



**Address by Public Protector Adv Thuli Madonsela on the occasion of
an outreach clinic at Glenmore Community Hall in Carolina,
Mpumalanga**

31 March 2010

**Programme Director,
Councillors
Community Leaders,
Members of the media,
Ladies and gentlemen:**

Let me start by expressing my gratitude to you for coming to our meeting this morning and also extend warm greetings from myself and the Public Protector team at large.

Our meeting today marks the end of a journey that began early last month in Gauteng. Some of you may be aware that I have been travelling to provinces across the country, consulting stakeholders and interfacing with communities like yourself.

During my meetings with stakeholders, I sought to introduce myself; find out what expectations stakeholders had regarding the services of the Public Protector; and establish whether or not our internal interpretation of the constitutional mandate of the Public Protector is the same as that of stakeholders. I also asked stakeholders to comment on a draft vision of what we seek to achieve as the Public Protector over the next ten years.

I held such a meeting with stakeholders from this province yesterday. Among those who attended were MEC for Public Works, Clifford Mkasi, who represented Premier David Mabuza, and representatives from other state organs.

Our meeting this morning will be different in that the focal point will be the services of the Public Protector to you as a member of the public.

Ladies and gentlemen,

Before going any further, I will quickly outline what the Public Protector is and does so as to set the tone for our discussions this morning and also so that we can all know we are talking about.

The Public Protector was established by the Constitution. It is one of several institutions established by Chapter 9 of the Constitution to support and strengthen constitutional

democracy. We ordinarily refer to these institutions as Chapter 9 Institutions. Each of these institutions plays a distinct and unique role in supporting and strengthening constitutional democracy.

Like all Chapter 9 institutions, the Public Protector is independent and subject only to the Constitution and the law. The Public Protector is independent of government and political parties and must be impartial and exercise its powers without fear, favour or prejudice.

Accountable to the National Assembly, the Public protector must report on activities and performance of its functions to the Assembly at least once a year. The Constitution declare that no person or organ of state may interfere with the functioning of the Public Protector.

The Public Protector is mandated by the Constitution and national legislation to investigate any conduct in state affairs that is alleged or suspected to be improper or to result in any impropriety or prejudice and 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. These are 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 includes anti corruption legislation and the Protected Disclosures Act also recognise the role of the Public Protector with regard to investigating state action.

This means 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.

My office in this province receive a lot of complaints regarding delayed processing of applications for identity documents, birth certificates, social grants such as old age, foster care and disability grants, and low cost housing. Recently we received complaints on alleged maladministration and corruption.

As you prepare to lodge a complaint with the Public Protector, you need to be aware that the Public Protector cannot help you if you problem involves anything outside of the public sector or concerns decisions of courts.

This does not mean if you approach the Public Protector with a matter that is outside our ambit, you will be turned away. We have a professional staff complement that will refer you to appropriate redress institutions that will help you accordingly.

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 to us that justice is served. More importantly, our services come free of charge!

We know that in certain parts of this province, people have previously resorted to violent ways of showing government their dissatisfaction regarding service delivery.

I therefore would like to urge people to refrain from such actions because infrastructure often gets destroyed in the process. Our doors are always open, come in and report it. We will get all the relevant authorities together and see to it that those problems are attended to.

I am glad that during the meeting I had yesterday with stakeholders, representatives from government made commitments to assist and support the Public Protector in the execution of its mandate. We hope that this will help us help you much quicker.

Coming to our operational matters, we used to focus a lot on the investigative powers in the past. While continuing to use and even improving the depth of our investigations, we have consciously decided to harness the full powers of the Public Protector.

Starting from the fiscal year 2010/11, we will be exhausting all the powers given to us by law to resolve your complaints in a manner that ensures justice. These include mediating, conciliating and negotiating in order to resolve your complaint.

Another area where we have committed ourselves to improve is that of turnaround times. Never again shall you wait for a year to be told what is delaying your pension payout, social grant, ID or any other service. We will use our power to subpoena if need be. We have also introduced an early resolution mechanism to ensure that uncomplicated urgent matters are resolved within weeks.

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 ones.

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

The Public Protector is also specifically instructed 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. In this province we have a provincial office in Nelspruit and a regional office in Siyabuswa. Obviously, these are not enough to cover this vast province. However, we do reach out to those far-flung areas through our outreach activities such as this meeting.

We plan to do even more to enhance our accessibility. Our initiatives include expanded awareness and outreach activities, which will include a Public Protector Access to Good Governance and the use of stakeholder avenues to reach our people.

In conclusion, I would like to urge all of you to tell us your needs so that we can be of better assistance to you. I also call on you to spread the word about the existence of this noble institution so that we help more people who are in distress as a result of poor delivery and untoward conduct by the state.

With regard to any complaints or allegations you may have at this moment, our mobile service is right here at the back of this hall. Please approach the desks and our investigators will help you lodge your complaints.

On a day-to-day basis you may approach the Public Protector through our toll free line, postal mail and website 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.

**PUBLIC PROTECTOR OF SOUTH AFRICA
ADV TN MADONSELA**