



Address by Public Protector Adv. Busisiwe Mkhwebane during the Public Protector Stakeholder Roadshow at the Northern Cape TVET College on Tuesday, September 11, 2018

**Programme Director, Mr. TC Medupe;
Vice-Chancellor & Principal;
Public Protector SA CEO, Mr. Vussy Mahlangu;
PPSA Northern Cape Provincial Representative, Mr Mlungisi Khanya;
Student leaders;
Student organisations;
Members of the media;
Ladies and gentlemen**

Good afternoon!

Let me start by expressing a word of gratitude to the leadership of this institution for allowing us to engage with its student community even though we made the request at the eleventh hour.

We were initially scheduled to hold this dialogue with your counterparts at the Sol Plaatje University. That did not materialise due to clashing schedules and postponements that were neither of ours or the university's own doing.

My team and I are truly thankful for this gesture of goodwill and for the warmth with which you have received us. Indeed we feel at home. In the same breath, I wish thank the students for taking time off their studies and related activities to lend us an ear. I look forward to a fruitful engagement with you all.

Let me lay the foundation for our discussions with a brief introduction of who we are, where we come from, what we do and why it is necessary for you to know all of that.

We are your servants. We do our work under the banner of an institution called the Public Protector. This is an independent constitutional institution established in terms of section 181(1) of the Constitution alongside five other bodies, which are collectively entrusted with the mammoth task of strengthening constitutional democracy.

Each of these bodies has its own unique way of contributing to this shared responsibility. We, as the Public Protector, do our bit through the investigation, reporting on and remedying alleged or suspected improper conduct in state affairs, in the public administration and in any spheres of government.

This means we watch over and hold to account more than 1000 organs of state including 47 national departments, over 100 provincial departments, in excess of 250 municipalities and hundreds of other public bodies such as state-owned enterprises, statutory bodies, institutions performing public functions and universities such as yours.

Over and above the powers conferred on me by the Constitution, we rely on several pieces of legislation to perform my functions. These include the Public Protector Act, through which we investigate alleged maladministration such as abuse of power, abuse of state resources, discourteous and capricious conduct, and improper enrichment by state functionaries, among other things.

We also have powers in terms of the Prevention and Combatting of Corrupt Activities Act to investigate alleged corruption. There is also the Protected Disclosures Act in terms of which we protect whistleblowers and the Executive Members Ethics Act through which we investigate alleged breaches of the Executive Ethics Code by Presidents, Deputy President, Ministers, Premiers and MECs.

Anyone with grievances against an organ of state or a public official can approach my office for help. As the Constitutional Court once said, my office is there to fight for the member of the public in a David versus Goliath type of conflict, where David represents the member of the public while Goliath is the mighty state.

We deal with a wide range of matters. A lot of the time it is cases relating to undue delays in the processing of applications for RDP houses, Identity Documents, birth certificates, social grants, Unemployed Insurance Fund benefits, public sector pension benefits, workmen's compensation and so forth.

In this province, for instance, our current caseload of 255 matters is made up of complaints over delays in the payment of pension payouts for former state employees, wrong allocation of housing stands to beneficiaries by municipalities, faulty water and electricity bills, delays in the processing of applications for permits and identity documents, tender irregularities, irregular appointment of government officials and sewage blockages all over the Kimberley area.

For an institution that has 177 investigators, this situation is untenable. In this province, we have a total of five positions of Senior Investigators, of which only four are filled. Out of the four Senior Investigators, one has applied for medical boarding. This means we are operating with only three – that is one in each of the three offices. In addition to that, we have eight Investigators. Two in Kuruman, one in Upington and five in Kimberley. And then there is one Assistant Investigator and one Trainee Investigator whose contract ends in October.

If you were to divide the total caseload by the number of Investigators and Senior Investigators, you will see that each of them will be sitting with and working on 23 different investigations at the same time. The investigators are severely overwhelmed and things cannot and should not continue like this. We need to find another way.

This brings me to why are we here? We are on a countrywide tour, the 2018 Public Protector Stakeholder Roadshow. It started in Mpumalanga last month and has already been to Limpopo, North West and the Eastern Cape. By the end of this week, we would have also visited stakeholders in the Free State and Gauteng. The aim is to deliver an important message to stakeholders such as yourselves and decision makers in state affairs.

The message centres on what we call the Public Protector Vision 2023, an ambitious plan the essence of which is to take the services of this institution to the grassroots. It is underpinned by eight pillars, namely enhancing access to the services of the Public Protector; using vernacular to improve our communication with the targeted audience; and expanding our footprint to be closer to the targeted communities; and leveraging stakeholder relations and formalizing those relationships in signed agreements.

Other pillars cover areas such as empowering people to understand their rights and entitlements, projecting an image of a safe haven for the poor and destitute, encouraging organs of state to establish effective internal complaints resolution units and ultimately turning communities into being their own liberators.

Central to this tour is Pillar 7 of the Vision, which focusses on the need for organs of state to establish effective internal complaints resolution units. We are encouraging organs of state to establish effective complaints resolution units, customer service units or sectoral ombudsman institutions in the mould of the Health, Tax and Military Ombudsman.

This applies to universities too. We know, for example that, institutions of higher learning such as the University of South African have an Ombudsman, who mediates in disputes between the university and its community.

We also encourage organs of state to develop Service Standards and Customer Service charters so that people can hold officials in those institutions to those standards, using remedies such as internal complaints units or sectoral ombudsman institutions. In that setting, individual cases that would ordinarily clog our system would be handled by such units and institutions, allowing us to be the complaints body of last resort.

Linked to Pillar 7 and perhaps more relevant for you is the need for the public to also make an effort to know and understand different organs of state's Service Standards and Customer Service charters in order to hold them to account on the delivery of services.

Incidentally, the spirit of our key message resonates with the intention of a policy of *Batho Pele* – putting people first. As you would know, *Batho Pele* is about improving

public service delivery while revitalising the quality and accessibility of services by enhancing efficiency and accountability to the electorate.

It is underpinned by eight principles, including the need to ensuring regular consultation with customers on the nature, quality and quantity of services to establish their needs and expectations, setting of service standards so as to let the public know what level of service they can anticipate; remedying failures and mistakes by ensuring that there is redress for service failure and giving the best possible value for money in recognition of the fact that government does not have enough resources to cover the public's needs.

All these are done to give effect to provisions of the Public Service Act, which was itself meant to breathe life into some of the basic values and principles governing public administration, which you will find in section 195 of the Constitution, including that that the people's needs must be responded to and that the public administration must be accountable.

I have already indicated that our target audience in this regard are two groups of people in each province. That is decision makers at the levels of provincial and local government, and young people, particularly as high school or university levels such as you.

Why is it important to bring this message to you as young people? I subscribe to the notion that young people are the leaders of tomorrow. You are the eyes and ears of your respective families and communities. You are the light of the world.

Accordingly, equipping you with important information such as this is equivalent to empowering the nation with the knowledge through which they can vindicate its rights and exact accountability on its leaders.

Earlier I shared with you information on the type of cases on our dashboard. There may be older folk in your own communities, households and neighbourhoods, who grapple with these issues but do not know who to turn to for help.

Often they contend with these issues for months or even years on end. By the time they get to hear about us and bring their grievances to our attention, they have already been subjected to untold bouts of suffering. Had the matters been brought to our attention much earlier, we would have minimised their pain.

But with knowledgeable young people in these older folk's households, neighbourhoods and communities, information will be within reach to ensure that we limit their suffering and they too can enjoy the fruits of our democracy and freedom.

I want to stress the need to always use available and peaceful avenues to exact accountability on public functionaries and institutions. We see a lot of violence and destruction of property in communities, where young people lead service delivery protests, destroying the little infrastructure we have.

Now and then, groups of service delivery protesters appear in this or that magistrate's courts to face charges of public violence and malicious damage to

property when the problems that led to the protest could have been nipped in the bud much earlier.

Two months ago, we saw reports about the closure of up to 75 schools in this province due to violent protests. This was reminiscent of a few years ago when pupils in some parts of this province could not go to school for nearly half a year because protestors prevented them from taking classes. At the centre of the protest were complaints over service delivery.

I am sure you will agree that, with all the available remedies in our legal framework, we should no longer see violent protests that keep taking us back as a country in terms of development. Other people in this province already make use of my office's services. You too can do that.

I have a team of officials here who will share with you information pamphlets and newsletters that you can read in your spare time to understand better what my office can do to help you and your community. In the newsletter, you will see real stories of the people we have helped. You can also use the opportunity to lodge new service delivery and conduct failure complaints.

Programme Director;

We have three offices in this province – one in Kimberley, another in Upington and the other in Kuruman. However, we are concerned about the effectiveness of the office in Kuruman. It is by far the most underutilised of our offices here. On average, we receive a paltry five complaints a month from the community of Kuruman and neighbouring areas through that office.

The apparent cause of this is the inconvenient location of that office. It is in an industrial area, at the back of a local college. An ideal location would have been right in the middle of the CBD. However, I am informed that Kuruman generally have a problem of office space.

We will not rush to close it down because that will go against our efforts of increasing our footprint and enhancing access to our services. We will intensify our community outreach programme in the area so as to raise the level of public awareness on the Public Protector and the services we offer. We hope that this intervention will help turn the situation around.

Although we have only three offices in this province, we are accessible through the internet on www.pprotect.org. Those of you who are on social media can access us on Twitter, Facebook and YouTube. We also run a mobile service through the Public Protector Outreach Clinics.

Make use of these but always remember to exhaust all other available remedies first and escalate to us as a complaints body of last resort. This will free our hands to deal with more systemic issues and also take up issues on own-initiative. Most importantly, avoid violent service delivery protests as they do nothing to advance the country's development and transformation cause.

You are the leaders of tomorrow. The eyes and ears of your neighbourhoods and communities. The light of the world. Be our ambassadors as well. Join hands with us towards redress and a public sector that puts people first!

Thank you.

Adv. Busisiwe Mkhwebane
Public Protector of South Africa