

**AD HOC COMMITTEE TO NOMINATE A PERSON FOR  
APPOINTMENT AS PUBLIC PROTECTOR**

**QUESTIONNAIRE FOR CANDIDATES**



Section 193 of the Constitution, 1996 and section 1A of the Public Protector Act 23 of 1994 set out the requirements for appointment as the Public Protector.

To assist the Ad Hoc Committee in its process, all those who have applied or been nominated for appointment as Public Protector are requested to supplement their application or nomination by answering this questionnaire.

Please return the questionnaire by no later than 08 July 2016 to:

Mr V Ramaano

[vramaano@parliament.gov.za](mailto:vramaano@parliament.gov.za)

## SECTION 1: PERSONAL

1.1. What are your full names and surname?

1.1.1. Surname ...Lukhaimane.....

1.1.2. Full names ...Muvhango Antoinette.....

1.2. What is your date and place of birth?

1.2.1. Date of birth ...1972-12-08.....

1.2.2. Place of birth ...Mankweng, Polokwane.....

1.2.3. Citizenship ...South African.....

1.2.4. Identity Number ...[REDACTED].....

1.3. Please indicate your gender ...Female.....

1.4. Please furnish particulars of your tertiary education:

| Qualification                                  | Institution  | Year      |
|--|--|-----------|
| B Juris  | University of Venda  | 1989-1992 |
| LLB  | University of Pretoria                                       | 1993-1994 |
| LLM in Constitutional Law                      | UNISA  | 1995-1997 |
| Postgraduate Diploma in<br>Managements Studies | Buckinghamshire Chilterns<br>University College<br>(MANCOSA) | 1999-2000 |
| Postgraduate Diploma in Financial<br>Planning  | University of the Free State                                 | 2001-2002 |
| Certificate in Compliance<br>Management        | University of Cape Town                                      | 2003      |
| MBA  | Wits Business School   | 2011-2013 |

1.5. Please furnish chronological particulars of employment/work experience since leaving school or university

| Name of employer    | Position | Period               |
|---------------------|----------|----------------------|
| University of Venda | Lecturer | Jan 1995 to Jan 2000 |

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| Name of employer                        | Position  | Period                  |
|---|---|-------------------------|
| Sanlam Employee Benefits                | Research Consultant                             | Feb 2000 to April 2001  |
|   | Legal Advisor                                   | May 2001 to June 2002   |
| Liberty Personal Benefits               | Legal Consultant                                | July 2002 to June 2003  |
| Eskom Pension and Provident Fund        | Principal Officer (later renamed Legal Manager) | July 2003 to March 2005 |
| State Security Agency                   | General Manager Research                        | April 2005 to May 2007  |
|   | General Manager HR                              | June 2007 to May 2011   |
|   | Chairperson – Intelligence Services Council     | June 2011 to May 2012   |
| Office of the Pension Funds Adjudicator | Deputy Pension Funds Adjudicator                | June 2012 to June 2013  |
|   | Pension Funds Adjudicator                       | July 2013 to date       |

1.6. Please provide details of any other experience that you feel may be relevant:

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 JT Frank Academy (2008).....  
 Qualification obtained : ..... Global Certificate in Knowledge Management (CIKM).....  
 World@Work / South African Remuneration Association (2010).....  
 Qualification obtained : ..... Global Remuneration Professional (GRP).....  
 Admitted as an Advocate in 1995.....

1.7. Please provide details of your language proficiency:

| Language proficiency (state 'good', 'fair' or 'poor') |          |           |         |           |       |        |  |
|---|----------|-----------|---------|-----------|-------|--------|--|
|   | Language |           |         |           |       |        |  |
|   | English  | Tshivenda | N Sotho | Afrikaans | Sotho | Tswana |  |
| Speak   | Good     | Good      | Good    | Fair      | Good  | Poor   |  |
| Read  | Good     | Good      | Good    | Good      | Fair  | Fair   |  |
| Write   | Good     | Good      | Good    | Fair      | Fair  | Fair   |  |

## SECTION 2: MOTIVATIONAL

- 2.1. Please explain why you believe you are the right person to serve as the next Public Protector?

I possess a combination of legal, financial and management qualifications and therefore am equipped to not only understand and analyse the complaints referred to the Public Protector, but also to appreciate the broader context within which those complaints occur, thereby ensuring that recommendations do not only address the immediate enquiry before the Public Protector, rather in addition, lays down guidelines for others to follow to avoid similar issues. As evidenced by my involvement from my LLB years at the University of Pretoria where I was a bursar at the Centre for Human Rights Law involved in voter education for the first democratic elections in 1994 to leading the community outreach programme on human rights and democracy, Street Law whilst lecturing at the University of Venda, I have always been keen on community empowerment and involvement in issues of state.

My experience as an academic has laid the foundation for excellent research skills and the ability to import knowledge in a manner that is inclusive and constructive. My qualifications overall indicate that I manage areas and matters that I understand.

My experience in the State Security Agency (where I had Top Secret clearance which was remained upon revetting) meant that I was part of the civilian intelligence leadership at times when the community was experiencing various leadership changes precipitated by political challenges in the ruling party, yet remained professional and cordial in the advice given to executive management and the accounting authority. To date, there has been no decision taken by executive management or the accounting authority on my advice that can be assailed on grounds of legality, fairness or equality. It was a challenging and often extreme environment, however I managed to achieve great strides in developing and managing governance structures, policies and strategies that overall improved the lives of many intelligence officers, especially those from the former non-statutory forces. From being one of the first departments to finalise

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the implementation of the Special Pensions dispensation to developing a career management intervention to facilitate the promotion of former non-statutory forces members. My ability to navigate the environment and bring meaningful change meant that I had to develop working relationships with different stakeholders with often diverse views, experiences and interests.

When I joined the Office of the Pension Funds Adjudicator in June 2012, there was a mammoth backlog that had grown exponentially during 2008 – 2010 with some matters outstanding up to seven years. Stakeholder relations were at an all-time low and the complainants that had approached the office had all but lost hope on their matters being resolved. Corporate governance was also not where it should be. With my leadership, drive and commitment, in spite of complaints increasing, we managed to eradicate the backlog, bring the office up to date and put in proper financial and people management systems, process and procedures. As at March 2016, only 1.92% (33 complaints) of active cases in our office were more than 6 months old, with the rest being less. I improved the visibility and accessibility of both the office and its head, myself; and stakeholder relationships with the office (from National Treasury as the parent department, the FSB Board providing oversight and the pension funds industry as a whole) have significantly improved. This is evidenced by my nomination by Batseta, an industry body that has as its members the top pension funds in South Africa.

I believe that it is often difficult to succeed what appears to be a successful office under Adv Madonsela; however I am of the firm belief that improvements can always be made. My ability to form good working relationships with people / organisations with different interests from my own organisation in order to achieve a common goal will stand me in good stead. Being an MBA graduate will also assist me in ensuring that whilst “settling in” I do not negatively affect performance of the office and that the process is seamless and results in informed improvements as and when required. Having being involved in the restructuring within the civilian intelligence services, that experience and knowledge will be useful for engagement on the mooted restructuring of the Chapter 9 Institutions.

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In conclusion, I am a dedicated public servant who believes that there are thousand others like Adv Madonsela toiling in their offices on a daily basis so that the promises of our Constitution are realised. I am old enough in age and experience to understand the priorities of South Africa and young enough to assure the future generations that the democracy that was hard fought for, will continue to be protected by the Public Protector.

- 2.2. In your opinion, what are the key challenges facing our country and what role should the Public Protector play in supporting our democracy?

Inadequate economic growth – Given the educational system perpetuated by the government prior to 1994, most South Africans are ill equipped to meaningfully participate in the economy. Therefore, they depend on jobs as entrepreneurship is often difficult for unskilled persons. It is therefore important for the Public Protector to ensure that to the extent that government participates in programmes and projects aimed at growing the economy, these are free of corruption and maladministration plus serve the purpose for which they were aimed at in the first place.

Service delivery – South Africa remains a country where the government, especially at municipal level in rural areas, is responsible for the delivery of basic services i.e water, electricity, sanitation, education and health. The notion of whether democracy is being realized or not for many citizens is linked to whether or not they are receiving these services on a regular basis and the quality thereof. The Public Protector should hold government at all levels to account where these basic services are not being met owing to corruption, maladministration and incompetence. This will in turn strengthen democracy as it will reinforce the notion of accountability.

Social cohesion – Our democracy is premised on the assumption that social cohesion will be the priority of all South Africans, hence its Preamble. However as evidenced by the myriad of problems, South Africa is not a cohesive society that is working towards the well-being of all its members, fighting exclusion and marginalization. We are neither creating a sense of belonging nor promoting trust; and not all our citizens are being offered the opportunity of upward mobility.

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The Public Protector needs to hold government to account to the extent that it is lax in actively promoting social cohesion. I am cognizant of the “justice gap” that exists between the previously disadvantaged and the well-off which makes it difficult for social cohesion to fester, however in order to realize the promise of the founders of our Constitution – this has to be achieved.

Role of women – the marginalisation of women in leadership positions within the economy and society results in a disproportional impact on them where there is scarcity of resources. Women are involved in various areas of the economy, mostly self-employed to support their families. The Public Protector should highlight the impact of findings of corruption, maladministration and non-compliance on gender relations and women in particular. The manner in which women are impacted by particular findings should guide policy makers.

Negative perception of government and its ability to deliver services professionally - the prevailing general perception is that government employees (including those of parastatals and entities) are corrupt and not qualified to do their jobs. As a Public Protector, it is important that the complex environment within which government operates and the myriad of its competing obligations during an investigation, are acknowledged. In its relationships with stakeholders, government is a key stakeholder and the Public Protector must strive to engender a culture of win-win so as to facilitate the implementation of his/her recommendations/remedial actions. After all, corruption and maladministration is not the exclusive purview of government but those of people within a society. Having worked in the private sector and with the private sector, I can attest to that.

### SECTION 3: GENERAL

- 3.1. Are there any circumstances, financial or otherwise, known to you which might cast doubt on your fitness to hold office as Public Protector? (Indicate with an "X")

|     |                          |    |                                     |
|-----|--------------------------|----|-------------------------------------|
| YES | <input type="checkbox"/> | NO | <input checked="" type="checkbox"/> |
|-----|--------------------------|----|-------------------------------------|

If so, please furnish particulars.

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- 3.2. Have you ever been convicted of any offence involving dishonesty, violence, or any other disreputable and/or dishonourable conduct? (Indicate with an "X")

|     |                          |    |                                     |
|-----|--------------------------|----|-------------------------------------|
| YES | <input type="checkbox"/> | NO | <input checked="" type="checkbox"/> |
|-----|--------------------------|----|-------------------------------------|

If so, please furnish full particulars and dates.

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- 3.3. Has any legal or other professional body ever found you guilty of any unprofessional or disgraceful conduct? (Indicate with an "X")

|     |  |    |   |
|-----|--|----|---|
| YES |  | NO | X |
|-----|--|----|---|

If so, please furnish particulars.

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- 3.4. At any of your previous places of employment have you ever faced an internal investigation, a disciplinary inquiry or been dismissed from employment? (Indicate with an "X")

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|-----|--|----|---|
| YES |  | NO | X |
|-----|--|----|---|

If so, please furnish particulars.

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- 3.5. Are there any other relevant matters which concern your honesty, integrity and reliability which you should bring to the attention of the Committee? (Indicate with an "X")

|     |                          |    |                                     |
|-----|--------------------------|----|-------------------------------------|
| YES | <input type="checkbox"/> | NO | <input checked="" type="checkbox"/> |
|-----|--------------------------|----|-------------------------------------|

If so, please furnish particulars.

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SIGNATURE

8 July 2016  
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DATE