



Address by Public Protector Adv. Busisiwe Mkhwebane during a Stakeholder Roadshow meeting at Sehlaku Technical High School in Driekop, Limpopo on Wednesday, August 15, 2018

**Programme Director, Mr. SB Mahloko;
PPSA CEO, Mr. Vussy Mahlangu;
PPSA Limpopo Provincial Rep, Adv. Mashaba Matimolane;
School Principal, Mr. J Mushwana;
SGB Representative, Mr. SM Malatjie;
Ladies and gentlemen;**

Good afternoon!

Let me take this moment to thank the Principal, the School Governing Body and the school community at large for opening your doors to us this afternoon.

I am Adv. Busisiwe Mkhwebane, the Public Protector of South Africa. I am not alone. I have brought along the Chief Executive Officer in my office, Mr. Vussy Mahlangu and the head of my office in this province, Adv. Mashaba Matimolane, among others.

As already established, we are from an institution called the Public Protector, which I am sure some of you have already heard of, either in the news or through word of mouth. I will tell you about what this institution is and what it does in a short while.

For now let me indicate that we are on a roadshow, which began in Kwaggafontein in Mpumalanga last month. Our visit here marks the first pit-stop since we left the Thembisile Hani Local Municipality on 19 July.

We will be in this area until tomorrow when we will be bidding the communities of the Greater Tubatse Fetakgomo Municipality goodbye and heading off to Kimberley and Hartswater in the Northern Cape.

We do this every year. Last year the focus of our tour of provinces was to introduce myself as I was new in office while also soliciting stakeholders' views on the vision that was going to inform this work of my office over the period of my term of office. That is Vision 2023, the essence of which is to take the services of this institution to the grassroots.

Vision 2023, which has since been adopted and worked into our Strategic Plan and Annual Performance Plan, 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.

It is Pillar 7 of this Vision – the need for organs of state to establish effective internal complaints resolution units – that has brought us here today and taking us around the country. Linked to this pillar 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.

Of greater importance is the need to use available and peaceful avenues to exact accountability on public functionaries and institutions. This is more important for a province such as Limpopo, which has become notorious for violent service delivery protests that have left a trail of destruction in their wake as we have seen in Vuwani. Again I will expand on this Pillar 7 of Vision 2023 in a short while.

You might be wondering why we chose learners as the target audience for such an important message. Well, we take our cue from an African proverb, which says: *"Botlhale jwa phala bo tswa phalaneng"*, which means that, as the young ones, you are the eyes and ears of your parents, grandparents or any other elder in your community.

Accordingly, you should be in the position to advise them on how to vindicate their rights using the channels provided by our constitutional democracy so that they too can enjoy the fruits of freedom. This brings me to the question of who we are and why it is important for you as the chief advisors of your parents and grandparents to know this information.

The Public Protector is an independent constitutional institution that was formed to strengthen our constitutional democracy through the investigation of alleged or suspected improper conduct in all state affairs, in the public administration and in all spheres of government; reporting on that conduct; and taking appropriate remedial action.

Over and above this constitutional provision, we rely of several pieces of legislation to perform this important function. 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. They include 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.

Often your parents and grandparents do not have the financial means to take the government to court when they experience problems with the state when it comes to the provision of such services because litigation is expensive. This is why the brains behind our constitutional democracy saw it fit to establish the Public Protector.

Unfortunately, in our quest to help communities, we have run into problems that threaten our effectiveness. One of our major difficulties is that we perpetually grapple with an overflowing caseload. For instance, our total workload in the 2017/18 financial year stood at more than 18 000 cases. This province's share of that caseload was 1019.

Already in the 2018/19 financial year, this province's caseload is at 371, which is made up of complaints against the South African Social Security Agency (SASSA), Home Affairs, Government Pensions Adjudication Agency (GPAA), the Department Human Settlements and municipalities regarding the provision of water and electricity. There are also conduct failure matters such as irregular appointment of service providers and irregular appointment of personnel.

For an institution that has around 150 investigators (and there are far much fewer at the level of provinces), a caseload such as this is too much. Investigators are overwhelmed.

The fact that our mandate is broad, covering every administrative action taking place within state affairs, does not mean every case must necessarily be brought to the institution.

This is where Pillar 7 of Vision 2023 comes in. We encourage organs of state to establish effective complaints resolution units, customer service units or sector-specific ombudsman institutions in the mould of the Health, Tax and Military Ombudsman.

We also encourage them to develop Service Standards and Customer Service charters. Individual cases that would ordinarily clog our system need to be handled

by such institutions, allowing us to be the complaints body of last resort. This is not a novel idea because the policy of Batho Pele already provides for these.

But what is more important for your parents and grandparents is the need for all of you as their eyes and ears to make an effort to know and understand different organs of state's Service Standards and Customer Service charters.

That way you will be informed in the event your parents or grandparents are being short-changed by state functionaries and government officials in the daily rendering of public service delivery. You can only be in a position to advise correctly if you are knowledgeable about these things.

You will also know that they need not go directly to the Public Protector. Instead, you will know that they must go to the same institutions that are the source of their grief, request to be referred to the Customer Service division or the Complaints Unit, where they can seek help. If there is a sectoral Ombudsman office, they can go there too and only when all these avenues fail can they come to the Public Protector.

I am sure you will agree that, with all these available remedies, we should no longer see violent protests that keep taking us back as a country in terms of development.

Also, if we all follow this route, not only will this free my team and I's hands to deal with systemic issues and to pursue own-initiative matters, it would also put the power back in your hands to hold organs of state to account. This will see communities becoming their own liberators – as it is supposed to be.

Lastly, 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.

We only have two offices in this province, which are far from your community. One is in Polokwane and the other is further north, in Musina. We are, however, accessible through the internet on www.pprotect.org. Those of you who are on social media can access us on Twitter, Facebook and YouTube.

Let us join hands towards redress and a public sector that puts people first. I can take a few questions for clarity, if any.

Thank you.

Adv. Busisiwe Mkhwebane
Public Protector of South Africa