



Address by Public Protector Adv Thuli Madonsela during the Public Protector Media Briefing on Tuesday 30 September 2014

Programme Director

Leadership of the National Press Club

People of South Africa

And Public Protector Team;

Thank you for extending to the Public Protector team share with you developments regarding our completed and ongoing investigations. We value these opportunities as they help us achieve progress towards accessibility to all persons as required by section 182(3) of the Constitution.

We also hope the media briefing will contribute to our Annual Public Protector Stakeholder Dialogue 2014 which is currently taking place under the theme: *"Joining hands in Partnership Against Maladministration and Corruption."*

Indeed the main report we are realizing today, going under the title *"Ubuntu"* is an exemplary case on how the architects of our democracy wanted those who exercise public power to work cooperatively with the Public Protector and other oversight bodies to identify and remedy improper or wrongful conduct in state affair.

Today we are releasing four reports with the following titles:

Regulating Justice;

Stringed along;

Accountability; and

Ubuntu.

A fifth report titled "*Fish Farming Paralyses*" has been withdrawn at the request of the Complainant.

All of the Complaints relate to service failure. Just to explain again, service failure, which is the basis of most of the nearly 39 000 complaints we dealt with in 2013/14 relates to allegations of service delayed, denied or delivered in poor quality. We refer to most of these cases as Gogo Dlamini cases.

As we release these cases and indeed when we go about making our decisions we re mindful of the thinking behind the following thoughts of Regional Court Magistrate Doreen de Waal:

"Every decision I take ... has a negative effect on one person's life and a positive effect on someone's."

With that in mind we take all due care to ensure that we leave no stone unturned in establishing what happened, what should have happened and whether there is a discrepancy between the two and whether such discrepancy qualifies to be called maladministration. Having determined there was maladministration we seek to restore the complainant or society to as close as possible to where they would have been but for the maladministration.

I now turn to the reports.

Regulating Just

The report relates to an investigation into alleged maladministration by the SABS involving the withdrawal of Mr P's permit for the manufacturing and sale of motor vehicle number plates and another complaint on regulatory failure relating to the quality of motor vehicle tires. I have upheld the complaint on maladministration regarding the withdrawal of Mr P's permit to manufacture number plates on account of procedural and substantive unfairness.

Accountability

The Report relates to an investigation into alleged improper conduct by the South African Social Services Agency (SASSA) involving failure to implement decisions of the Independent Tribunal for social Service Appeals. Although the concerns of SASSA are valid, failure to implement without engaging or the tribunal taking the offending decisions on review constitutes maladministration.

Stringed along is a report into alleged improper conduct and maladministration by the NEF involving stringing someone along by giving her a grant and later withdrawing it on account of the fact that she does not qualify as she does not qualify under the definition of a black person in terms of the Broad Based Black Economic empowerment Act. The finding is that her citizenship should have been checked upfront not 28 months later and that no grant letter should have been given or joint credit facility opened with her.

Ubuntu

Ubuntu is a story of hope restored.

The report provides the outcome of an own initiative investigation seeking to address the plight of the people of Okhukho near Ulundi in Kwazulu Natal close to the Hluhluwe mfolozi Game park to get government to reinforce security at the reserve to prevent animals like leopards, lions and hyenas escaping and attacking them and their livestock and getting compensation for currently uncompensated claims for injuries or property damage caused by some of the wild animals. After an own initiative investigation and a provisional report, the KwaZulu Natal government has agreed to take urgent measure to secure the Hluhluwe Umfolozi Game Park nad

review compensation policies. MEC Mabuyakhulu's letter in response to the provisional report offers specific compensatory steps. The final report accepts most of the remedies offered but requires that compensation be determined scientifically through an assessment process and victims identified and compensated within 6 months.

Thank you again for joining hands with us to ensure an accountable state that acts with integrity at all times while being responsive to all.

"We were mindful from the very start of the importance of accountability to democracy. Our experience had made us acutely aware of the possible dangers of a government that is neither transparent nor accountable. To this end our Constitution contains several mechanisms to ensure that government will not be part of the problem; but part of the solution.

Former President Nelson Mandela

"Working together to make our developmental state an effective instrument, working with the people in the construction of a better life for all in South Africa by strengthening ethical and participatory governance."

Former deputy Minister of Justice Andries Nel

Thank you

**Adv Thuli Madonsela
Public Protector of the Republic of South Africa**