

The Office Of The Public Protector

This article is intended to inform the general public about the powers and functions of the Office of the Public Protector.

Various sources have been consulted in preparing this article in a simple manner.

Section 181 of Chapter 9 of the South African Constitution of 1996 provides for the Office of the Public Protector as one of a institutions that strengthens the constitutional democracy of the Republic.

It came into existence in October 1995.

Mandate

The Public Protector receives its mandate from the Public Protector Act of 1994.

Did you know: The Public Protector's office is mandated with the powers to investigate government, government departments, government agencies and government officials that is alleged or suspected to be improper or to result in any impropriety or prejudice; to report on that conduct; and to take appropriate remedial action but it *excludes* the judicial functions of courts or the private sector. This office is independent and impartial, subject only to the Constitution and the rule of

The Office of the Public Protector is independent of the government, subject only to South Africa's Constitution and the law, and reports annually to

Parliament. The Public Protector must be accessible to all persons and communities. The Public Protector is appointed by the president, in accordance with the provisions of section

193 of the Constitution. Anyone can complain to the Public Protector. The current Public Protector, since October 2016, is Busisiwe Mkhwebane. She succeeded former Law Reform Commissioner and advocate, Thuli Madonsela who took up the post in October 2009.

Functions of the Public Protector

The powers of the Public Protector are regulated by the national legislation. Additional powers may also be granted by the national legislator.

However, court decisions may not be investigated by the office. It receives and investigates complaints from the public.

Investigation Reports
Reports made by the Public Protector must be open to the public and be accessible

to anyone. However certain reports maybe kept confidential under exceptional circumstances.

One of the most prominent cases is the investigation into allegations of impropriety and unethical conduct relating to the installation and implementation of security measures by the Department of Public Works at and in respect of the private residence of President Jacob Zuma at Nkandla in the KwaZulu-Natal province. This report was presented by Adv. Thuli Madonsela who was the Public Protector in Office at that time.

Jurisdiction

Any matters in which the Public Protector

has jurisdiction may be reported to the office of



the Public Protector by any person. The office

of the Public Protector is independent of government and must be impartial and must exercise their powers and perform their function without any influence or prejudice.

The Public Protector can be contacted as follows: Tel: (012) 366 7000; Fax: (012) 362 3473; Toll-free: 0800112040; Email: registration2@pprotect.org. Sources: <http://www.pprotect.org>; <https://www.sahistory.org.za>

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