



MEDIA STATEMENT

PUBLIC PROTECTOR SOUTH AFRICA - QUARTER THREE OF 2024/2025

Monday, 30 December 2024: The Public Protector, Advocate Kholeka Gcaleka, hereby publishes the findings of reports for quarter three (3) of the 2024/2025 financial year, in terms of section 182(5) of the Constitution, read with sections 8(1) and 8(2A) (a) of the Public Protector Act No. 23 of 1994 (the Public Protector Act). In terms of this legal framework, the PPSA's investigation reports must be published, and findings must be made known to any person in a manner that the Public Protector deems fit unless exceptional circumstances require that the reports be kept confidential.

The reports of the Public Protector are issued in terms of section 182(1)(b) of the Constitution of the Republic of South Africa, 1996 (the Constitution), which empowers the Public Protector to report on any conduct in state affairs that is suspected to be improper or to result in any impropriety or prejudice and section 8(1) of the Public Protector Act.

During the 3rd Quarter of the 2024/25 financial year, being the period between 1 October 2024 to 30 December 2024, the PPSA finalised 1494 cases, as compared to a total of 1335 during the same period in the previous financial year.

The breakdown of finalised cases reflects that 737 cases were finalised through investigations, compared to 673 in the previous financial year during this period, and 753 were finalised through advice and other interventions, as compared to 662 in the previous financial year during this period. This represents an overall improvement of 11.9%.

The investigation reports communicate the outcomes of investigations conducted by the Public Protector and provide accountability and transparency to the people of South Africa.

The PPSA finalised a total of 1494, at different levels across the country, during the third quarter of the 2024/2025 financial year. Of the 1494 cases finalised, 10 reports were signed



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by the Public Protector, as they contain findings and remedial action or recommendations in terms of section 8 (1) read with section 6 (4)(c)(ii) of the Public Protector Act. These reports, mentioned below, highlight the plight of communities and individuals who are subjected to poor services and prejudice by some state institutions.

Our investigations are approached using an enquiry process that seeks to determine what happened, what should have happened, is there a discrepancy between what happened and what should have happened, and does that deviation amount to improper conduct, maladministration, and/or undue delay? The question regarding what happened is resolved through a factual enquiry relying on the evidence provided by the parties and independently sourced during the investigation.

REPORT NUMBER 22 OF 2024/2025 is an investigation into allegations of maladministration and improper conduct by the functionaries of the Department of Correctional Services, relating to the irregular payment of employment benefits accrued to a deceased employee, to the exclusion of the surviving spouse.

The complaint was lodged with the Public Protector on 8 February 2023, alleging among other things, that;

The Complainant's wife was employed at Kgosi Mampuru Correction Centre (Kgosi Mampuru) as an Assistant Director. The Complainant's wife passed away on 5 January 2021, a month before her retirement, and that in February 2021, the Complainant was contacted by an official of the Department, to approach Kgosi Mampuru to complete claim forms.

The Complainant was later informed by functionaries of the Department that his claim forms were not completed correctly and was thus called in to the Department's Head Office, where he completed the forms again. According to the Complainant, the Department did not pay his wife's salary for January 2021, he was only paid funeral benefits; and

The Complainant was struggling financially as he was dependent on his wife and sought the PPSA's intervention.

In this matter, the issue which was considered and investigated was whether the functionaries of the Department of Correctional Services irregularly paid the employment benefits accrued to the Complainant's deceased wife, to her niece, and to the exclusion of the Complainant, who was the surviving spouse.



Having regard to the evidence and the regulatory framework determining the standard that should have been complied with by the functionaries of the Department, the Public Protector found that:

The allegation that the functionaries of the Department irregularly paid the employment benefits accrued to the Complainant's deceased wife to her niece, to the exclusion of the Complainant, the surviving spouse, is substantiated.

The functionaries of the Department failed to diligently process, and payout leave gratuities, salaries in arrears and pro-rata bonus in the amount of R126, 423.90 (one hundred and twenty-six thousand four hundred and twenty-three Rands and ninety cents) accrued to the Complainant's deceased wife, to the Complainant. The functionaries of the Department relied on the GEPF WP1002 nomination form to make payment to the deceased niece, to the exclusion of the Complainant. The GEPF WP1002 nomination form is designed for use by GEPF in the consideration of a member's wish as to the payment and division of the pension benefits payable upon death, in terms of section 22(1) of the GEP Law and confirmed by the functionaries of GPAA and DPSA.

The Department paid leave gratuities to the deceased's niece to the exclusion of the Complainant which was contrary to the provisions of paragraph 11.2.1 of the Circular of 2014 and paragraph 3.1 of Internal Circular of 2018.

The Department paid the *pro-rata* bonus to the niece of the Complainant's deceased wife to the exclusion of the Complainant, which was contrary to the provisions of Clause I, 5.2(b) of PSCBC Resolution 3, 1999.

Therefore, the functionaries of the Department failed to comply with the standards and obligations imposed on the Department by the provisions of section 195(1)(g) of the Constitution and 45(a) of the PFMA.

Accordingly, the following remedial action was taken:

The National Commissioner of the Department of Correctional Services must:

Within thirty (30) calendar days take appropriate steps to ensure that the actual amount relating to the leave gratuities, salary in arrears and pro-rata bonus accrued to the Complainant's deceased wife, be paid in full, to the Complainant as the surviving spouse in accordance with the provisions of section 1 of the Intestate Succession Act, paragraph 11.2.1



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of the Determination on Leave of Absence of June 2018, paragraph 8.2.1 of Leave Circular of 2014, paragraph 3.1 of Internal Circular of 2018 and Clause I, 5.2(b) of PSCBC Resolution 3,1999.

Within sixty (60) calendar days, ensure that Departmental Human Resources functionaries are adequately trained regarding the provisions of section 1 of the Intestate Succession Act, paragraph 11.2.1 of the Determination on Leave of Absence of June 2018, paragraph 8.2.1 of Leave Circular of 2014, paragraph 3.1 of Internal Circular of 2018, Clause I, 5.2(b) of PSCBC Resolution 3, 1999 and PERSAL Data Management Policy, 01 April 2022 and that all employees of the Department are made aware of the implications of non-adherence with same; and

Within ninety (90) calendar days, in line with the obligations in section 38(1)(a)(i) of the PFMA, ensure that the Department develops and implements a policy relating to the processing and payment of salaries in arrears and pro-rata bonuses upon death of employees.

REPORT NUMBER 23 OF 2024/2025 is an investigation into allegations of undue delay by the functionaries of the Mangaung Metropolitan Municipality and the Free State Department of Public Works and Infrastructure to rectify the incorrect registration of erven 7164 and 3132 in Thaba Nchu, belonging to Mr Ranthamane Nche and Mr Billy Plaatjies.

The investigation originates from complaints submitted by Mr Nche and Mr Plaatjies with the Free State Provincial Office of the Public Protector, on 20 October 2022 and 02 November 2023, respectively.

The complaints, among other things alleged that:

Mr Nche's late mother, obtained Erf 7164 Mokwena Village, Thaba Nchu, from Kgotla Ya Barolong Boo Seleka Tribal Authority in Thaba Nchu. She passed away in 1996 while awaiting a permit/permission to Occupy (PTO) for Erf 7164 from the Tribal Authority. Mr Nche inherited Erf 7164 from his late mother and the PTO was later issued in his name before 1999. However, in December 1999, Erf 7164 was erroneously registered by the Municipality in his neighbour's name, Mr Kgware who is also late.

Mr Nche approached the Municipality requesting the rectifications to be made, however, despite numerous attempts, functionaries of the Municipality failed to rectify the incorrect registration of the site, which resulted in the Title Deed for Erf 7164 being issued under Mr



Kgware's name.

Mr Plaatjies alleged, among other things, that:

He was reissued with a PTO, from Mogopa Tribal Authority for Allotment Number 143, which was later changed to Erf 3132, Thaba Nchu. He obtained the Title Deed information for Erf 3132 from the Deeds Office and discovered that the name "*Paul Plaatjies*" appeared in the Title Deed as the owner, instead of "*BB Plaatjies*". He approached the Municipality for correction of the error on the Title Deed and was referred to a firm of attorneys who were the appointed Conveyancers at the time of registration.

The firm of attorneys conducted an investigation and discovered that the land initially belonged to the Department of Public Works and Infrastructure before it was allocated. They referred him to the DPWI for rectification of the Title Deed. Mr Plaatjies approached the DPWI for assistance and submitted a letter he obtained from the firm of attorneys which detailed the process to be followed to rectify the erroneous Title Deed. After confirmation from DPWI's functionaries that the matter can be speedily resolved, no progress had been made.

The issue which was considered and investigated was whether functionaries of the Municipality and DPWI unduly delayed rectifying the incorrect registration of erven 7164 and 3132 in Thaba Nchu, Mangaung in the Free State Province belonging to Mr Nche and Mr Plaatjies.

In this matter, the Public Protector found that the allegation that functionaries of the Municipality and DPWI unduly delayed rectifying the incorrect registration of erven 7164 and 3132, belonging to Mr Nche and Mr Plaatjies respectively, is substantiated.

Mr Nche approached the Municipality from 1999 to rectify the incorrect registration of Erf 7164 prior to the Title Deed being issued. However, the failure of the functionaries of the Municipality to attend to the matter resulted in the Title Deed being wrongfully registered in the name of Mr Kgware.

In 2017 the DPWI was already aware of the 480 residential properties that needed transfer rectifications, which included Mr Nche and Mr Kgware but to date the transfer rectifications have not been resolved.

Mr Plaatjies approached the DPWI in 2023 after he was informed by the Conveyancing



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Attorney that Erf 3132 belongs to the DPWI which was responsible for the rectifications, but the functionaries of the DPWI did not resolve the matter.

As a result of the delay by the functionaries of the Municipality and DPWI to timeously attend to the wrongful registration of residential properties in Thaba Nchu, the Complainants and other affected beneficiaries are prejudiced as it impacts their right to ownership of their properties, as stipulated in section 16 of the Deeds Registries Act, 1937.

The following remedial action has been taken:

The Premier must:

Within thirty (30) days, in line with Principle Seven (7) of the Batho Pele Principles, together with the Executive Mayor of the Municipality, issue a public apology to all beneficiaries in Thaba Nchu, who have suffered prejudice as a result of the improper conduct by the functionaries of the DPWI and the Municipality for the undue delay to rectify the wrongful registration of properties in Thaba Nchu.

The Director-General: Office of the Premier must:

Within thirty (30) days, in line with section 41(h) of the Constitution read with section 5 of the Intergovernmental Relations Framework Act, 2005 ensure that all relevant stakeholders are engaged to collaborate in the implementation of the remedial action.

Within sixty (60) days, in line with section 41(h) of the Constitution read with section 5 of the Intergovernmental Relations Framework Act, 2005 ensure that all relevant stakeholders develop a consolidated action plan with timeframes outlining clear roles and responsibilities of each stakeholder to implement the remedial action addressing the wrongful registrations and other land issues, in terms of section 2(1) of the Free State Land Administration Act.

Member of the Executive Council for Public Works and Infrastructure must:

Within thirty (30) days, in line with sections 41(h) of the Constitution read with section 5 of the Intergovernmental Relations Framework Act, 2005 and section 133(1) of the Constitution ensure that the Department of Public Works and Infrastructure appoints an official to support the Director-General and collaborate with the relevant state organs in ensuring implementation of the remedial action.



The Head of Department: DPWI must:

Within ninety (90) days, in line with the commitment made by Mr Mohlahlo in the letter dated 03 September 2024 and as undertaken in response to the section 7(9) notice, ensure finalisation of the rectification of Title Deed for Erven 7163 and 7164 to reflect the details of the rightful owners in terms of section 16 of the Deed Registries Act, 1937.

Within one hundred and twenty (120) days, appoint conveyancers to attend to the rectification of Title Deeds for Erven 3132 and 6554 to reflect the details of the rightful owners in line with section 16 of the Deed Registries Act, 1937.

Within ninety (90) days, in line with section 38(1)(d) of the Public Finance Management Act, 1999 conduct an audit of all properties belonging to the Department, in Thaba Nchu, to identify properties that have been wrongly registered and legal heirs of the properties where beneficiary have passed on.

Within one hundred and eighty (180) days appoint conveyancers to attend to the rectification of all remaining wrongful registrations of the properties belonging to the Department, in Thaba Nchu, to reflect the details of the rightful owners in terms of section 16 of the Deed Registries Act, 1937.

Member of the Executive Council, Cooperative Governance and Traditional Affairs, and Human Settlements (COGTA) must:

Within thirty (30) days, in line with sections 41(h) of the Constitution read with section 5 of the Intergovernmental Relations Framework Act, 2005 and section 133(1) of the Constitution ensure that the Department of Human Settlements appoints an official to support the Director-General and collaborate with the relevant state organs in ensuring implementation of the remedial action.

The Head of Department: Human Settlements must:

Within ninety (90) days, in line with section 195(1)(e) of the Constitution conduct an audit of the RDP housing projects in Thaba Nchu, to establish if they are registered to their rightful owners and provide a detailed plan on how the Department is going to rectify any wrongful registrations.

The Executive Mayor: Mangaung Metropolitan Municipality must:

Within thirty (30) days, in line with Principle Seven (7) of the Batho Pele Principles, together with the Premier, issue a public apology to all beneficiaries in Thaba Nchu, who have suffered prejudice as a result of the improper conduct by the functionaries of the Municipality and the



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DPWI for the undue delay to rectify the wrongful registration of properties in Thaba Nchu.

Within thirty (30) days, in line with sections 41(h) of the Constitution read with section 5 of the Intergovernmental Relations Framework Act, 2005 of the Constitution, ensure that the Municipality appoints an official to support the Director-General and collaborate with the relevant state organs in ensuring implementation of the remedial action.

The Municipal Manager: Mangaung Metropolitan Municipality must:

Within ninety (90) days, in line with section 195(1)(e) of the Constitution conduct an audit of the PTO's issued by the Municipality, in Thaba Nchu, to establish if they are registered to their rightful owners.

The Director-General of the Department of Justice and Constitutional Development must:

Take cognisance of the Report and in line with sections 41(h) of the Constitution read with section 5 of the Intergovernmental Relations Framework Act, 2005, collaborate with the relevant state organs, where applicable in ensuring implementation of the remedial action in respect of deceased estates.

It is important to note that the PPSA has received written undertakings by the relevant offices to comply with this remedial action.

REPORT NUMBER: 26 OF 2024/2025 is an investigation into allegations of improper conduct and maladministration by the functionaries of the Dawid Kruiper local municipality relating to irregular billing of the Jurgenskamp community for sanitation as well as refuse removal services that were not rendered by the Municipality since November 2018.

The investigation originates from the complaints lodged by Ms Sharon Witbooi (Ms Witbooi) on 12 February 2020 and Ms Sanet Jansen (Ms Jansen) on 02 August 2023 with the Northern Cape Provincial office of the Public Protector.

In her complaint, Ms Witbooi alleged *inter alia* that:

The residents were granted the right of occupation by the Municipal Council (Council) in November 2018 and since then they have not received any services from the Municipality. During December 2019, the Municipality commenced with refuse removal, but the said service was not rendered on a regular basis. The Community was not happy because the Municipality



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saddled them with bills from the date of occupation and they refused to pay for services not rendered. The Municipality has been billing informal settlements for services not rendered.

The Municipality informed them that the registration for sanitation buckets must be done, but some residents were turned away based on the fact that there were not enough community members, who applied for the sanitation buckets. The functionaries of the Municipality undertook to establish the number of erven occupied by the Community, to facilitate the registration of the sanitation buckets, but it never happened.

Ms Jansen's complaint alleged, among other things, that:

The Municipality charged her for services which it claimed it rendered to her in 2019, however, she never received the said services. The Municipality granted her the right of occupation in October 2018, and she only started residing there in January 2019, however, there were no services rendered by the Municipality. She was handed an empty piece of land without any sanitation and refuse removal services being rendered.

She was informed that they must register for the bucket system to receive sanitation services at the Municipality, and she approached the Municipality in February 2019 to register for the bucket system, only to receive a statement from the functionaries of the Municipality that she had been charged to pay an amount of two hundred and thirty-two rand and thirty-eight cents (R232. 38) from 18 March 2019.

Based on the analysis of the complaint, the issues which were identified to inform and focus the investigation were, whether the functionaries of the Dawid Kruiper Local Municipality irregularly billed the Jurgenskamp Community for sanitation services that were not rendered by the Municipality since November 2018 and whether the functionaries of the Dawid Kruiper Local Municipality irregularly billed the Jurgenskamp Community for refuse removal services that were not rendered by the Municipality since November 2018.

Having considered the evidence and regulatory framework determining the standard that the Municipality should have complied, the Public Protector found *inter alia* that:

The allegation that the functionaries of the Dawid Kruiper Local Municipality irregularly billed the Jurgenskamp Community for sanitation services that were not rendered by the Municipality since November 2018, is substantiated.

The functionaries of the Municipality acted in violation of the standard required of the Municipal Staff Members in the execution of their duties when they failed to rectify the irregular billing of the Community for sanitation services that were not rendered to the Community. Their conduct in this regard was in conflict with Item 2 of the Code of Conduct for Municipal Staff Members as well as section 195(1) of the Constitution, which requires the Municipal Staff Members to perform the functions of office in good faith, diligently, honestly, and in a transparent manner.

The functionaries of the Municipality failed to perform the functions of the Municipality in good faith, diligently, honestly, and in a transparent manner as contemplated in Item 2(a) of the Code of Conduct for Municipal Staff Members, and section 195(1) of the Constitution. Furthermore, they failed to ensure that the accounts of the Complainants were rectified in terms of Item 7.29 of the Dawid Kruiper Municipality Customer Care, Credit Control and Debt Collection Policy, 2017.

However, the allegation that the functionaries of the Dawid Kruiper Local Municipality irregularly billed the Jurgenskamp Community for refuse removal services that were not rendered by the Municipality since November 2018, is unsubstantiated.

The functionaries of the Municipality did not act in violation of the standard required of the Municipal Staff Members in the execution of their duties when they billed the Community for refuse removal services that were rendered to the Community.

Their conduct in this regard was not in conflict with Item 2 of the Code of Conduct for Municipal Staff Members and section 195(1) of the Constitution, which requires the Municipal Staff Members to perform the functions of office in good faith, diligently, honestly, and in a transparent manner and thus, the conduct of the functionaries of the Dawid Kruiper Local Municipality did not constitute improper conduct as envisaged by section 182(1) of the Constitution, maladministration or improper prejudice in terms of section 6(4)(a)(i) and (v) of the Public Protector Act.

The following remedial action was taken:

The Northern Cape MEC for Co-operative Governance, Human Settlement, and Traditional Affairs must:

Within sixty (60) calendar days, appoint a person or committee in terms of Item 14(4) of the Code of Conduct for Councillors to investigate whether the municipal councillors failed to monitor the performance of the Municipal Manager via the Executive Committee regarding



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Customer Care, Credit Control, Debt Collection, and Indigent support and if so, take action against the implicated councillors.

The Dawid Kruiper Local Municipal Council must:

Within sixty (60) calendar days, institute disciplinary proceedings against Dr Ntoba for failure to implement the Customer Care, Credit Control and Debt Collection Policy and provide credible billing to customers, in line with Paragraph 4(1) of the Local Government: Disciplinary Regulations for Senior Managers, 2011.

The Municipal Manager must:

Within ninety (90) calendar days, investigate and embark on auditing Jurgenskamp Community municipal accounts to rectify the accounts that were irregularly billed for sanitation services that were not rendered between January 2019 and April 2022, in line with Item 7.31 of the Policy and provide the Public Protector with a report at the end of the conclusion of the audit.

Within ninety (90) calendar days, prepare an item to be tabled before the Council recommending crediting all affected accounts, in line with section 55(1)(j) of the Municipal Systems Act.

Within sixty (60) calendar days, provide Council with an implementation plan on how the remedial action taken in the paragraphs above will be implemented and provide the Public Protector with a copy thereof, in line with section 55(1)(j) of the Municipal Systems Act.

The above reports highlight the lack of due diligence in processing complaints by organs of state, too many role players and little to no communication to members of the public, as well as unresponsiveness by municipalities, including after receipt of petitions expressing dissatisfaction by members of the public.

REPORT NUMBER 27 OF 2024/2025 is an investigation into the impact of the severe weather conditions of August 2023, at various schools in the Zululand District in the province of KwaZulu Natal. This is an own initiative investigation in terms of section 6(4)(a) of the Public Protector Act, 1994, following various media reports of the extensive damage caused by the storms at multiple schools within the that District.

On 4 and 5 September 2023, the Public Protector Investigation Team (Investigation Team) conducted on-site inspections at Bantubaningi Secondary School, Mhlambansila Secondary



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School, Zombode Primary School, and Philibana Primary School that were affected by the severe weather conditions. The objective of the inspection *in loco* was also to determine the support required by the schools and to ascertain rapid response measures implemented by the DoE to ensure the provision of an environment that is conducive to teaching and learning.

Based on the analysis of the information gathered during the inspection *in loco*, the issue that was identified to inform and focus the investigation was whether the KwaZulu-Natal Department of Education acted efficiently in implementing rapid response and long-term measures to ensure the continuation of schooling at the schools affected by the storms

Having considered the evidence and regulatory framework determining the standard that the DOE should have complied with, in light of the evidence obtained, the Public Protector makes the following observations:

The DoE responded promptly and effectively to the consequences of the August 2023 storm affecting fifty-seven (57) public schools in the province.

It was noted that the long-term intervention measures in Bantubaningi are currently underway as this is understandably a major project, with an anticipated completion date of 30 November 2026. This project involves the construction of key infrastructure, including not less than thirty (30) permanent structures comprising of 15 classrooms, 1 administration block, 1 kitchen, 1 team teaching room, a computer room and 2 stores, a physical science laboratory and 2 stores, a life science laboratory and 2 stores, a multi-purpose classroom and 2 stores, a library and 2 stores, amongst amenities.

Having noted the progress made, the Public Protector is concerned that mobile classrooms that should have been relocated from Zombode to Bantubaningi in November 2024 in response to further damage to the school caused by the October 2024 storm, were not delivered. The DoE has postponed the relocation of the mobile classrooms to January 2025, which is likely to disrupt the commencement of the school calendar.

The Public Protector further notes that the DoE has revised completion schedules/dates on its Implementation Plan. Continuous revisions of the completion dates for these permanent interventions could lead to prolonged reliance on mobile classrooms, which are inherently more vulnerable to damage during future disasters.

Given the ongoing challenges posed by natural disasters in KwaZulu-Natal, it is essential for



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the DoE to prioritise the timely construction of robust and durable facilities that can withstand such events. By ensuring that these permanent buildings are completed on schedule, the DoE can mitigate disruptions to learning and teaching and provide students and staff with a safe and stable learning atmosphere.

Delaying the completion of the construction of permanent infrastructure not only affects the immediate educational experience, but also sets a concerning precedent in addressing the needs of schools facing recurrent challenges.

Therefore, the DoE should commit to maintaining a consistent and realistic timeline to minimise any further disruptions to the educational process and ensure long-term safety and stability of school infrastructure.

Whilst the own initiative investigation by the Public Protector focused on addressing the urgent needs faced by the affected schools as a result of the damages caused by the storms, we note the inadequate provision of minimum prescribed necessities for school infrastructure, such as sanitation, water, electricity, and libraries, as prescribed in section 5A of SASA which requires urgent attention from the Department.

Furthermore, during the inspection, Zombode Primary School had eight (08) educators and five (05) assistant educators. The school reported that the contracts of the five assistant educators were not renewed by the DoE, resulting in the remaining educators having to teach additional subjects, which might negatively affect the quality of teaching at the school.

The following remedial action was taken:

The Premier of KwaZulu-Natal to:

Take note of the interventions identified in the Report and further exercise and/or ensure executive oversight into the proposed interventions in line with the powers as envisaged in section 125(2) of the Constitution to ensure the timeous completion thereof.

The KwaZulu-Natal MEC for Education

Take cognizance of the Intervention Report and monitor the implementation of the interventions identified in line with section 133(1) of the Constitution.

The Head of the KwaZulu-Natal Department of Education

Monitor the construction of permanent structures at Mhlambansila, to ensure that this project



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is completed by the anticipated date.

Similarly, monitor the construction of permanent structures at Bantubaningi to ensure completion by the anticipated date of 30 November 2026 and to prevent continued reliance on mobile classrooms, which are less durable and more vulnerable to future disasters.

Provide quarterly updates to the Public Protector and the KwaZulu-Natal MEC for Education on the progress of the interventions at Bantubaningi. These updates will enable timely assessments of the project's status and allow both the Public Protector and the KwaZulu-Natal MEC for Education to monitor any potential delays in the completion of the project.

In accordance with Section 29 of the Constitution read with section 58C(6) of the SASA, which guarantees the right to basic education, take immediate action to address the shortage of educators at Zombode Primary School.

The Head of KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs in consultation with the National Department of Forestry, Fisheries and Environmental Affairs

Assist with the development and facilitation of a climate change management strategy to assist the KwaZulu Natal Department of Education to minimize or eliminate the risks of the impact of climate change to the schools which are prone to storms as envisaged in section 41 of the Constitution, which provides that all spheres of government and all organs of state within each sphere must cooperate with one another in mutual trust and good faith by assisting and supporting one another.

Within a period of one hundred and eighty (180) calendar days, provide the Public Protector with an update on progress made in this regard.

The balance of six reports are:

Report No. 24 of 2024/2025	: Anonymous// Department of Transport
Report No. 25 of 2024/2025	: Anonymous// Ephraim Mogale Local Municipality
Report No. 28 of 2024/2025	: Gumedede// KwaZulu-Natal COGTA
Report No. 29 of 2024/2025	: Tshitangano//ESKOM
Report No. 30 of 2024/2025	: Anonymous// Department of Defence
Report No: 31 of 2023/2024	: Anonymous//DPWI

The full reports signed by the Public Protector can be accessed on the PPSA website at www.pprotect.org



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In light of the many challenges faced in South African society, as a consequence of among other things, the issues raised in the aforementioned investigations, it is sincerely hoped that other state role players, will borrow lessons from these reports and where appropriate, commence with efforts to remedy similar matters that may exist within them.

The Public Protector highlights some of the improvements in cooperation and commitment from state institutions in implementing remedial action. The Gauteng Province in the implementation of the remedial action in Report 10 of 2024/2025, (Mayibuye Primary School report).

In terms of Paragraph 8.3.10/Page 153 of the Mayibuye Report, the Accounting Officer of Gauteng Department of Education (GDE) was required to submit a report to the Gauteng Provincial Treasury (GPT), as envisaged in paragraph 3.2 (iv) of Treasury Instruction 2 of 2015/16: Cost Measures for the Construction of New Primary and Secondary Schools and the Provision of Additional Buildings at Existing Schools, to enable the GPT to interrogate costs overruns, project status, expenditure and to take corrective action to ensure the full completion of Mayibuye Primary School.

The GDE has indeed submitted the report referred to in Paragraph 8.3.10/Page 153 of the Mayibuye Report to the GPT on 19 July 2024.

The GPT is currently interrogating the costs overruns, project status and expenditure trends as well as the report submitted by the GDE in its generality. The GPT has also undertaken another independent site visit to the school between July and October 2024.

The Gauteng Department of Infrastructure Development (GDID) was required to finalise external civil works outside Mayibuye Primary School, including rerouting of the sewer pipes away from the boundary fence of the school. That work has been completed by GDID and confirmed to the PPSA during a site inspection on 26 November 2024.

Furthermore, on the same day (26 November 2024), the PPSA signed a Memorandum of Understanding (MoU) with the Speaker of Gauteng Provincial Legislature (Speaker) in order to strengthen cooperation in the area of oversight by the Public Protector and Speaker.



The PPSA has already begun referring all formal reports issued against Gauteng Provincial Departments and Municipalities to the GPL, to assist with monitoring the implementation of the remedial action and to ensure cooperation by state role players involved in the Public Protector's investigations.

The work of the PPSA is highly supported by the Parliamentary Portfolio Committee on Justice and Constitutional Development, and is contributing to the increase in the impact of the Institution.

During a presentation to the Portfolio Committee by the PPSA, on 18 September 2024, the Portfolio Committee commended the quality of the PPSA's Report No 01 of 2024/2025. (GBV Report).

The report is the product of a systemic investigation into systemic deficiencies relating to gender-based violence within the South African justice system, focusing primarily on three key institutions, namely, the Department of Justice and Constitutional Development (DoJ&CD), the South African Police Service (SAPS), and the Department of Social Development (DSD). The DOJ&CD and SAPS have submitted comprehensive plans to implement the remedial action found in the report.

The Department of Justice and Constitutional Development has already commenced with the implementation of the remedial action. On 9 December 2024, the department officially opened a Sexual Offences Court in Mthatha, Eastern Cape province as part of the implementation of the remedial action taken in our GBV report.

The PPSA acknowledges the steps taken thus far and further encourages these role players to attend to these matters for the protection and wellbeing of the most vulnerable and defenseless groups in our society, children.

The GBV Report was also recognized by Tosunga Banninga, a community-based organisation, based in Evaton, Gauteng, that supports the survivors of gender-based violence, rape and femicide. The organisation presented the PPSA with the Good Actor Award, in recognition of the institution's actions and contributions in the fight against GBV, by holding the relevant state role players accountable.

The GBV report was also presented at the Fourth Annual National GBV Shelter Indaba on 16-



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17 October 2024, to further sensitise organisations on the impact of the work done in this investigation.

The binding nature of the Public Protector's remedial action is reiterated, failure to implement renders these reports as not being impactful and the situation remains unremedied. Accordingly, where adverse findings have been made and appropriate remedial action taken, the relevant state role players are urged to implement the remedial action fully, within the prescribed time frames.

The implementation of the Public Protector's remedial action is an expression of a willingness by the state to ensure that justice is not only done but is seen to be done and enforces accountability.

The Public Protector is entrusted with *inter alia*, the duty to assist the state to identify shortcomings in its systems, and the remedial actions contained in the Public Protector's reports are intended to correct the identified inadequacies to prevent reoccurrence of the issues complained of in the future. Many of the issues which are the subject matter of the reports listed herein form part of crucial South African discourse.

The increasing spirit of cooperation with the PPSA by state role players, who have remedied the malfeasance internally, and in some instances, prior to the conclusion of our investigations is noted and evidenced by the increase in the implementation of remedial action to 38%.

End

Issued by:

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