An additional 30 were received this year.

One of the cases we are dealing with involves a community in Waterloo near Verulam, where were built on the banks of a river.

The community alleges that whenever it rains and the river overflows, they have to be moved temporarily to a local community hall until water levels have subsided. Their water-logged homes result in damaged furniture. Other regular complaints we receive relate to long waiting lists and people jumping queues.

On the issue of panel vans turned into taxis, my office was approached by Mr Hennie de Beer, who alleged that failures in the regulation of conversion of panel vans to taxis have resulted in many members of the public being exposed to taxis that are unsafe and that when accidents happen insurances won't pay as they argue that the vehicles did not meet compliance requirements.

We are here to hear about your personal experiences regarding these two issues. This will help my team and I get a better understanding of the problems. You are also allowed to tell us about other systemic service delivery concerns that affect you as groups or communities.

Perhaps you may want to know what a systemic investigation is and how it is linked to my office's mandate. A systemic investigation is a complex investigation that goes beyond addressing individual complaints by identifying the underlying systemic deficiencies that lead to many individual complaints.

The idea is to address the causal factors to stop the flow of complaints. It's like stopping a waterfall instead of removing water one bucket at a time.

We pursue systemic investigations as part of fulfilling my office's mandate of strengthening and supporting constitutional democracy. As you may be aware, as a Public Protector, I am required by the Constitution 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; report on that conduct and take appropriate remedial action.

In simple terms, my office investigates grievances or complaints regarding actions and decisions in government in all levels, including parastatals. The powers derive from the Constitution and laws. Key among the laws, is the Public Protector Act, which adds power to resolve public grievances or allegations of maladministration through conciliation, mediation, negotiation and any other means I deem appropriate.

Five other laws that grant support powers or recognition of the role of the Public Protector are the Executive Members Ethics Act, Protected Disclosures Act, Prevention and Combating of Corrupt Activities Act, Housing Protection Measures Act and Promotion of Access to Information Act (PAIA). More laws give powers or recognise existing powers of my office.

Tell us about your experiences in the delivery of RDP housing. We would also like to hear about your experiences on the panel van matter. It's all part of joining hands to end maladministration in pursuit of good governance.

My team and i believe that if we join hands we can contribute to a state that is accountable, operates with integrity and is responsive to all its people at all levels of society.

Thank you.

Adv TN Madonsela

Public Protector of the Republic of South Africa