



PUBLIC PROTECTOR
SOUTH AFRICA

PUBLIC
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SOUTH AFRICA



ANNUAL REPORT

2022/2023







PUBLIC PROTECTOR
SOUTH AFRICA

“

***A CATALYST FOR
CHANGE IN PURSUIT OF
GOOD GOVERNANCE***

”



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PART A

GENERAL INFORMATION



GENERAL INFORMATION :

REGISTERED NAME

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PRETORIA

0001

CONTACT DETAILS

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EXTERNAL AUDITORS:

Auditor-General South Africa (AGSA)

BANKER

Standard Bank of South Africa

ABBREVIATIONS / ACRONYMS

AC	Audit Committee
AGSA	Auditor - General South Africa
AOMA	African Ombudsman and Mediators Association
AORC	African Ombudsman Research Centre
APP	Annual Performance Plan
BAC	Bid Adjudication Committee
B-BBEE	Broad-Based Black Economic Empowerment
CBO	Community Based Organisation
CEO	Chief Executive Officer
CF	Compensation Fund
CFO	Chief Financial Officer
CMMI	Charlotte Manny-Maxeke Institute
CMS	Case Management System
COE	City of Ekurhuleni
COO	Chief Operations Officer
CSM	Complaints and Stakeholder Management
DoJCD	Department of Justice and Constitutional Development
DPCI	Directorate for Priority Crimes Investigation
DPME	Department of Planning, Monitoring and Evaluation
DPP	Deputy Public Protector
EA	Executive Authority
EA EXCO	Executive Authority Committee (Leadership)
EFF	Economic Freedom Fighters
EM	Executive Manager
EMEA	Executive Members Ethics Act
ER	Early Resolution
ERP	Enterprise Resource Planning
ESS	Employee Self-Service
EXCO	Executive Committee
FISD	Forum for Institutions Supporting Democracy
GDOH	Gauteng Department of Health

GDS	Gauteng Department of Social Development
GGI	Good Governance and Integrity
GRAP	Generally Recognized Accounting Practice
HO	Head Office
HRM	Human Resources Management
ICT	Information and Communications Technology
IOD	Injury on Duty
IPID	Independent Police Investigative Directorate
MISS	Minimum Information Security Standard
MoU	Memorandum of Understanding
MRA	Mobile Referral Application
MTEF	Medium Term Expenditure Framework
MTSF	Medium Term Strategic Framework
N/A	Not Applicable
NDP	National Development Plan
NGO	Non-Governmental Organisations
NHBRC	National Home Builders Registration Council
NT	National Treasury
PAIA	Promotion of Access to Information Act
PESTEL	Political, Economic, Social, Technological, Environmental, Legal
PFMA	Public Finance Management Act, 1 of 1999 (as amended)
PII	Provincial Investigations and Integration
PP	Public Protector
PPSA	Public Protector South Africa
PSC	Public Service Commission
RMC	Risk Management Committee
RDP	Reconstruction and Development Programme
RTMC	Road Traffic Management Corporation
SAP	Systems Application and Products
SASSETA	Safety and Security Sector Education and Training Authority
SCM	Supply Chain Management
SD	Service Delivery
SIU	Special Investigating Unit
SOP	Standard Operating Procedure
UIF	Unemployment Insurance Fund

DEFINITIONS

Accountability	The acceptance of responsibility for one's own actions. It implies a willingness to be transparent, allowing others to observe and evaluate one's performance.
Alternative Dispute Resolution (ADR)	Before, during or after an investigation the Public Protector may, by applying a combination of one or more methods of dispute resolution by way of conciliation, negotiation or mediation or by any other means appropriate in the circumstances, facilitate face-to-face engagements with the parties individually and collectively with the view to achieve a resolution or settlement agreement between the complainant(s) and the institution complained against, without having to adjudicate the complaint, to decide whether or not it is substantiated.
Advisory Report	A report issued in terms of section 8(1) of the PP Act, read with section 6(4)(c)(ii) of the Act, to communicate the Public Protector's point of view or (non-binding) recommendation in respect of a matter investigated by him or her, or to refer a matter for action by another appropriate public body or authority, without necessarily having made a finding or taking remedial action as envisaged in section 182(1)(b) and (c) of the Constitution.
Closing Report	Except where a formal report or advisory report is issued, the Public Protector must inform the complainant(s) and the institution concerned of his/ her decision ¹ (where the allegations or complaint or part thereof, are unsubstantiated) by means of a closing letter or report, setting out the steps taken to deal with the complaint, the evidence obtained, as well as the outcome of the examination of the evidence and decision of the Public Protector.
Complaint	A matter reported to the Public Protector in terms of section 6(1) of the Act, a complaint referred to in section 6(4), (5) and (7) of the Act, and a matter reported or referred to the Public Protector in terms of other legislation that regulates the mandate of the Public Protector.
Complainant	Any person who lodges a complaint with the Public Protector.
Corporate Governance	The system of rules, practices and processes by which an entity is controlled or directed. It fosters the allocation of powers and accountability among the Executive, Senior Management, employees and stakeholders and ultimately serves as a safeguard against corruption and maladministration.
Early Resolution	Efforts to determine the merits of the complaint and resolve the issues in dispute through enquiry processes designed around maximising the use of telephone and email, as well as meetings and consultations with the parties involved, resorting to traditional written correspondence only when this is unavoidable. It strives as far as possible to resolve complaints informally through referral, advice, investigations and alternative dispute resolution mechanisms such as mediation, conciliation and negotiation.

¹ A "finding, point of view or recommendation" in respect of a matter investigated by him or her as envisaged in section 8(1)(a) of the Act.

Financial Misconduct Committee	A structure established to deal with cases of financial misconduct as provided for in Section 83 of the PFMA to ensure that all unauthorised, irregular, fruitless and wasteful expenditure is dealt with appropriately.
Formal Report	In certain cases the Public Protector will issue a report in terms of section 182(1)(b) of the Constitution as well as section 8(1) of the Public Protector Act, or other applicable legislation such as the EMEA, with his/her findings and remedial action to be taken in terms of section 182(1)(c) of the Constitution.
Good Governance and Integrity (GGI)	Cases relating to conduct failures, such as maladministration, abuse of power, improper enrichment, and unethical behaviour as well as technical failure cases, such as corruption and fraud cases.
Intervention letter	An intervention refers to action taken by the Public Protector in terms of section 6(4)(b)(ii) of the Public Protector Act, 1994 before, during or after an investigation to communicate clear and simple observations of the cause of problems experienced as well as proposed or required improvements to the processes of a public body or authority, to address any systematic problems or trends identified (as opposed to substantive Public Protector's findings into the merits of a complaint and remedial action as envisaged in section 182(1)(b) and (c) of the Constitution).
Mobile Referral Application:	The Mobile Referral Application is a smart phone solution used to reduce premature, duplicate and out-of-jurisdiction complaints to the Public Protector by referring the public to the correct organ of state.
Own initiative investigation	Even without receiving a complaint, the Public Protector may initiate an investigation on his or her own initiative on the grounds of information that has come to his or her knowledge, which raises a prima facie suspicion of conduct or prejudice envisaged in section 182(1)(a) of the Constitution, and/ or section 6(4) and (5) of the Act; or other legislation informing the Public Protector's remit (excluding the Executive Members Ethics Act, 1998).
Service Delivery	Cases relating to undue delays, administrative lapses, unfair or discourteous behaviour and service delivery failures.
Service Standards	The Public Protector South Africa Investigations Service Standards as determined by the Public Protector and published on the Public Protector South Africa website as a framework of the public commitments on the timeframes and quality standards that can be expected when using the Public Protector's services.
Systemic Investigation	A Systemic Investigation focuses on structural administrative deficiencies whose impact transcends the experience of individual complainants. Systemic Investigations are Complex Investigations which would require a substantial Investigation Team.
Public Protector Rules	Rules relating to investigations by the Public Protector and matters incidental thereto, 2018 as amended.
Parties to a dispute	The complainant and the state institution or an official or employee of the state institution involved in the complaint.

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FOREWORD BY EXECUTIVE AUTHORITY



Adv. Kholeka Gcaleka
Acting Public Protector
of the Republic of South Africa

I am honoured to have the opportunity to table the Public Protector South Africa Annual Report for the 2022/2023 financial year.

As I table this report, which seeks to paint a picture of the extent of our work towards attaining our outcomes as per our Strategic Plan, I do so wholistically to display the grit and resilience displayed by staff, under the leadership of the CEO.

In our quest to ensure alignment of the functions and the structure of the Institution and its Constitutional mandate, the Institution commissioned a work-study investigation and skills audit, which, through its findings and recommendations, encouraged us to strengthen and inculcate a culture of training, development and continuous learning of our employees.

The training programs currently implemented, are targeted at executive leadership development, technical and soft skills, as well as building supervisory capability at different levels of the Institution. These programs will assist in improving the quality of our work, determine effective ways to work smarter rather than harder, and importantly, will place employees of the Institution at the cutting edge of their respective fields and areas of specialisation.

Navigating the impact of the psycho-emotional stresses inflicted on staff, as a result of the events leading up to and during the Section 194 Parliamentary Committee proceedings, has been a collective effort of the PPSA management team. As a direct consequence of these events, we have placed a definite focus on employee-wellness and work-life balance in general.

Fortunately, the Institution took a progressive stance to inculcate ethics as a symbol of our commitment to ethical and professional conduct in the execution of our mandate, as a vanguard of South Africa's Constitutional democracy.

As the Institution was navigating the effects of the S194 Enquiry, and trying to steer the ship on the wake of a reputational risk, we experienced the much-publicised political party march, which was held at our Head Office in Pretoria, in the latter part of 2022. As a result of our

reaffirmed commitment to integrity as espoused in our pledge, and new ethics policy, implemented in line with our international standards, the Institution remained resilient.

In keeping with the demands of the fourth industrial revolution, the Institution has successfully resumed its digital strategy with various programs being implemented to transform our operations as a matter of priority.

As an institution that requires a high level of research capacity, owing to the intricate and complex investigations conducted as part of our mandate, during the reporting period, we developed a business case and held benchmarking meetings with an institution of higher learning, on best practice and development of an e-Library. The benchmarking engagements included upskilling of our Knowledge Management and Research unit employees. Our e-Library will provide a digital platform that will house the Institution's vast knowledge reserves, as well as other developmental material that can be accessed by staff to enhance the work of the Institution. This forms part of a multifaceted approach to creating efficiency and enhancing access to the Institution, for the people of South Africa.

We committed to take a leaf from the many judgements against the Institution and took every step to ensure that we do not repeat same. This required the strengthening of our quality assurance processes in relation to both our investigations and reporting methodologies.

We have reconfigured our intake and assessment procedures, in order to strengthen them and to refocus the processes associated with our investigation value chain. We have reviewed the SOPs in line with the jurisprudence relating to our investigations. We have also finalised our research to the proposed amendments of the PP Act, to bring the Act in line with jurisprudential developments.

Over the reporting period, I took every opportunity to visit provincial and regional offices of the Institution as well as different units, to among other things, interact with staff, and to get a sense of the conditions they were working under.

During these engagements, staff raised concerns regarding their safety, as well as the quagmire presented by sharing office buildings with some of the respondent parties to their investigations, in some provinces.

These visits prompted us to reconsider the environment in which our staff operate. We accordingly have initiated processes to locate more secured and suitable office

spaces in certain areas, with uniformity and consistency to ensure a standardised PPSA.

Partnerships are fundamental to our success as an Institution, as our impact is measured by the improvements to effective public administration, informed by our remedial action and advisory recommendations in certain instances. During the reporting period, we took a deliberate and concerted effort to strengthen strategic partnerships with various stakeholders, including Offices of the Premier, Provincial Legislatures, the business sector, civil society, professional associations and media houses.

The above partnerships culminated in the signing of Memoranda of Understanding (MoUs) with these stakeholders to strengthen collaboration in a manner that improves both prompt resolution of complaints and enhances governance within the institutions that the PPSA is empowered to investigate. In managing some of the risks that the Institution was confronted with during the period under review, such as reputational risk, the need to build strong partnerships with members of civil society and media houses became apparent, in order to position the Institution to adequately communicate accurate information and our success stories, to our greatest stakeholder, the people of South Africa.

Our partnerships extended beyond the boundaries of South Africa, and we continued to strengthen relations with continental and international ombudsman institutions, through our participation in the African Ombudsman and Mediators Association (AOMA) and International Ombudsman Institute (IOL) fora. In this regard, we hosted ombudsman institutions from Kenya, Finland, and Burundi, and participated as a member at an IOL conference held in Türkiye. These partnerships are starting to bear fruit, as we have initiated discussions with similar institutions in the United Kingdom, Belgium, Austria and the Netherlands, to pursue collaboration on the areas of sharing information, best practice, training and research.

As I table this report, I can safely say that many of the people of South Africa have benefitted from our investigations and interventions to the extent that RDP houses were built, social grant-related challenges were resolved, and pension monies were paid, roads and bridges were built, to name a few. We remain hopeful that all state organs will put all hands-on deck to ensure that every complaint is resolved, and remedial action is implemented to build a capable state administration, free of maladministration, fraud and corruption.

While the Institution's services are free of charge, they are not without a cost. Requests for additional funding have been met with reluctance, and accordingly, the institution still lacks adequate funding to carry out its core mandate.

During the period under review, the Institution adopted an inward-looking stance on the circumstances surrounding the increasing costs related to litigious responses by State Institutions to Public Protector investigations and reports. These costs have been crippling the Institution with legal fees and legal costs and effectively undermining the role of the Public Protector as well as the values of a proper and effective public administration as envisaged in section 195 of the Constitution. The legal costs, as well as adverse cost orders from historical litigation and the legal costs of the S194 Enquiry, exacerbated the financial pressures and budgetary constraints that have been a fiscal reality for the Institution for quite some time.

The issues of cost orders and legal fees also presented the Institution with serious challenges during the period under review as a result of the historical management of legal services and expenditures incurred intermittently in respect of litigation emanating from previous years, as reflected in a slight regression in our audit outcomes.

While the Institution focused on a strategy to reduce the risk of reports being set aside on judicial review, we resolved to concentrate our resources, structures and methodologies on improved investigation governance and quality assurance with the view to strengthen those areas that caused reports to be susceptible to judicial review in the first place. The reality is that there are no winners when Public Protector reports are legally challenged and set aside, as any legal action between an organ of state and the Public Protector implicates public funding, with all the costs and expenditure involved in the initial investigation as well as the subsequent litigation, being funded primarily from the National Revenue Fund.

In addition, the legal costs, among other things, associated with the proceedings before the unprecedented National Assembly Committee for the Section 194 Enquiry were borne by the Institution, which has also covered the cost of some of the related section 194 litigation. The funding of the legal costs has taken a strain on the Institution's budget.

The legacy of the Institution's baseline budget that was not properly developed since inception, continues to hinder our efforts to deliver on our mandate adequately. Although the Institution reports to Parliament, in our formative

years it was administered as an investigation branch of the DoJ from which some officials were seconded, and the initial budget allocation was based on the seconded resources. A full needs assessment of the Institution, as an independent body, established to investigate corruption and maladministration in all spheres of government and its entities, was not conducted. When a form of an assessment was done, PPSA was benchmarked with government departments, which defeats the purpose of it being an independent Institution, which should be at a level where it is capable to assess the same governments' delivery of services and conduct.

Consequently, as the citizens require its services to be delivered at the appropriate scale of an Institution which has the capacity and capability to discharge its constitutional imperatives and being competent above the government scale, the Institution realized deficits that led to a situation from the 2015 to the 2021 financial year, where concerns were registered with the National Treasury about its liquidity. The situation was mitigated when the DoJ began to augment our inadequate baseline allocation with additional funding from its own allocation. This is, however, not a viable solution for the PPSA to progressively achieve the objective of improved liquidity and financial sustainability. This also undermines the Institution's independence, as well as the Constitution.

The institutional transformation journey that I envisioned when I took over as Acting Public Protector was impacted by the limited resources at our disposal. However, I acknowledge the support of the DOJ, that provided additional funding to enable us to meet some of the unplanned financial commitments that arose from the Parliamentary Section 194 Enquiry. The challenge experienced was the late transfer of these funds, which reflected a significant amount of accumulated surplus. This has the effect of creating an impression that the Institution could not utilise its allocated funds, when in fact, a true reflection of the situation would illustrate that it was impossible to utilise the additional funds as they were only made available to us towards the end of the financial year.

We remain concerned about the slow pace of implementation of our remedial action and implore all organs of state to put the interest of the public first. We encourage all involved to view the reports that we issue as an Institution, as opportunities to embrace the Constitutional values and principles of sound public administration and take accountability to not only correct and redress the investigated complaint, but also evaluate

their internal control systems to determine the root causes that give rise to complaints and take steps to rectify these.

Despite several challenges the PPSA has faced during the reporting period, I am pleased to report that the Institution attained a remarkable 86% overall achievement, maintaining the previous year's achievement. I must mention that the investigations by the Institution far exceeded those that we have announced through public statements. They include the many matters that affect the livelihood and standard of living of ordinary members of the public, including electricity disconnections, a lack of delivery of civic services by the Department of Home Affairs, and SASSA social grants, to name a few. These matters were resolved through negotiation with state organs and rapid interventions.

In line with our vision of empowering people and promoting accountability in public administration, we commit to continuing to improve the capacity of the Institution to be an employer of choice as well as a catalyst for change in the pursuit of good governance. We intend to make good use of the strategic partnerships we have built and are continuing to build, in order to positively influence change in public administration, and therefore, the Republic of South Africa.

The amendment of the Public Protector Act is paramount to re-align the Institution to better serve our communities, during this democratic era. In line with technological demands in the environment within which we operate, we will continue our efforts to approach those who have the means to support us to deploy the technology that is required to improve our capacity as an Institution.

The report of Chief Justice Zondo and his team on the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector, which emanated from our "State of Capture" Report in October 2016, is one of the projects on our radar during the medium-term period. As stated in the Report, the PPSA will continue to monitor the implementation of the recommendations made by the Commission and has engaged the Office the Speaker of the National Assembly, the President and Director General in the Presidency to provide periodic implementation reports to the Public Protector. These reports are expected to provide progress on the President's broad commitment to reforms in the areas of whistle-blower protection and incentivisation, procurement reforms, the capacitation and strengthening of law enforcement and other accountability institutions,

the professionalisation of the public administration, and the protection of public institutions from abuse.

As I reflect on this year, I must admit that it was not an easy year for the Institution considering the cumulative effect of the events that have occurred, and the pressures associated with the political party march held in 2022, and the unprecedented Section 194 Committee proceedings, to name a few. However, not only have we navigated these challenges, we are steering the ship. I am encouraged by the fact that we continued to perform diligently and maintained a level of performance, balanced with quality, that demonstrated our resilience as an Institution. We are committed to intensify our efforts and do more to reposition the PPSA as an Institution that all the people of South African can rely on to enhance constitutional democracy and improve governance in state affairs in the Republic of South Africa. PPSA is not only a force to be reckoned with in SA, but has made positive impressions internationally with many countries now participating in the African Ombudsman Research Centre webinars and having an interest in the binding effects of our remedial action.



Adv Kholeka Gcaleka
Acting Public Protector
of the Republic of South Africa
31 August 2023

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CHIEF EXECUTIVE OFFICER'S OVERVIEW



Ms Thandi Sibanyoni
Chief Executive Officer
Public Protector South Africa

GENERAL FINANCIAL REVIEW (INCLUDES SPENDING TRENDS)

In line with its purpose statement to be a catalyst for change in pursuit of good governance, the Public Protector South Africa (PPSA) continued to put its best foot forward to ensure good governance in its affairs. This was in spite of the financial year being marred by the proceedings of the Committee for the Section 194 Enquiry into the removal of the Public Protector. The expenditure towards the Section 194 Enquiry had a pervasive impact on the financial performance as indicated in the tables below, which represent the status of the institution's financial position and cash flow results as at the end of the financial year:

ASSETS AND LIABILITIES

	2020/21	2021/22	2022/23	Movement 2021/22 to 2022/23	
	R millions	R millions	R millions	R millions	%
Non-current assets	16	14	15	1	7%
Non-current liabilities	(18)	(21)	(13)	8	(38%)
Current assets	80	117	129	12	10%
Current liabilities	(57)	(56)	(68)	(12)	21%
Net assets	171	208	225	17	8%

As a service organisation, the non-current assets which were not impacted, mainly comprise of assets used for administration purposes. The 7% increase as indicated above, arises from a combination of additional assets that were more than the accumulated depreciation.

Non-current liabilities significantly decreased mainly due to the transfer of the provision for the gratuity of the Public Protector to the current provisions that are included as part of the current liabilities as its due date fell within the next financial year.

Ninety-eight (98%) percent of the current assets are made up of cash and cash equivalents. Net cash inflows of

R12 million arose from the additional allocation from the Department of Justice and Constitutional Development (DoJ&CD) to cover the costs of the Section 194 Enquiry.

The current liabilities are primarily made up of accounts payable and short-term provisions for the Public Protector's gratuity, suppliers as well as leave pay for all employees.

The current liabilities increased by R11 million as a result of accruals and provisions for legal expenses of the Enquiry.

	2020/21	2021/22	2022/23	Movement 2021/22 to 2022/23	
	R millions	R millions	R millions	R millions	%
Total revenue	368	376	400	24	6%
Total expenditure	(353)	(343)	(390)	(47)	(14%)
Surplus	15	33	10	(23)	(70%)

Of the six (6%) percent increase in total revenue, 5% is attributable to R20 million additional funds received from DoJ&CD) in addition to the appropriated funds to cover the costs of the Section 194 Enquiry.

The R47 million increase in total expenditure includes R30 million legal expenditure as well as R1,2 million expenditure incurred on travel and accommodation for the purposes of the Section 194 Enquiry.

DISCONTINUED KEY ACTIVITIES

In line with its constitutional mandate to ensure that Public Protector services are accessible to all communities, the Institution maintained offices in all the provinces and regional offices in seven of the nine provinces. This is to bring Public Protector services closer to the communities.

During the period under review, the Institution discontinued operations at the Pietermaritzburg Regional office in the Kwa-Zulu Natal province due to its close proximity to the Durban Provincial office, as well as an attempt to reduce costs associated with office accommodation. This resulted in a number of complaints from stakeholders as the Durban office is not easily accessible to communities residing in far-flung rural areas.

The Institution is in the process of re-establishing the regional office in KZN to be responsive to the needs of the communities. In the interim, the Durban office continues to provide a service in the form of an outreach programme

to the communities that have difficulties in accessing the Durban Provincial office. This is however proving to be costly due to the distances between the various rural areas.

NEW OR PROPOSED KEY ACTIVITIES

The Institution operates a number of unintegrated IT systems to support its business processes. The lack of integration of these systems have proven to be inefficient and have a potential to compromise the integrity of the Institution's data repositories. The Institution intends to procure the services of a service provider to develop an enterprise resource planning (ERP) system to support all the corporate service business processes such as payroll and leave management. This will promote efficiencies while ensuring data integrity.

REQUESTS FOR ROLL OVER OF FUNDS

The institution did not request for roll over of funds during the reporting period.

AUDIT REPORT CASES IN THE PREVIOUS YEAR AND ACTION PLAN TO ADDRESS GAPS

It is regrettable that the clean audit outcome previously achieved has regressed to an unqualified audit opinion with one significant finding regarding non-compliance with legislation regarding the procurement of legal services. Paragraph 7 of the auditor's report read together with paragraph 26 and 27 thereof refers to non-compliance with the Preferential Procurement Policy Framework Act (PPPFA) and its regulations. We, in this regard, concur with the audit outcomes. We take the opportunity to explain that in July 2022, during Section 194 Enquiry proceedings, it became publicly known that the allocation of work to legal firms on the panel was not processed on a rotational basis. However, at this stage we had already begun a process to review the governance in the legal and finance units. It should also be noted that a proper procurement process was undertaken to appoint the panel. We subsequently investigated the matter and brought it to the attention of the AGSA at the onset of the Regularity Audit of the institution for the year ended 31 March 2023.

This resulted in the Institution incurring irregular expenditure of R18,988 000 which has been disclosed in note 33 of the annual financial statements and a reconciliation thereof is reflected in paragraph 1.1 of Part E of this annual report. Management action plans have been

developed, will be implemented by management and be subjected to review by the Internal Audit unit.

Subsequent to the testimony that revealed the shortcomings, a further assessment of the process followed to select legal firms from the panel, was conducted. The assessment revealed that most of the expenditure incurred in the year under review related to firms that were selected using inadequate processes in previous financial years. The term of the current panel ends in November 2023, and the specification for the selection process has been further enhanced and aligned to the requirements of the PPPFA and will be effectively monitored.

SUPPLY CHAIN MANAGEMENT AND SCM PROCESSES AND SYSTEMS IN PLACE

The Institution has an established and operational Supply Chain Management (SCM) unit under the office of the Chief Financial Officer. The SCM unit, through existing and entrenched processes and existing information technology (IT) systems, is assisted by bid committees to execute their demand, acquisition, logistics and disposal management processes.

The challenge remains the lack of integration between the IT system and the existing accounting system.

Attention is drawn to Note 33 of the annual financial statements, which discloses fruitless and wasteful expenditure of R2.1 million relating to the payment of secure accommodation for the Public Protector in respect of the current and previous financial years. We will seek the National Treasury's guidance on the matter as the existing fruitless and wasteful expenditure framework issued by National Treasury does not cover the loss control procedures that must be followed in this particular instance.

ALL CONCLUDED UNSOLICITED BID PROPOSALS FOR THE YEAR UNDER REVIEW

The institution did not conclude contracts arising from receipt of unsolicited bid proposals during the reporting period.

CHALLENGES EXPERIENCED AND HOW RESOLVED

The proceedings of the Section 194 Enquiry, besides the financial impact referred to above, had the following adverse impact on the operations of the Institution:

- Disruption of operations. The leadership of the Institution was obliged and committed to render its full co-operation for the purposes of assisting the Section 194 Enquiry in ensuring that all relevant evidence, material to the motion before the Committee, was put before the National Assembly. This included frequent requests for evidence and records, releasing staff members to consult with the representatives of both parties, preparing affidavits and testifying in the proceedings. In addition, the Institution was directly and indirectly responding to several litigation cases related thereto. This negatively impacted on various operations, including procurement processes, which resulted in the delay in finalising several tenders. Subsequent to the receipt of the audit report, we submitted a request to National Treasury to approve the retention of surplus funds and procurement will commence immediately after the receipt of the approval.
- The well-being of employees was negatively affected as a number of employees had to give testimony during the proceedings, which exposed them to risks and uncertainty about their job security. The Institution's Employee Assistance Programme was instrumental in providing the necessary support during the process.
- The reputation of the Institution was negatively impacted by the Section 194 Enquiry process as well as the extensive media coverage of the testimonies and evidence heard by the Committee that reflected adversely on its work. The Institution was required to embark on rebranding initiatives to reposition the Institution and restore public confidence and trust.

EVENTS AFTER THE REPORTING DATE

Adjustments were made to the annual financial statements that were submitted for audit and the related disclosure notes in respect of adjusting events after reporting date in relation to the following:

- Payment of taxed costs payable under costs orders against the Institution up to the end of July 2023

amounted to R6,3 million, and the details are disclosed in note 32 to the annual financial statements.

Non adjusting events after reporting date include:

- A request to the National Treasury for the retention of surplus funds in the amount of R59,783 000. Once approved, these funds will be used to replace and refurbish the institution's information technology infrastructure and develop the ERP system.
- The uncertainty and possibility that the Institution's baseline of appropriated funds may be reduced by up to 10% in the 2024/2025 allocation has a potential to adversely affect the future plans and operations of the Institution. Should a 10% reduction in the already inadequate baseline materialise, the economic viability of the institution will be adversely affected.

ECONOMIC VIABILITY

The Institution was established in terms section 181 of the Constitution. Section 182 of the Constitution provides for further regulation of the Institution and other ancillary matters by national legislation. The Public Protector Act 23 of 1994 (PPA) was enacted for that purpose. The major impediment to the institution is that the Act is entirely silent on how the Institution shall derive its funding. The Institution receives revenue from one of the sub-programmes under Programme 5 (Auxiliary and Associated Services) of the DoJ&CD.

Officials from the DoJ&CD were seconded to establish the new institution without a proper baseline study of its full requirements. All subsequent allocations were aligned to the increase in the number of investigators to enable the new institution to respond to the demand for its services. The Department of Public Works also assisted through the provision of office accommodation and payment therefore at no cost to the Institution.

The DoJ&CD augmented the appropriated revenue to the value of R132 million over the last 6 years, which remedied a net liability financial position between the 2017/2018 and the 2019/2020 financial years. The additional funds from the DoJ & CD enabled PPSA to cover the expenditure of the Section 194 Enquiry. The funds were only received during March 2023, which resulted in the surplus funds as it became difficult for the Institution to spend the funds before the end of the financial year.

CAPACITY CONSTRAINTS AND CHALLENGES

The revenue allocation to the Institution has always been inadequate in relation to the number of complaints lodged. This has, over the years, resulted in the creation of a backlog in investigating reported complaints due to the high case load and the complexity of some of the cases.

Furthermore, the inadequate budget has had an adverse impact on the ability of the Institution to procure specialised services to assist with complex investigations. This resulted in a delay in finalising some investigations, which required specialised expertise and resources that are not readily at the disposal of the Institution.

The post establishment of the Institution provides for 567 posts. However, only 372 posts, which constitutes 66% of the establishment are funded and 193 remain unfunded. The work of the Institution is labour-intensive, hence the need to fund the unfunded posts to enable appointment of more investigators.

The developments in the field of investigations require the Institution to invest in additional training of its existing employees to keep abreast with these developments, including cyber investigations. The limited budget, coupled with the high case load, makes it difficult for employees to attend training initiatives and programmes.

The Institution concluded a work study investigation to determine whether it was still appropriately configured to discharge its responsibilities in line with its mandate. The report recommended amongst others, that the institution should appoint administrative staff to relieve the investigators of administrative related functions and enable them to focus on investigations. This should increase the capacity of the Institution to resolve cases as well as reduce the time it takes for cases to be finalised. The challenge, however, remains the availability of funds to fill these critical positions.

OUTLOOK/ PLANS FOR THE FUTURE TO ADDRESS FINANCIAL CHALLENGES

The correction of the established baseline allocation is critical to resolve the funding challenges that continue to negatively impact on the Institution's ability to effectively fulfil its Constitutional mandate.

The Institution is exploring options that will allow it to embark on revenue generation initiatives, which will require amendments to the existing founding legislation to provide for the required fiscal instruments. The Institution submitted in June 2023 draft amendments to the Public Protector Act, which amongst others, proposed amendments to facilitate revenue generation avenues and cost recovery.

In the medium term, the Institution will be approaching the DoJ&CD with a view to access funding from the Criminal Asset Recovery Account (CARA) in terms of the Prevention of Organised Crimes Act 121 of 1998. We are of the view that the Institution should benefit from these funds to increase its investigative capacity and resources in line with the National Development Plan, 2030 as part of the National Integrity Framework and anti-corruption arsenal of the country. This will enable the Institution to contribute to the combatting and prevention of corruption in the public sector and the rendering of assistance to whistle-blowers and victims of crime.

The following are the short-term measures that will be considered should the Institutional allocated budget be reduced:

- Implementation of cost cutting measure across different expenditure line items, including putting a moratorium on filling of positions. This will, however, put a further burden on the already high case load per investigator.
- Deferral of planned procurements in the annual procurement plan.
- Merger or closure of some offices to save on rental and associated costs and moving manual lodging of complaints to electronic platforms, which might not be accessible to all members of the public. Members of the public with access to internet may use the recently developed mobile referral application to lodge complaints.
- The Institution is in the process of developing and deploying a "Call Back" service for members of public who do not have smart phones and/or sufficient airtime to make calls or send text messages on their mobile phones.

ACKNOWLEDGEMENT AND APPRECIATION

I take this opportunity to express my gratitude to the Acting Public Protector, Advocate Gcaleka, for leading the Institution with integrity and creating an enabling environment under difficult circumstances over the last year. A word of appreciation to all the stakeholders who contributed to our success as an Institution. A special appreciation to Team PPSA, who continue to strive to be the best they can be, and do their utmost to resolve complaints that impact on persons and communities.



Ms Thandi Sibanyoni

Chief Executive Officer

Public Protector South Africa

31 August 2023

3

STATEMENT OF RESPONSIBILITY AND ACCURACY

To the best of my knowledge and belief, I confirm the following:

All information and amounts disclosed in the annual report is consistent with the annual financial statements audited by the AGSA.

The annual report is complete, accurate and is free from any omissions.

The annual report has been prepared in accordance with the guidelines on the annual report as issued by National Treasury.

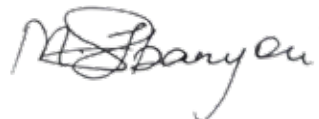
The Annual Financial Statements (Part F) have been prepared in accordance with the Generally Recognized Accounting Practice (GRAP) standards applicable to the Constitutional Institution.

The Accounting Officer is responsible for the preparation of the annual financial statements and for the judgements made in this information.

The Accounting Officer is responsible for establishing and implementing a system of internal control, which has been designed to provide reasonable assurance as to the integrity and reliability of the performance information, the human resources information and the annual financial statements.

The external auditors are engaged to express an independent opinion on the annual financial statements. In our opinion, the annual report fairly reflects the operations, the performance information, the human resources information and the financial affairs of the Institution for the financial year ended 31 March 2023.

Yours sincerely,



Ms Thandi Sibanyoni

Chief Executive Officer
31 July 2023

4 STRATEGIC OVERVIEW



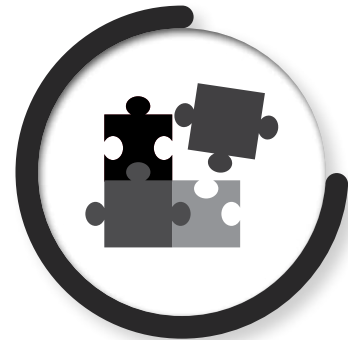
4.1 VISION

Empowered people and accountable public administration.



4.2 MISSION

To protect all persons against administrative injustices, improve service delivery and promote good governance in state affairs.



4.3. PRINCIPLES (AIR)

Anchored in the pursuit of proper conduct in state affairs and the Batho Pele principles, we seek to uphold and promote the principles of:

- **Accountability;**
- **Integrity;**
- **Responsiveness**



4.4 INSTITUTIONAL VALUE SYSTEM AS ARTICULATED BY (PULE):

Passion: We will conduct our investigations with passion to ensure that no one suffers prejudice

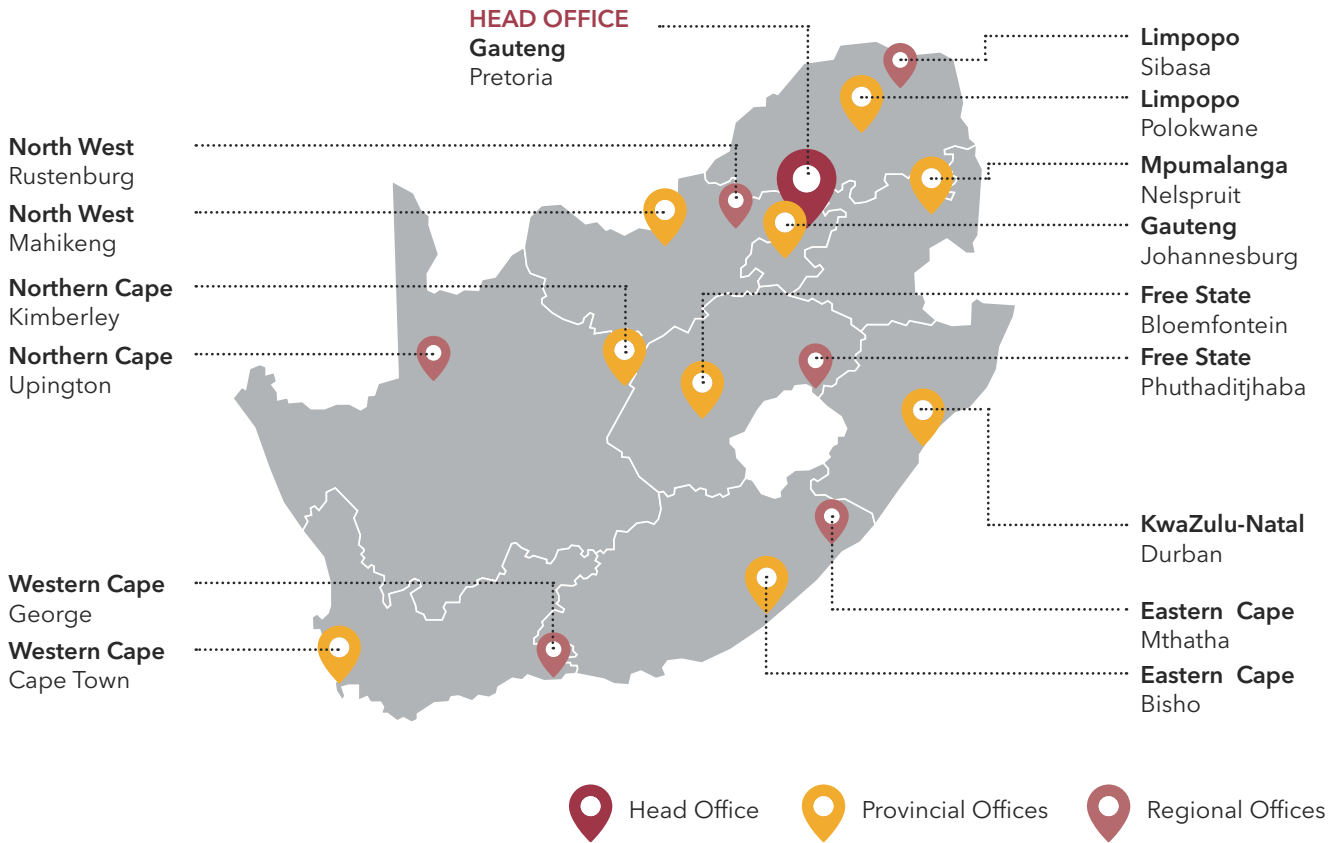
Ubuntu: We respect the constitutionally protected dignity of all those we interact with as we deliver services and manage our affairs and serve professionally with humanity, empathy, compassion, understanding and respect for every person's human rights

Leadership: We intend to lead by example in how we conduct ourselves in the institution; from the lowest to the highest position

Efficiency: We will deal with our customers and stakeholders with a high level of professionalism, skill, good judgement while ensuring speed and responsiveness in the delivery of our services

5

NATIONAL FOOTPRINT





LEGISLATIVE AND OTHER MANDATES

6.1 CONSTITUTIONAL MANDATE

The Public Protector is as an independent Constitutional Institution, whose mandate, derived from Section 182 of the Constitution read with Section 181 of the Constitution of the Republic of South Africa, 1996 (the Constitution), is to support and strengthen constitutional democracy and operate in a manner that is subject only to the Constitution and the law.

The Public Protector operates as an oversight body by investigating and rooting out improper conduct in all state affairs, while providing services that are universally accessible to all.

Section 182 of the Constitution provides that:

1. *The Public Protector has the power, as regulated by national legislation;*
 - a. *To **investigate** any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice,*
 - b. *To **report** on that conduct, and*
 - c. *To take **appropriate remedial action**.*
2. *The Public Protector has the additional powers and functions prescribed by national legislation;*
3. *The Public Protector may not investigate court decisions*
4. *The Public Protector must be accessible to all persons and communities;*
5. *Any report issued by the Public Protector must be open to the public unless exceptional circumstances to be determined in terms of national legislation, require that a report be kept confidential.*

6.2 LEGISLATIVE AND STATUTORY MANDATES

The PPSA executes its mandate through the Public Protector Act 23 of 1994, by investigating and remedying maladministration, improper or prejudicial conduct in state affairs, including abuse of power and state resources, resolving administrative disputes or rectifying any administrative act or omission through mediation, conciliation, negotiation or referral of cases to appropriate bodies, and advising on appropriate remedies or employing any other expedient measures.

The following are key statutory mandate areas, and additional laws, that supplement and inform the investigative powers of the Public Protector.

Short Title	Purpose
Constitution of the Republic of South Africa, 108 of 1996	The Constitution is the supreme law of the land. No other law or government action can supersede the provisions of the Constitution. The Public Protector is subject only to the Constitution and the law
Public Protector Act 23 of 1994	Regulates the manner in which the powers conferred by Section 182 of the Constitution may be exercised in relation to any conduct in state affairs, or in the public administration in any sphere of government
Executive Ethics Code as mandated by the Executive Members' Ethics, Act 82 of 1998	To enforce the Executive Ethics Code in investigating the conduct of members of Cabinet, Deputy Ministers and Members of the Provincial Executive Council
Prevention and Combating of Corrupt Activities Act 12 of 2004	To investigate allegations of improper or dishonest acts or omissions or offences in terms of the Prevention and Combating of Corrupt Activities Act 12 of 2004, as mandated by Section 6(4)(a)(iii) of the Public Protector Act
Protected Disclosures Act 26 of 2000	To receive and address protected disclosures from whistle-blowers as provided for in Section 8(1) of the Protected Disclosures Act 26 of 2000
Housing Protection Measures Act 95 of 1998	To review decisions of the National Home Builders Registration Council (NHBRC) as mandated by the Housing Protection Measures Act 95 of 1998
Additional Laws	
Electoral Commission Act 51 of 1996	The Public Protector must serve as a member of a panel that recommends a list of candidates to a National Assembly Committee that nominates Electoral Commissioners
National Archives and Record Service Act 43 of 1996	The Public Protector must be consulted on investigations into the unauthorised destruction of records otherwise protected under this Act
National Nuclear Regulator Act 47 of 1999	The protection (from civil or criminal liability, dismissal, disciplinary action, prejudice or harassment) of people who make disclosures of health and safety risks or failure to comply with a duty imposed by this Act to the Public Protector
Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000	Support the duty of the state to promote equality to request any component falling within a definition of the state or any other person to supply information relating to the achievement of equality. To assist and support the state and the executive in the preparation of an equality plan contemplated in Section 25(4)(b) of the Act
Promotion of Access to Information Act 2 of 2000	The Public Protector must issue a certificate to an accounting officer of an organ of state that has received donations or sponsorship from donors or sponsors who wish to remain anonymous, stating that the identity of the donor or sponsor has been revealed to them, that they have noted it and have no objection
Lotteries Act 57 of 1997	The Public Protector receives bona fide confidential disclosures in respect of publishing any information in connection with any grant application or the grant itself
Special Investigating Unit and Special Tribunals Act 74 of 1996	Upon the establishment of a Special Investigating Unit the Head of such Unit must provide the Public Protector with a copy of the proclamation referred to in Section 2 (1) of the Act. The Head of a Special Investigating Unit may refer any matter which, in his or her opinion, could best be dealt with by the Public Protector, to the Public Protector and the Public Protector may, if he or she deems it appropriate, refer any matter, which comes to his or her attention and, which falls within the terms of reference of a Special Investigating Unit, to such Unit
National Environmental Management Act 107 of 1998	The protection (from civil or criminal liability, dismissal, disciplinary action, prejudice or harassment) of persons who make in good faith disclosures of evidence of an environmental risk
Public Audit Amendment Act 5 of 2018	The expanded mandate of the Auditor-General provides for the power to refer material irregularities to relevant public bodies, including the Public Protector and the DPCI for further investigation

The National Development Plan (NDP), 2030 and anti-corruption strategies

In compiling this Annual Report for the period 2022/23, the Institution took into consideration the key contextual strategic factors emanating from, amongst others the seven National Priorities as proclaimed in the revised 2019 to 2024 Medium Term Strategic Framework (MTSF). In this regard, the Institution locates its direct contribution under Priority 6: Social cohesion and safer communities, as a contribution towards cumulatively achieving the longer-term 2030 vision of the NDP.

According to Priority 6, the PPSA plays a significant role in the combating and prevention of maladministration, fraud and corruption that undermine the rule of law, as well as impede government's efforts to achieve its socio-economic development and service delivery objectives.

The Institution further aligns to Outcome 3 of the National Priorities which states, "All people in South Africa are and feel safe and secure." Output 3 of this outcome specifically seeks to combat corruption and maladministration as espoused in Chapter 14 of the NDP on the tackling of corruption. The PPSA is specifically included in this chapter dealing with the fight against corruption and the fact that it undermines good governance, and ultimately the effective operation of government in South Africa. The NDP also impacts on the determination of the Institution's strategic priorities at a high level as informed by its legal mandate in relation to the promotion and protection of good governance, which runs like a golden thread throughout the NDP as a requirement and enabler for most of the programmes and objectives stated in the Plan, including those relating to the promotion of health, social protection and building a capable and developmental state.

6.3 INSTITUTIONS THAT PPSA HAS JURISDICTION TO INVESTIGATE

BRANCH/ PROVINCE	National Government	Provincial Government	Local Government			University/ TVET	Other Public Entities	Major Public Entities (Schedule 2)	National Public Entities (Schedule 3)	Constitutional Institutions (Schedule 1)
			Metro- politan	District	Local					
EC		12	2	6	31	4	11			
FS		0	1	4	18	2	7			
GP		14	3	2	6	14	17			
KZN		13	1	10	43	4	19			
LP		11	0	5	25	2	6			
MP		11	0	3	17	1	6			
NC		7	0	5	26	1	6			
NW		0	0	4	20	1	9			
WC		13	1	5	24	0	15			
HEAD OFFICE	47	0	0	0	0	0	0	21	157	8
TOTAL	47	81	8	44	210	29	96	21	157	8

6.4 INITIATING AN INVESTIGATION IN TERMS OF THE PUBLIC PROTECTOR ACT & OTHER STATUTES



6.5 TYPES OF INVESTIGATIONS

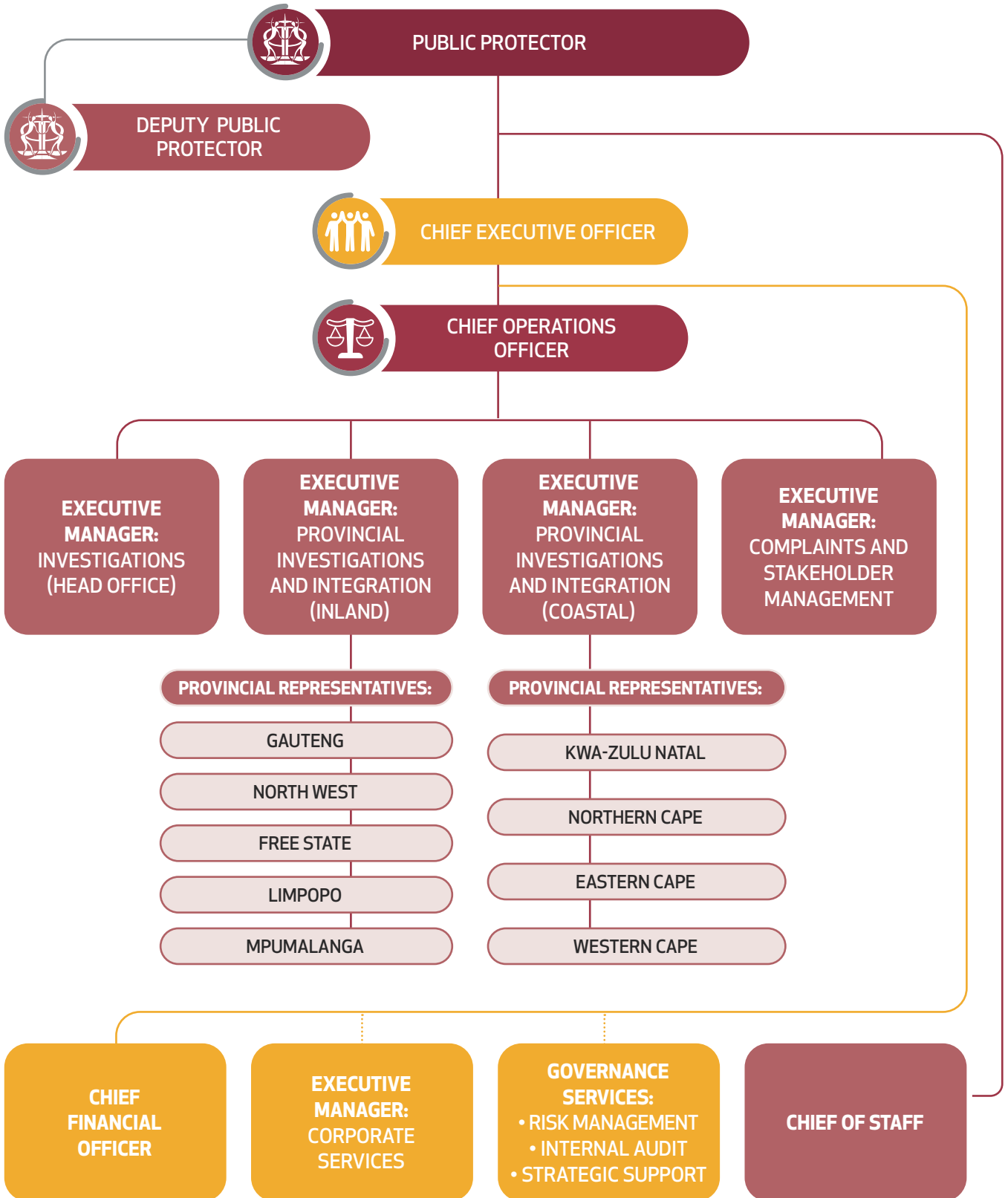
SERVICE DELIVERY FAILURES (AJSD INVESTIGATIONS)

- 1 UNDUE DELAY
- 2 SERVICES DELAYED OR SERVICE DENIED
- 3 ADMINISTRATIVE LAPSES
- 4 UNFAIR, CAPRICIOUS OR DISCOURTEOUS BEHAVIOUR
- 5 SERVICE DELIVERY FAILURES

CONDUCT FAILURES (GGI INVESTIGATIONS)

- 1 CORRUPTION
- 2 FRAUD
- 3 ABUSE OF POWER
- 4 RECEIPT OF IMPROPER ADVANTAGE
- 5 IMPROPER ENRICHMENT
- 6 DISHONESTY OR IMPROPER DEALINGS WITH RESPECT TO PUBLIC MONEY
- 7 UNETHICAL BEHAVIOUR

7 ORGANISATIONAL STRUCTURE



PPSA MANAGEMENT



Adv. Nelisiwe Nkabinde
Acting Chief Operations
Officer



Mr. Mfundo Mdingi
Chief Financial Officer




Mr. Gumbi Tyelela
Acting Executive Manager:
Corporate Services



Ms. Nthoriseng Motsitsi
Executive Manager:
Complaints & Stakeholder
Management




Adv. Elsabe de Waal
Acting Executive Manager:
Provincial Investigation &
Integration (Inland)




Adv. Deon Barnard
Executive Manager:
Provincial Investigation
& Integration (Coastal)



Ms. Ponatshego Mogaladi
Executive Manager:
Investigations




Mr. Vusumuzi Dlamini
Acting Executive Manager:
Investigations



Mr. Rodney Mataboge
Chief Investigator:
Investigations




Adv. Johann
Raubenheimer
Chief Investigator:
Investigations



Ms. Lesedi Sekele
Chief Investigator:
Investigations



Mr. Sello Mothupi
Chief Investigator:
Investigations



Mr. Baldwin Neshunzhi
Chief Investigator:
Investigations



Arius Dathi
Acting Chief Investigator:
Provincial Investigation and
Integration (Coastal)




Ms. Sibongile Lwana
Provincial Representative
Eastern Cape



Adv. Mlandeli Nkosi
Provincial Representative
KwaZulu-Natal



Mr. Mlungisi Khanya
Provincial Representative
Northern Cape



Mr. Mulao Lamula
Provincial Representative
Western Cape



Ms. Vanessa Mundree
Provincial Representative
Free State




Ms. Winnie Manyathela
Provincial Representative
Gauteng




Adv. Mashaba Matimolane
Provincial Representative
Limpopo




Mr. Botromia Sithole
Provincial Representative
Mpumalanga




Mr. Sechele Keebine
Provincial Representative
North West




Ms. Kgalalelo Masibi
Senior Manager:
Outreach




Mr. Ndili Msoki
Acting Spokesperson &
Acting Senior Manager:
Communications



Adv. Neels Van Der Merwe
Senior Manager:
Legal Services &
Knowledge Management




Mr. Amos Skosana
Senior Manager:
Security Management




Ms. Zoleka Mntuntum
Senior Manager:
Facilities Management




Mr. Hombisa Caleni
Senior Manager:
Information &
Communication Technology



Mr. Tshiamo Senosi
Senior Manager:
Budget and Payroll




Ms. Thabang Maswi
Senior Manager:
Supply Chain
Management



Mr. Khulong Seema
Senior Manager:
Internal Audit



Ms. Lethabo Mamabolo
Senior Manager:
Executive Support &
Acting Senior Manager:
Strategic Support



Mr. Futana Tebele
Acting Senior Manager:
Risk Management



PART B

PERFORMANCE INFORMATION



THE YEAR 2022/23 AT A GLANCE



R 377,928,000
TOTAL BUDGET



372
TOTAL FUNDED
POSTS



1,954
CASES
BROUGHT
FORWARD
2021/22

R357,928,000
BASELINE

R20,000,000
BAILOUT



7,518
CASES
HANDLED



5,233
NEW CASES



578
NO JURISDICTION
CASES



573
CASES REFERRED
TO OTHER
INSTITUTIONS



5,366
CASES
FINALISED



1,766
CASES CARRIED
OVER TO
2023/24



FOOTPRINT
1 NATIONAL
9 PROVINCIAL
6 REGIONAL



141
RADIO
INTERVIEWS



UNQUALIFIED
AUDIT OPINION
WITH MATERIAL
MISSTATEMENTS



AUDITOR GENERAL'S REPORT: PREDETERMINED OBJECTIVES

- 1.1 The AGSA audit of predetermined objectives for selected programmes 2 and 3 as presented in the annual performance report, was performed to determine whether the performance information was useful and reliable.

- 1.2 Refer to page 121 - 122 of the Report of the Auditors Report, published as Part F: Financial Information.

2

OVERVIEW OF INSTITUTIONAL PERFORMANCE

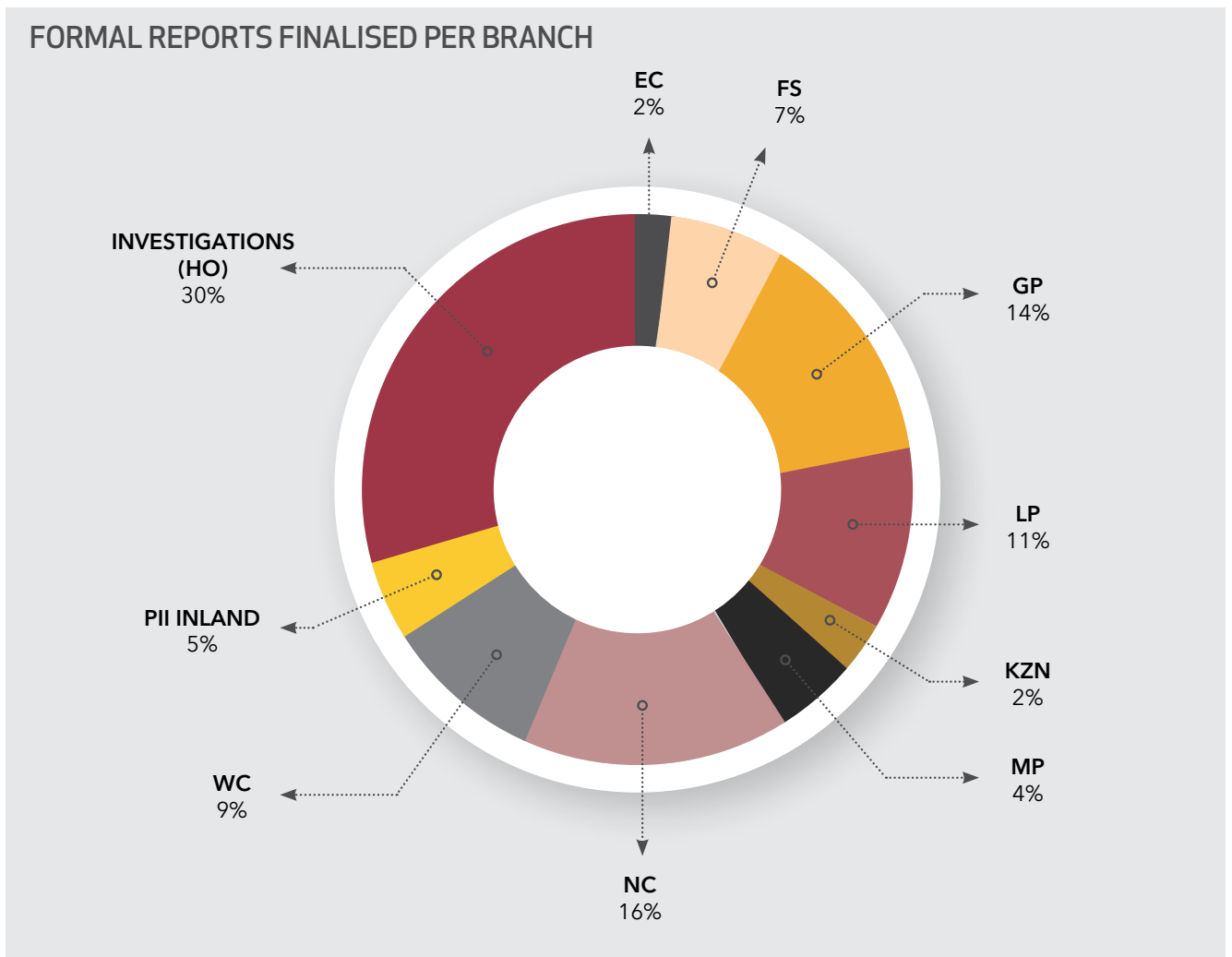
2.1 SERVICE DELIVERY ENVIRONMENT

During the period under review, the Institution operated in an arduous environment, however it continued to implement its mandate to support and strengthen constitutional democracy and only subject to the Constitution and the law.

Despite the demanding environment, the Institution successfully investigated maladministration and conduct failures in state affairs and/or public administration and issued reports with appropriate remedial action that

sought to promote accountability and sound governance practices.

In line with the Annual Performance Plan for 2022/ 2023, a total of 80 reports, including intervention letters, were signed and issued by the Public Protector and Acting Public Protector. Thirty nine (39) formal reports contained adverse findings and binding remedial action, where the allegations or complaint or part thereof was substantiated, translating to 49% of these reports. The following graph depicts the issued reports per business unit:



The above graph illustrates that Head Office accounts for 30% of all the issued reports. The rationale behind this is that Head Office investigates 90% of all maladministration, conduct failure and violation of the Executive Ethics Code cases and has more capacity than the provincial offices, whose focus is on service delivery cases.

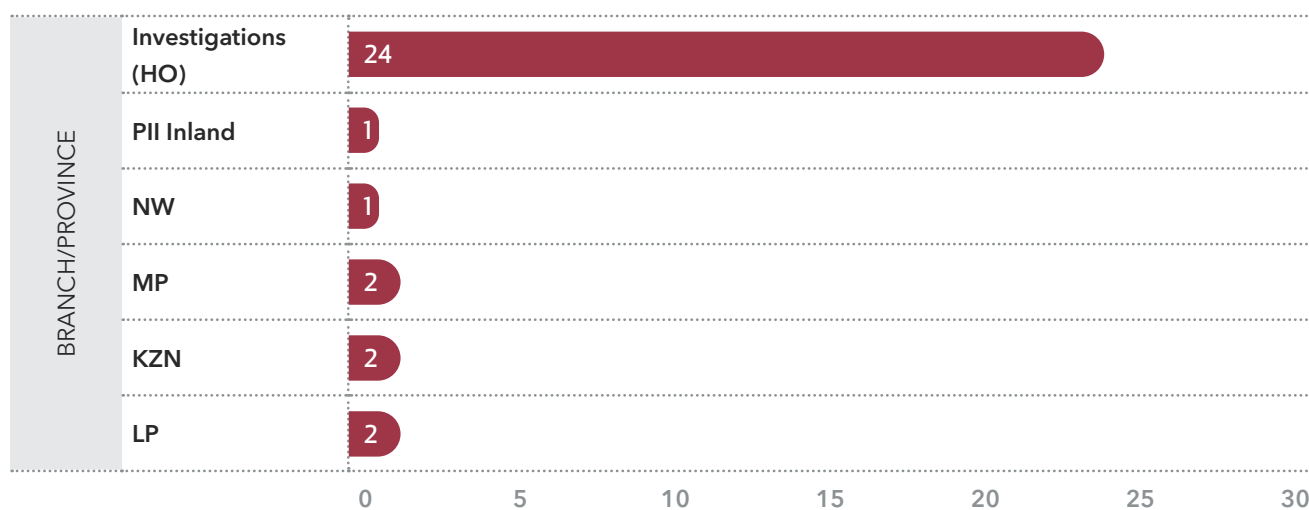
Four (4) advisory reports, which contained non-binding recommendations were issued, translating to 5% of the issued reports as reflected below:

ADVISORY REPORTS



A further 32 closing reports, which translates to 40% of the reports issued during the reporting period, were issued in instances where the investigation found the allegations to be unsubstantiated. These reports were preceded by communication to the complainant to afford the complainant an opportunity to provide any other information to further substantiate the allegation that was found to be unsubstantiated. The outcome of the investigation is further communicated to the complainant and the respondent. The following table illustrates the spread of the reports per business unit.

CLOSING REPORTS



INTERVENTION LETTERS



INVESTIGATIONS

(3) 60%

WC

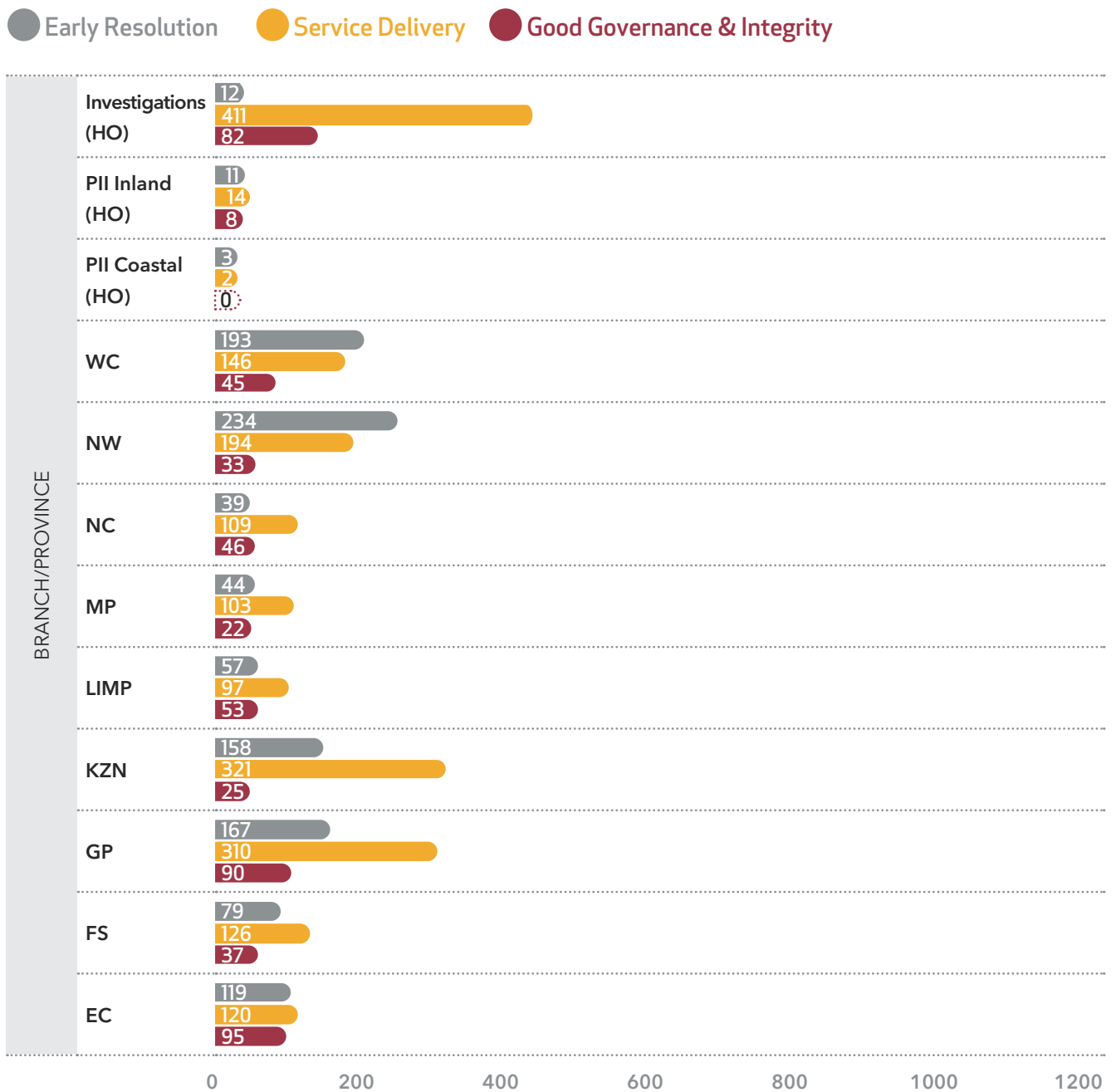
(2) 40%

Five (5) intervention letters were issued. These were issued where the complaints were resolved during the investigations as a result of the Public Protector’s intervention, which translated to 6% of the total reports issued during the year under review.

The finalisation of investigations within the prescribed turnaround times is paramount to reduce the prejudice suffered by the complainants as well as ensure prompt implementation of corrective action by respondents. The Institution has thus developed and implemented qualitative, quantitative, and time-bound service standards that are measured by adherence to turnaround times in finalising cases. Early Resolution cases are finalised within

6 months, service delivery cases within 12 months, while Good Governance and Integrity cases, which are complex, are finalised between 24 and 36 months. The Institution exceeded the set target of 80% and finalised 82% of investigations within the specified turnaround times. Below is a depiction of the cases and the turnaround times:

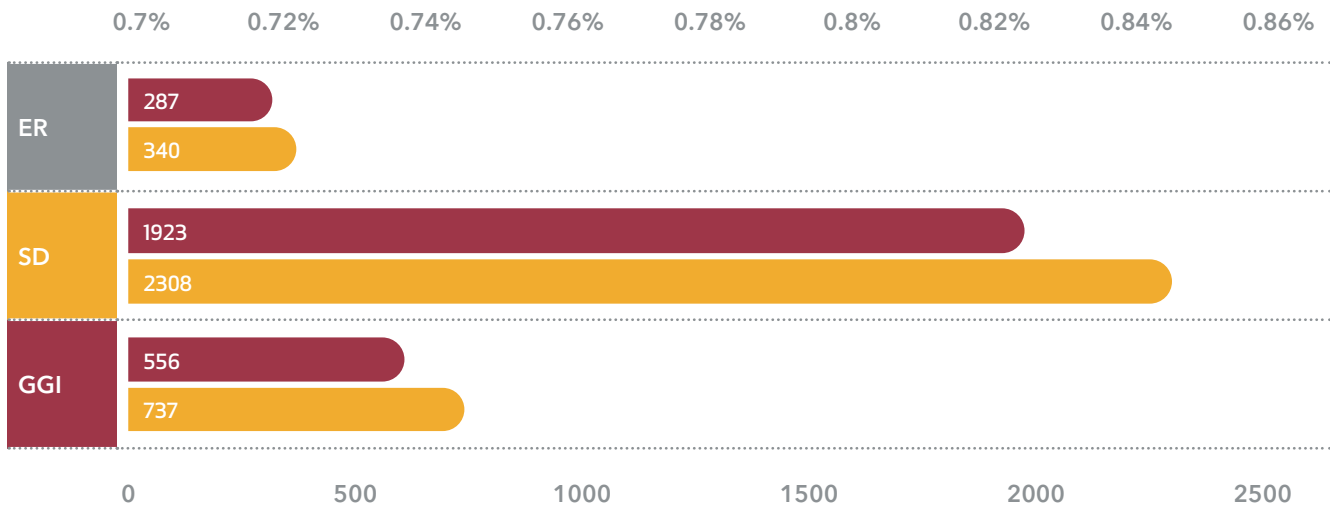
CASES RECEIVED PER OFFICE



TURNAROUND TIMES PER CLASSIFICATION

● Number of finalised cases within turnaround times

● Total number of cases finalised + active cases that have already exceeded their turnaround times



The Institution planned to finalise three (3) systemic investigations during the reporting period. These investigations focus on structural administrative deficiencies that affect a number of complainants or arise as a result of internal control deficiencies. The strategic focus areas for the 3 planned systemic investigations were:

- The Higher Education sector with a view of facilitating practical and sustainable solutions in resolving the difficulties hampering the realisation of the right to higher education in South Africa;
- The provision of essential services and basic infrastructure by the relevant organs of state to certain villages in the Eastern Cape Province and whether these services are delivered in a progressive and effective manner as contemplated in the Constitution, and
- Probe the Gender Based Violence (GBV) support system and child maintenance procedures in various magistrates' courts.

The Institution was not able to finalise these systemic investigations at the end of the reporting period due to the complexity of the investigations and extensive public consultations with various stakeholders, which resulted in the extension of the scope.

The implementation of remedial action is critical to measure the effectiveness of the reports issued by the Public Protector. The Institution has observed that over time, there has been a delay in the implementation

of remedial action taken. In this regard, the Institution planned to escalate this matter to the National Assembly through the provision of reports to enable it to exercise oversight over the implementation of remedial action by various state organs. To this end, quarterly reports were submitted to the Speaker, who subsequently referred the reports to the Leader of Government Business, the then Deputy President, Mr D.D. Mabuza, and requested him to facilitate monitoring of the implementation of remedial action by the Members of the Executive.

In line with its vision to reach out to all communities, the Institution continued to expand its reach through various means as outlined in its Integrated Stakeholder Management Strategy. To this end, the Institution utilised the commemoration of the five (5) national events and the Good Governance Week to engage its stakeholders. Radio was predominantly used as the most effective medium to reach a wider audience, which resulted in 141 public awareness sessions conducted. To promote advocacy at the grassroots level, the Institution entered into collaborations with 12 Community Based Organisations (CBO's) to access rural and far-flung areas to ensure access to its services and create awareness. The resumption of awareness-building outreach clinics by the Outreach Officers resulted in more collaborations with radio stations and receiving complaints through that platform.

The Institution further identified CBOs that will serve as its ambassadors to reach out to particular target groups, namely communities in far flung areas, the poorest of the

poor, rural communities and those in informal settlements. The intention was for the PPSA to partner with local organisations to ensure communication of the correct information to the communities in their own languages to enable them to lodge complaints against state organs that can be resolved by the Public Protector. The Institution further enhanced accessibility to its services by improving its complaints resolution systems and established relations with organs of state, namely the Department of Home Affairs, NSFAS, City of Tshwane, and GPAA to facilitate swift resolution of complaints.

The Institution concluded several MoUs with various state organs with a view to be more responsive to the needs of the communities, and the complainants. Areas of cooperation included, *inter alia*, sharing of information, sharing of resources, facilitation and resolution of complaints, assistance with the implementation of remedial action, and referral of cases that could best be resolved by other institutions. Collaboration with other institutions has resulted in cost savings in that some stakeholders use their platforms to raise awareness to communities on behalf of the Institution, while others provide training to PPSA staff at no cost.

The Institution observed an instance where complainants who lodged complaints in terms of EMEA (Executive Members Ethics Act) became impatient due to pressures and priorities determined by their own interests, including party political interests and exerted undue pressure on the Institution to finalise the investigation. This bordered on unlawful interference with the functioning of Institution in violation of the Constitution. As a result, the Institution had to utilise costly media advisories to educate all stakeholders on the investigation processes.

Furthermore, the Institution observed that certain clauses of the complaint form had to be reviewed because they may have created unintended expectations regarding the outcome of investigations. In some instances where the outcome was unfavourable to complainants, their persistence and reactions exceeded the limits of reasonable behaviour, which created serious risks to the Institution.

The Institution also observed that municipalities placed under administration and municipalities in coalition government or those with changes in leadership, made it difficult to obtain responses and documents, which delayed the finalisation of investigations as well as caused a repetition of processes all of which impacted on turnaround times. These changes had also, in some

instances, impacted on the implementation of remedial action to the detriment of the complainants.

In line with its mission, the Institution endeavours to improve service delivery and promote good governance in state affairs in all facets of its work. This includes encouraging organs of state to implement corrective action to address the weaknesses in their internal systems of control, which are normally the cause of the complaints. The Institution has noted with concern that in most instances, respondents only take action on conclusion of the investigation and receipt of the report. This is not the desired state of affairs as the ideal would be to immediately correct the identified weaknesses to improve the internal controls.

Despite the challenge mentioned in the paragraph above, it will be remiss of the Institution not to acknowledge the efforts and responsiveness displayed by some respondents, who promptly implemented corrective action on receipt of the allegations. A case in point is a matter of Patient X against Stellenbosch Hospital, which the Institution investigated as an own initiative investigation subsequent to the a media report of 30 September 2021 regarding the sexual assault of a 15 year old by a fellow patient in a Psychiatric Ward at the Hospital.

The HoD of the Western Cape Department of Health, on receipt of the allegations letter, immediately commenced with the process to implement corrective action and applied consequence management against the Department's officials who failed to manage the situation in a manner that was expected of them as health professionals. Furthermore, while the investigation was in progress, the Department put measures in place to mitigate the risk of future recurrence of similar or related events, which included the development of a Standard Operating Procedure (SOP) and the training of staff, refurbishment of the Psychiatric Ward to ensure that it conforms to the guidelines regulating the admission of mental health care patients and the deployment of security personnel at the Ward. The investigation team conducted an inspection *in loco* in December 2022 and confirmed the steps taken to prevent similar incidents.

The corrective action taken by the Department prior to the finalisation of the investigation of the complaint is the desired state of affairs. At the time when the investigation was concluded, the Department had assessed its risk and implemented measures to improve its internal controls as opposed to waiting for the final report, which could have been issued after yet another incident.

During the period under review, the Institution fostered a collaborative relationship with the Gauteng Office of the Premier. The aim was to improve existing government systems and processes in addressing challenges faced by Gauteng communities and improving responsiveness by Gauteng government departments and entities on investigations conducted by the Public Protector. The areas of cooperation, included amongst others, sharing of information and resources, referral of complaints by the Institution to the Premier's Office and benchmarking on best practices.

In accordance with the provisions of the MoU, the Institution submitted quarterly reports of complaints against the Gauteng government departments and entities to the Premier's Office. The Premier's Office monitored the cooperation and responses of the departments and entities with the view of expediting the resolution of complaints referred to them by the Institution.

To demonstrate its commitment to cooperate with the Institution, the Premier's Office initiated monthly meetings with the Institution wherein departments and entities presented their reports on progress made on matters referred to their respective institutions. Progress with implementation of remedial action formed part of the quarterly reports by the departments to the Premier.

This collaboration with the Premier's Office resulted in the speedy resolution of complaints against Gauteng Government Provincial Departments and entities. The province recorded the highest number of implemented remedial action, which is commendable.

2.2 ORGANISATIONAL ENVIRONMENT

Upon the suspension of the Public Protector on 9 June 2022, the Institution realigned itself to ensure continuity of operations. The Parliamentary Committee for the Section 194 enquiry for the removal of the Head of the Chapter 9 Institution is an unprecedented process, which had the potential to negatively impact on the Institution's operations.

The Institution continued to implement its constitutional mandate under the stewardship of the Deputy Public Protector (DPP), whom the President had appointed to act as the Public Protector. The effect of the Section 194 process was an increase in the administrative and financial

demands on the Institution, which were neither planned nor budgeted for.

The additional financial burden on the Institution resulted in the depletion of the allocated Legal Services budget, which required the Institution to approach both the DoJ&CD and National Treasury (NT) for additional funding to cover the legal and related costs associated with the Enquiry.

The DoJ&CD provided an additional R20 million and NT granted the Institution approval to utilise a portion of the retained surplus to fund the legal fees.

The retirement of the Executive Manager: PII Coastal and the resignation of the Chief Financial Officer at the end of May and June 2022 respectively had minimal impact on operations, as acting arrangements were made internally to continue with operations.

The Chief Operations Officer's (COO) post had been vacant for the 2021/22 financial year since the incumbent vacated the post at the end of September 2021. Though this was the case, acting arrangements were made internally to oversee the operations under Investigations and Stakeholder Management.

The delay in filling the COO's post was deliberate pending the finalisation of the workstudy investigation that was underway during the reporting period, which reviewed amongst others, the job profile of the COO to ensure that skills requirements are appropriate to identify a suitable candidate.

The Institution was also successful in filling the post of the Chief Financial Officer (CFO), with effect from March 2023, as well as the post of the Executive Manager, PII Coastal in November 2022.

The Institution further successfully finalised and submitted the Annual Financial Statements (AFS) and Annual Performance Report (APR) on the regulated date, to enable an independent audit by the AGSA. The audit outcome was that the financial statements fairly represented the financial position of the Institution. However, the Institution received an unqualified audit opinion with findings, as opposed to a clean audit outcome attained in the previous financial year.

The regression was as a result of non-compliance with rotation to select legal representatives from the already procured panel. In addition, the AGSA did not identify any

material findings on the reported performance information for the selected programmes.

The Case Management System (CMS) was also finalised during the financial year under review, which resolved the burden of the cumbersome manual system to manage and account for reported cases. The transition from the manual to the automated case management system was a success due to the implementation of change management, upskilling and training of all affected employees.

The challenge for the Institution is the continued use of various systems to support its corporate functions such as human resources, finance and supply chain management. The challenge is that these systems are not integrated, a situation that undermines the integrity of the data, over and above being costly.

The Institution has commenced a process to replace all individual systems through the deployment of an Enterprise Resource Planning (ERP) to ensure availability of accurate real time information to enable informed decision making. This will be done in phases, starting with integrating Finance, Human Resources and Supply Chain Management. The ultimate objective is to integrate all systems to ensure efficiency.

The Institution demonstrated perseverance, tenacity and resilience, while pursuing its vision and mission under challenging circumstances. The achievements bolstered our continued efforts to improve service delivery to all in South Africa.

2.3 KEY POLICY DEVELOPMENTS AND LEGISLATIVE CHANGES

During the period under review, there were no new developments in relation to jurisprudence emanating from court judgments and litigation involving the Institution.



PROGRESS TOWARDS ACHIEVEMENT OF INSTITUTIONAL IMPACTS AND OUTCOMES

3.1 OUTCOME: CLEAN AUDIT ACHIEVED AND MAINTAINED

Reference is made to paragraph 7, 19, 26 and 27 of the audit report. During the 2022/23 financial year, the Institution received an unqualified audit opinion with material adjustments to the AFS related to the expenditure on legal and related costs that the AGSA determined was irregular.

The Institution established a panel of legal service providers and complied with the legal prescripts applicable at the time. However, the criteria for appointing suppliers from the panel appointed in November 2022 (whose term ends in November 2023) were not adequately specified in the Terms of Reference (TORs). The criteria applied and preference points awarded were not documented on appointment of each panel member resulting in the auditors' inability to conclude that appointments therefrom were fair, equitable, transparent and competitive.

The Terms of Reference for a new panel that will be appointed in November 2023 will specify the exact criteria to be followed including the calculation of preference points. The SCM unit will verify that the criteria is consistently applied with further verification by the Finance Unit, prior to effecting payments.

3.2 OUTCOME: IMPLEMENTATION OF ICT SYSTEMS TO OPTIMALLY SUPPORT BUSINESS OBJECTIVES

The Institution implemented its CMS during the period under review wherein the automated system was rolled out to all the Institution's offices and all end-users were trained. The Institution aims to digitise its services through insourcing, developing and owning the products, which will be used to enhance and improve business processes and the services rendered to the people of South Africa.

The implementation of the CMS is a step in the right direction; the product was developed internally, is owned by the Institution and is maintained internally by the ICT

unit. The system has been useful in improving business processes through digital uploads, increased and rapid accessibility to case files and data security of digital content. It enables the Institution to provide quick and accurate updates to complainants regarding progress with the investigation of their complaints.

The Mobile Referral Application (MRA), which enables a sector of community members who wish to either report malfeasance in state affairs, or express their dissatisfaction with the delay in service provision or the conduct of state functionaries, was developed and implemented. The MRA was and continues to be instrumental in directing complaints to the most appropriate state institution to resolve their complaints.

The Institution is in the process of developing and deploying a "Call Back" service for members of the public who do not have smart phones and/or sufficient airtime to make calls or send text messages on their mobile phones.

Furthermore, drop boxes were placed at various strategic points across the country to enable communities to lodge their complaints with the Institution. The drop boxes catered for communities who reside in areas where the Institution is not represented.

These measures contribute to building the capacity of the state to effectively respond to the needs of the communities.

3.3 OUTCOME: SUCCESSFUL RESOLUTION OF COMPLAINTS

The Institution received a total of 5 366 cases, and 5 233 of these were finalised, followed by the issuing of different types of reports. Eighty (80) of these reports were signed by the Public Protector in the first quarter and later by the Acting Public Protector for the remainder of the financial year. The table below provides a breakdown of these cases:

Branch	Brought forward from 2021/22	Received			Total Workload	Internal Transfers		Finalised				Carried over to March 2023
		Within jurisdiction	No jurisdiction	Total received		Received	Sent out	Jurisdiction	No jurisdiction	Referral to other bodies	Total finalised	
Investigations	483	511	6	517	1064	64	17	652	3	14	669	378
PII (Inland)	12	33	6	39	51	0	1	30	1	0	31	19
PII (Coastal)	3	7	0	7	10	0	0	6	3	0	6	4
Eastern Cape	196	438	114	552	814	66	29	471	71	71	613	172
Free State	170	261	162	423	651	58	92	280	66	79	425	134
Gauteng	85	426	286	712	801	4	24	272	102	165	589	188
Kwazulu-Natal	142	531	98	629	787	16	34	483	100	48	631	122
Limpopo	100	379	40	419	534	15	5	384	47	24	455	74
Mpumalanga	101	250	9	259	368	8	47	172	17	14	203	118
Northern Cape	145	261	8	269	467	53	48	226	6	8	240	179
North West	194	629	180	809	1 038	35	38	690	69	92	836	164
Western Cape	323	534	64	598	933	12	51	549	93	58	700	182

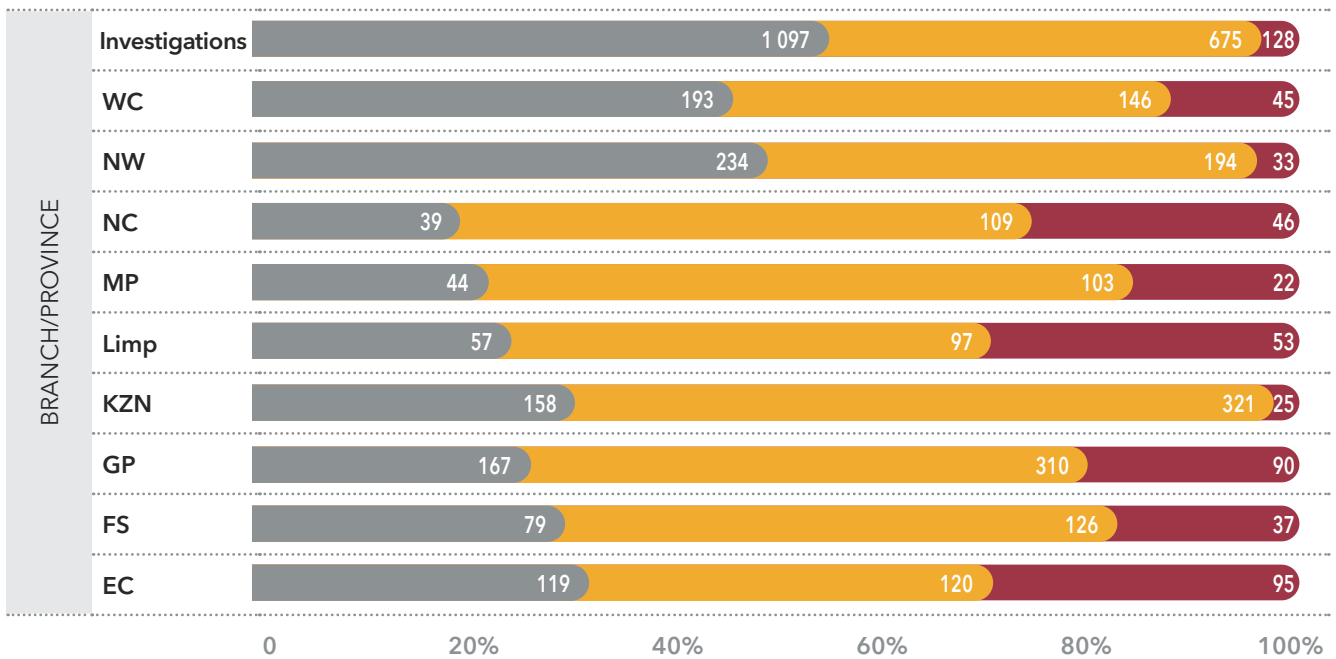
The above cases were finalised under the following circumstances:

- (a) If the case was resolved by means of mediation, conciliation or negotiation provided for in section 6(4)(b)(i) of the Act, and a settlement agreement has been signed by both parties;
- (b) When the Public Protector reports his or her findings, point of view or directions in respect of an investigation to the complainant and the state institution concerned in terms of section 8(1) of the Act; or
- (c) When the Public Protector submits a report to Parliament on the findings of a particular investigation in terms of section 8(2)(b) of the Act and section 182(1)(c) of the Constitution

Cases received and investigated by the Institution are classified as Early Resolution (ER), Service Delivery (SD), Good Governance and Integrity (GGI) and GGI Very Complex.

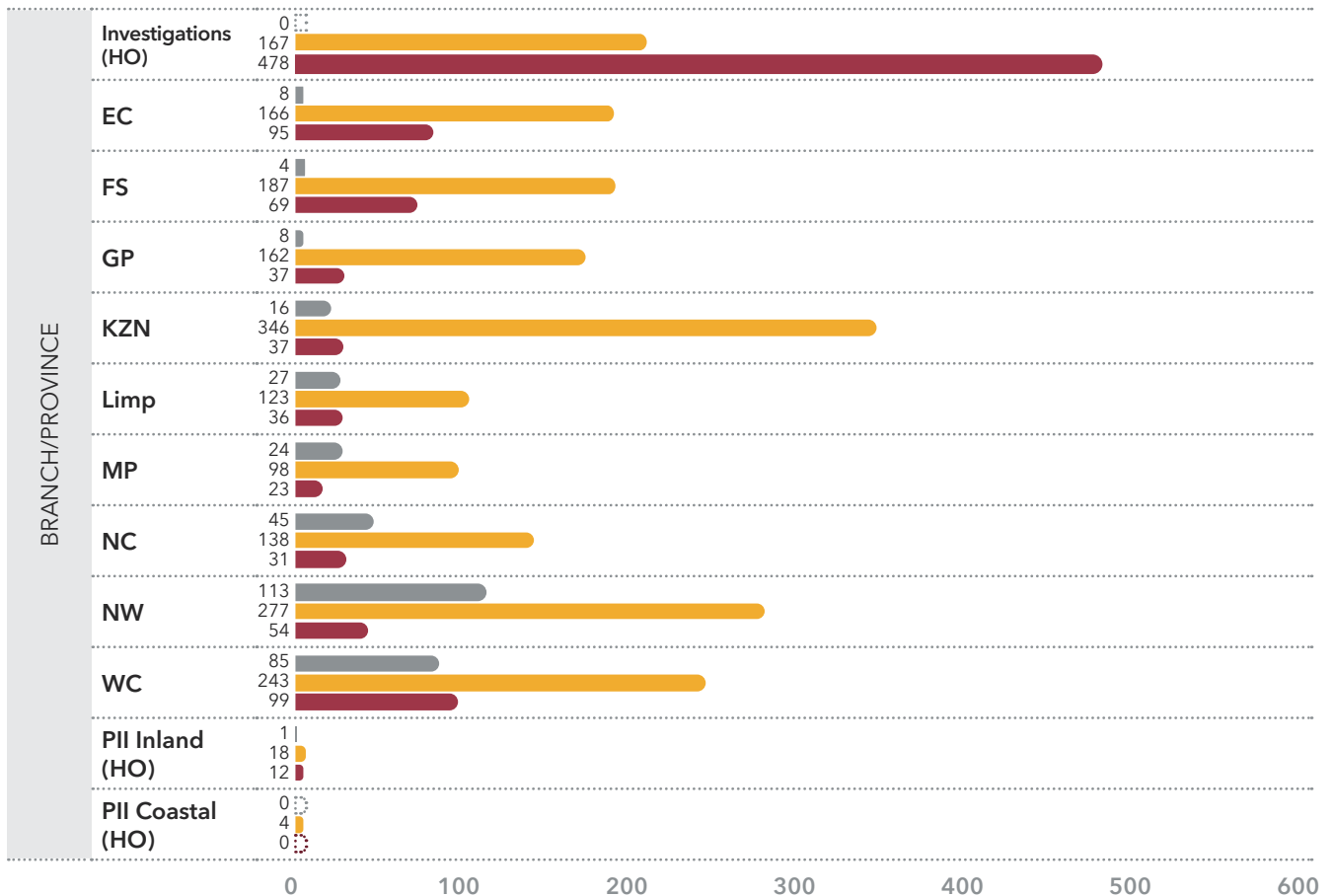
CASES RECEIVED PER OFFICE

● Early Resolution ● Service Delivery ● Good Governance & Integrity



FINALISED CASES PER OFFICE

● Early Resolution ● Service Delivery ● Good Governance & Integrity



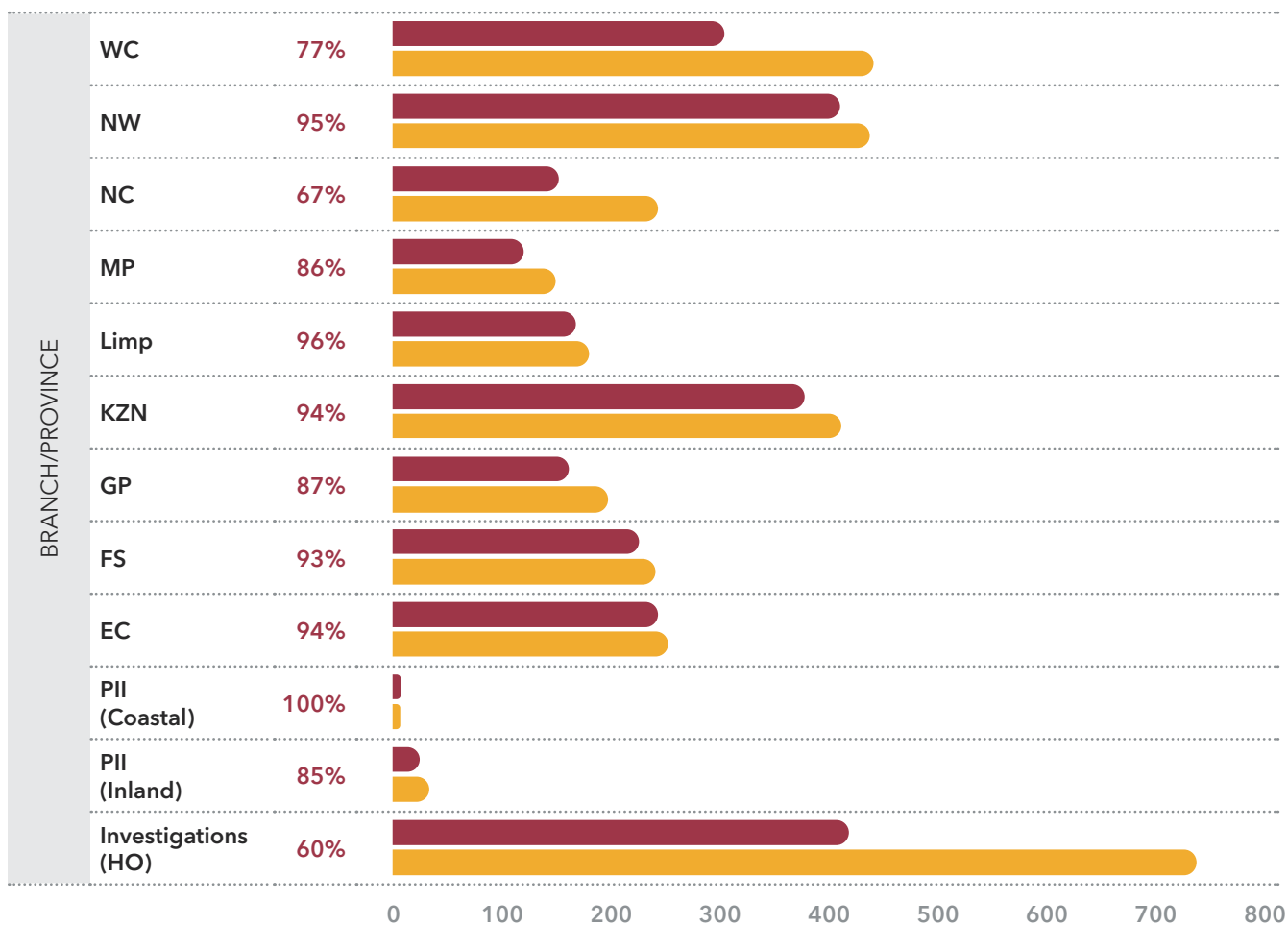
The Institution continues to ensure the successful resolution of cases with specific time-frames classified in terms of Early Resolution, Service Delivery, Good Governance and Integrity and Complex cases. This was achieved through pre-determined targets relating to cases finalised by means of investigations, and 80 reports were finalised. The

Institution further managed to finalise 82% of cases with turnaround times prescribed by classification policy and service standards, against the set target of 80%. The table below illustrates the performance of each office against the pre-determined targets:

2022/23 TURNAROUND TIMES

● Number of finalised cases within turnaround times

● Total number of cases finalised + active cases that have already exceeded their turnaround times



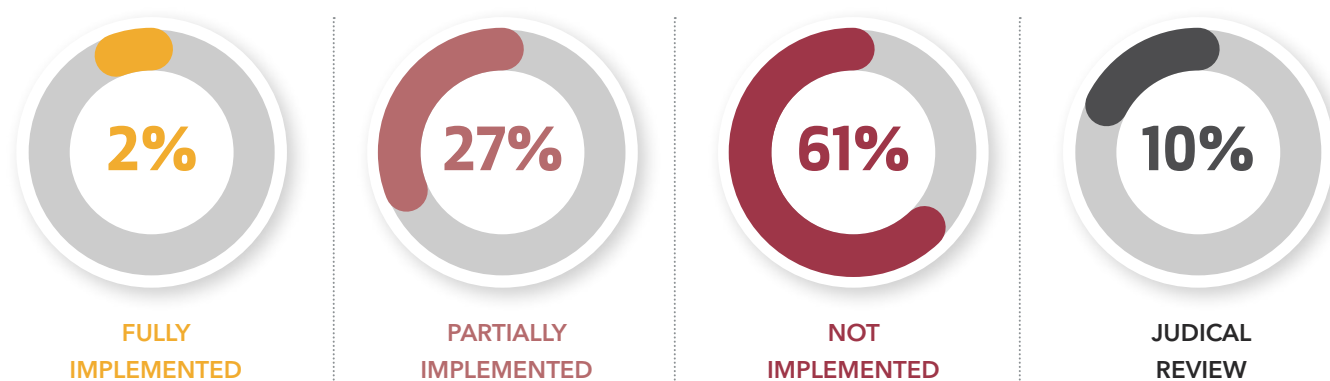
Successful resolution of complaints was further expressed through bilateral dialogues and meetings held between the Institution and identified organs of state wherein systemic challenges identified by the Institution were discussed. These dialogues were meant to resolve the identified systemic challenges and prevent recurrence. Twelve (12) bilateral dialogues were held, against a planned target of 10. The dialogues were useful to share information and best practice from other institutions and encourage the organs of state to self-assess and deploy strategies to prevent recurrence of complaints. In some instances, the dialogues resulted in the Institution assisting other organs of state to establish their own complaints/dispute resolution mechanisms. This assisted when the

Institution referred complainants back to these organs of state as a dedicated individual would have been identified to address all the referrals.

Formal reports issued by the Institution contain remedial action which is binding unless set aside by the courts. The implementation of remedial action is critical to measure the impact of the work of the Institution.

During the reporting period, the Institution monitored and analysed the progress with the implementation of remedial action taken by the Public Protector as depicted in the table below:

FY 2022/23



The above graph indicates that 61% of remedial action were not implemented, 27% were partially implemented, and only 2% was implemented, with 10% of the reports taken on judicial review. The table below outlines the status of the remedial action:

	Q1	Q2	Q3	Q4	TOTAL	%
Fully Implemented	1	1	3	3	8	2
Partially Implemented	24	27	28	28	107	27
Not Implemented	55	56	63	68	242	61
Judicial Review	9	11	10	10	40	10
TOTAL	89	95	104	109	397	100

3.4 OUTCOME: ACCESSIBLE PPSA SERVICES

The Institution approved an Integrated Access and Stakeholder Management Strategy which outlines broad focus areas on how to make the Institution accessible and manage stakeholders effectively. During the financial year under review, 141 activities on the implementation plan were executed in an effort to ensure that Public Protector services are accessible to all communities, especially the poor and marginalised.

The Institution used a number of techniques to reach out to communities and to engage with key stakeholders. The use of radio to educate, raise awareness, share information about services and create a platform for communities to lodge complaints proved to be the most effective access point. To illustrate the efficacy of the radio interviews, the current systemic investigation in the Eastern Cape is a result of a radio interview with the Acting Public Protector.

INTEGRATED STAKEHOLDER MANAGEMENT STRATEGY



The Institution's services are provided on a need basis as complainants approach the office as and when in need. The Institution also identifies areas of intervention based on interaction with stakeholders. During the reporting period the Institution identified systemic challenges regarding access to and payment of maintenance, as well as gender-based violence. This resulted in the initiation of systemic investigations to identify the root cause of these systemic challenges.

The Institution is also mindful of the fact that some vulnerable groups, such as people with disabilities and women from rural communities have difficulty accessing its services. In this regard, the Institution identified Community-Based Organisations (CBOs), as well as Traditional Leaders that could assist the vulnerable groups to access Public Protector services. A total of 12 MoU's were signed with CBO's, and plans are in place to sign MoU's with Traditional Leaders.

The challenge regarding partnerships with NGO's and Traditional Leaders, is in most instances, their lack of

resources (tools of trade) to effectively support their communities.

Through the roadshows, the Institution engaged with the Provincial Speakers, Premiers and MECs in a number of provinces to bring the challenges to their attention and share possible remedies.

EXECUTIVE AUTHORITY ROAD SHOWS:

STAKEHOLDER ENGAGEMENT

Every year, the Public Protector embarks on roadshows as part of connecting with the stakeholders, including the representatives of communities. During the year under review, the Acting Public Protector and Public Protector Team visited a number of provinces to engage with key stakeholders at various levels. The roadshows also included inspections *in loco* in various communities to assess the level of service provision in those communities. The following represents a summary of the roadshows undertaken during the reporting period:

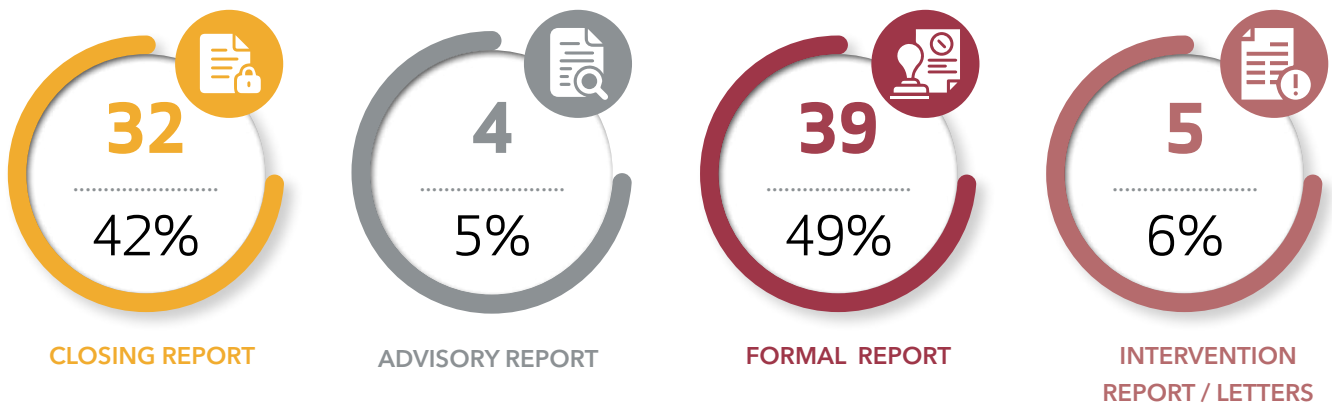
AREA VISITED	STAKEHOLDER	DATE	ISSUES RAISED/ DISCUSSED
EASTERN CAPE			
Loyiso High School, Mount Frere	Alfred Nzo District Municipality EC Premier Acting Head of Department of Education	24 October 2022	Overcrowding at Loyiso High School and dilapidated school building.

AREA VISITED	STAKEHOLDER	DATE	ISSUES RAISED/ DISCUSSED
Maritseng RDP Project (Matatiele)	Matatiele Local Municipality Ntabankulu Local Municipality EC Department of Human Settlements Local Government Heads	24 October 2022	Maritseng 1 500 project where 1 500 units were supposed to be built by the construction company that was appointed by EC Department of Human Settlements, but only 1000 units were built. Issues of service delivery and possible remedial action for systemic investigation conducted in the province.
	EC Council of Churches	01 March 2023	Collaboration and issues affecting communities especially the destitute and youth in terms of constitutional rights.
	The Speaker of the EC Provincial Legislature	02 March 2023	Collaboration and briefing about systemic investigation on service delivery in the province affecting several municipalities and departments, as well as possible remedial actions.
KWAZULU-NATAL			
Glebelands Hostel in Umlazi	Speaker of KZN Legislature Premier of KwaZulu-Natal Mayor of eThekweni	16 March 2023	Poor conditions of the Glebelands hostel.
		17 March 2023	Signing of the Memorandum of Understanding with Speaker of the KZN Legislature
WESTERN CAPE			
Khayelitsha Hospital	Hospital CEO Chairperson and Deputy Chairperson of the Board Acting HOD of the Department of Health	18 April 2023	Overcrowding in the hospital particularly in the casualty /emergency ward. Mixing of gender of mental health care patients; Staffing capacity; Employee wellness of hospital staff; Medicine dispensation and Overcrowding of asthma patients








AREA VISITED	STAKEHOLDER	DATE	ISSUES RAISED/ DISCUSSED
	Mayor of Cape Town	19 April 2023	<p>Service delivery at Langa, Khayelitsha;</p> <p>Reporting of complaints by residents;</p> <p>Progress on fixing issues reported during the previous roadshow;</p> <p>Complaints handling mechanism of the City and strengthening of relations.</p>
Khayelitsha Hospital	<p>Acting Premier of Western Cape</p> <p>Director-General</p> <p>Heads of Department</p>	19 April 2023	<p>Signing of the Memorandum of understanding to strengthen relations;</p> <p>Responsiveness and cooperation of departments with Public Protector investigations.</p> <p>Intervention and assistance in following up on the implementation of remedial action; and</p> <p>Complaints received against provincial departments and entities.</p>
	Speaker of Provincial Legislature	20 April 2023	<p>Signing of the Memorandum of Understanding to strengthen relations;</p> <p>Intervention and assistance in following up implementation of remedial action.</p>
Mitchells Plain	Mitchells Plain Community Leaders	20 April 2023	<p>Complaints about challenges experienced by residents from organs of state;</p> <p>Abuse of drugs, crime and poor service delivery by departments, for example SASSA, Department of Health in relation to clinics;</p> <p>Poor service by SAPS to fight crime and</p> <p>Lack of housing opportunities</p>








4 SUMMARY OF INVESTIGATION WORK IN THE 2022/23 FINANCIAL YEAR







4.1 PUBLIC PROTECTOR SOUTH AFRICA REPORTS AND OTHER PUBLICATIONS 2022/23















TOTAL REPORTS 80 (100%)








NO	ISBN	TITLE	UNIT	DATE SIGNED
Quarter 1: Investigation Reports Finalised (April, May, June)				
105	978-1-998955-67-1 2021/22 FY	Report on an investigation into allegations of failure by the former member of the Kwazulu-Natal Executive Council for Human Settlements and Public Works, Ms P Nkonyeni to comply with the provisions of the Rental Housing Act, 1999 in the appointment of the members of the Kwazulu-Natal Rental Housing Tribunal.	Anonymous PII Coastal:KZN 	2022/04/29
01	978-1-998969-03-6	Closing report into allegations of maladministration and improper conduct relating to the failure by the Public Investment Corporation (SOC) Limited to conduct due diligence prior to providing funding associated with the Daybreak Farms (Pty) limited transaction.	Mahlangu Investigations: GGI 	2022/04/29
02	978-1-998969-04-3	Report on an own initiative investigation into allegations of maladministration, procurement irregularities and nepotism in the awarding of tenders for the supply and delivery of Personal Protective Equipment by the Limpopo Department of Health.	Own initiative: PPE PII Inland: LP 	2022/04/29
03	978-1-998969-05-0	Report on an investigation into allegations of undue delay and maladministration by the City of Johannesburg and its Ombudsman to resolve an irregular billing complaint by Mr Freddy Nyathela.	Nyathela PII Inland: GP 	2022/04/29
04	978-1-998969-06-7	Report on an investigation into allegations of maladministration and improper conduct relating to irregular procurement processes by the South African Revenue Services (SARS) in the appointment of Budge, Barone & Dominick (Pty) Ltd (BB&D) and continued extension of the same contract.	Manyi Investigations:GGI 	2022/04/29
05	978-1-998969-07-4	Report on an investigation into allegations of maladministration in the termination of a contract and the failure by Pelchem to pay for services rendered by Lebitso Consulting Services.	Motaung PII Inland:GP 	2022/04/29
06	978-1-998969-08-1	Closing report on an investigation into allegations of the irregular appointment of Mr SE Mphahlele to the position of Chief Executive Officer by the Department of Health at the WF Knobel Hospital.	Knobel PII Inland:LP 	2022/04/29








NO	ISBN	TITLE	UNIT	DATE SIGNED
07	978-1-998969-09-8	Report on an investigation into allegations of occupational detriment and victimisation of whistleblower, the late Ms I Wilkinson leading to her dismissal by the City of Joburg.	Wilkinson Investigations: GGI 	2022/04/29
08	978-1-998969-10-4	Report of an investigation into allegations of improper conduct and maladministration against the Special Pensions Appeals Board regarding the termination of the special pension of Mr M.R Sonto.	Sonto PII Coastal: WC 	2022/04/29
09	978-1-998969-11-1	Report on an investigation into allegations of maladministration and undue delay by the State Security Agency relating to the failure to effect payment to Ms Human (the complainant) of her salary and benefits whilst the outcome of her appeal was pending with the former Minister of State Security and the undue delay to deal with the appeal against her dismissal.	Human Investigations: AJSD 	2022/04/29
10	978-1-998969-12-8	Report on an investigation into allegations of failure by the East London Justice Centre of Legal Aid South Africa to defend Mrs Ntombekhaya Neti in divorce proceedings against her ex-husband, Mr Makhaya Neti in the East London Regional Court on 7 November 2012.	Neti PII Coastal: EC 	2022/05/31
11	978-1-998969-13-5	Report on an investigation into allegations of misuse of public funds allocated by Parliament as Political Party allowance by the member of Parliament (MP) Ms Pemmy Majodina, during the award of the Personal Protective Equipment (PPE) tender to her son's Private Company.	Dirks Investigations:GGI 	2022/05/31
12	978-1-998969-14-2	Advisory report on an investigation into allegations of an undue delay and maladministration by the Government Pensions Administration Agency (GPAA) to obtain the correct tax directive in respect of Mr Casper Buyaphi Mnisi.	Mnisi PII Inland: MP 	2022/05/31
13	978-1-998969-15-9	Advisory report on an own initiative investigation into the dispute at Mokibe Primary School between the Department of Education and the Manala Mgibe Community pertaining to the relocation of learners.	Mokibe PII Inland: MP 	2022/05/31








NO	ISBN	TITLE	UNIT	DATE SIGNED
14	978-1-998969-16-6	Closing Report on an investigation into allegations of maladministration and improper conduct in connection with the imparting or communicating of information regarding pending judicial proceedings by a member of either the Administration or the Judiciary in the Constitutional Court, prior to the official and public release of such information.	Own Initiative Investigations:GGI 	2022/05/31
15	978-1-998969-17-3	Investigation into allegations that officials of the South African Reserve Bank, Drs Rashad Cassim and Christopher Loewald, abused their power and victimised Dr Eliphas Ndou through performance appraisals processes resulting into improper prejudice to Dr Eliphas Ndou.	Ndou Investigations: GGI 	2022/06/30
16	978-1-998969-18-0	Report on an investigation into allegations of undue delay and/or failure by the South African National Defence Force to implement the recommendations of the South African Military Ombud (report 07 of 2019) in the matter of Mr Welile Ntozini	Ntozini PII Inland:HO 	2022/06/30
Quarter 2: Investigation Reports Finalised (July, August, September)				
17	978-1-998969-20-3	Report on an investigation into allegations of improper conduct and maladministration relating to the failure by the Sol Plaatje Municipality to take action to stop the constant sewerage spillage at Tebogo Maseng street, Kagisho, Galeshewe, in Kimberley.	Anonymous (Johnson) PII Coastal: NC 	2022/09/30
18	978-1-998969-21-0	Closing report on an investigation into allegations of irregular payment of remuneration and failure to register the complainant on the persal system by the Mpumalanga Department of Health.	Mabuza PII Inland: MP 	2022/09/30
19	978-1-998969-22-7	Closing report on an investigation into allegations of abuse or unjustifiable exercise of power and improper conduct by members of the Directorate for Priority Crimes Investigations (DPCI).	DIA Investigations: GGI 	2022/09/18







NO	ISBN	TITLE	UNIT	DATE SIGNED
20	978-1-998969-23-4	Report on an investigation into allegations of improper conduct and maladministration by the City of Cape Town with regard to the handling of an application for the disposal of the Salt River Market site for social housing.	Herron PII Coastal: WC 	2022/09/20
21	978-1-998969-24-1	Closing report on an investigation into allegations of improper use of the portions of the land belonging to Halkirk Farm (Pty) Ltd and the improper securing of an expropriation order by the eThekweni Municipality.	Mowat PII Coastal: KZN 	2022/09/30
22	978-1-998969-25-8	Report on an investigation into allegations of undue delay to resolve a complaint regarding illegal rooms and spillage from an illegal structure from the complainant's neighbour at plot 163, Randfontein by the Rand West City Local Municipality.	Makhani PII Inland: GP 	2022/09/30
23	978-1-998969-26-5	Report on an investigation into allegations of improper conduct and maladministration relating to the former Minister of Defence and Military Veterans, Ms Nosiviwe Mapisa-Nqakula's official trip to Zimbabwe in September 2020.	Zungula Investigations: GGI 	2022/09/30
24	978-1-998969-27-2	Closing report on an investigation into allegations of undue delay by the State Security Agency to pay Alternative African Institute for services rendered.	Masutha Investigations: GGI 	2022/09/30
25	978-1-998969-28-9	Report on an investigation into allegations of violation of the Executive Ethics Code Promulgated in terms of section 2(1) of the Executive Members' Ethics Act, 1998 by the Minister of Public Enterprises, Mr Pravin Gordhan with regard to the irregular appointment of Ms Borotho and the appointment of Abacus Financial Crime Advisory to investigate public servants suspected of leaking information about the appointment of Ms Borotho.	Shivambu Investigations: GGI 	2022/09/30

NO	ISBN	TITLE	UNIT	DATE SIGNED
26	978-1-998969-28-9	Report on an investigation into allegations of improper conduct and maladministration, by members of the Bid Evaluation Committee and Bid Adjudication Committee of the South African Social Security Agency (SASSA) who evaluated and adjudicated Bid No. SASSA: 40/15/BT-Head Office and Bid No. SASSA: 42/15/GA-Mikondzo as well as the then Acting Chief Executive Officer (CEO) who approved the award.	Msibi Investigations: GGI 	2022/09/30
27	978-1-998969-28-9	Closing report on an investigation into allegations of improper conduct, abuse of power and maladministration by the officials of the GEP, the former acting Chief Executive Officer (ACEO), Ms Leah Manenzhe (Ms Manenzhe), and the GEP Board of Directors (GEP Board).	Moyo Investigations: GGI 	2022/09/30
28	978-1-998969-29-6	Closing report on an investigation into allegations of various instances of maladministration, abuse of power and/or improper conduct by the former Chairperson of the National Energy Regulator of South Africa's (NERSA) Board of Directors, Mr Jacob Modise (Mr Modise), and the former Chief Executive Officer (CEO) of NERSA, Mr Christopher Forlee (Mr Forlee).	NERSA/Ndaba Investigations: GGI 	2022/09/30
29	978-1-998969-30-2	Report on an investigation into allegations of undue delay and maladministration by the Commission on Restitution of Land Rights to finalise a land claim in respect of farm Hartebeestfontein 339 JS in the Mpumalanga Province.	Masilela Investigations: GGI 	2022/09/30
30	978-1-998969-31-9	Report on an investigation into allegations of maladministration, corruption, fraud and irregularities in connection with the acquisition, transfer and utilisation of land, livestock and assets under the Land Tenant and Labour Tenure Act by the Department of Rural Development and Land Reform.	Anonymous (DRLLD) Investigations: GGI 	2022/09/30
31	978-1-998969-32-6	Report on an investigation into allegations of improper conduct and/or maladministration in the funding application made by Indiafrec Trade & Invest (PTY) Ltd to the Public Investment Corporation.	Maynier Investigation: AJSD 	2022/09/30








NO	ISBN	TITLE	UNIT	DATE SIGNED
32	978-1-998969-33-3	Closing report on an investigation into alleged maladministration, fraud, corruption, mismanagement and abuse of departmental funds by the Office of the Chief Justice.	Anonymous (OCJ) Investigations:GGI 	2022/09/30
33	978-1-998969-34-0	Report on an investigation into allegations of maladministration and undue delay by the Limpopo Department of Cooperative Governance, Human Settlement and Traditional Affairs to build an RDP house for Ms Annah Maletjatji Lewele.	Lewele PII Inland:LP 	2022/09/30
34	978-1-998969-35-7	Report on an investigation into allegations of maladministration and irregularities associated with the procurement of unauthorised medicines from Cuba by the Department of Defence.	Francois (Cuba drugs) Investigations: GGI 	2022/09/30
35	978-1-998969-36-4	Report on an investigation into allegations of improper conduct and maladministration relating to the awarding of a tender to Macroynm 37 CC by the Northern Cape Provincial Department of Health to supply personal protective equipment.	PPE/Own initiative PII Coastal: NC 	2022/09/30
36	978-1-998969-37-1	Closing report on an investigation into allegations of abuse of power, corruption and maladministration involving payment of about one hundred and twenty million Rand (R120 000 000, 00) to a company in Limpopo as well as the irregular appointment of MNS Attorneys.	Anonymous (COGTA) Investigations: AJSD 	2022/09/30
37	978-1-998969-38-8	Report on an investigation into allegations of tender irregularities and victimisation as per tender (GT/Bulk Liquids/HO/2019) by the Gauteng Department of Social Development (GDSD). (Reference: 000224/20).	Soorju PII Inland: GP 	2022/09/30
38	978-1-998969-39-5	Closing report on an investigation into allegations of improper conduct and maladministration by a Member of the Executive Council of the Western Cape Department of Local Government, Mr Anton Bredell by undertaking an ambiguous and unlawful process.	Herron Investigations: GGI 	2022/09/30







NO	ISBN	TITLE	UNIT	DATE SIGNED
39	978-1-998969-40-1	Report on an investigation into allegations of maladministration and irregular appointment of the Manager: Human Resources by the Capricorn District Municipality.	CDM PII Inland: LP 	2022/09/30
40	978-1-998969-41-8	Closing Report on an investigation into an alleged failure by the Independent Development Corporation (IDC) to grant Nocksoil Oil funding.	Norkie Investigations :GGI 	2022/09/30
41	978-1-998969-42-5	Closing report on an investigation into allegations of improper conduct by the Auditor General South Africa (AGSA) relating to their alleged failure to audit the "Expired Grant and Surplus Policy" of the National Arts Council.	Nyathela Investigations: AJSD 	2022/09/30
42	978-1-998969-43-2	Closing report on an investigation into allegations of a violation of the Executive Ethics Code by the President of the Republic of South Africa, his Excellency Mr MC Ramaphosa.	Audio Leaks Investigations: GGI 	2022/09/30
43	978-1-998969-44-9	Intervention letter on an investigation into allegations of improper conduct and maladministration by the Knysna Local Municipality relating to the awarding of the integrated strategic development framework tender.	Hampton PII Coastal: WC 	2022/09/30
44	978-1-998969-45-6	Intervention letter on an investigation into allegations of undue delay by the National Department of Health to respond and to assist the complainant with a complaint about an alleged foreign object implanted in his head.	Ngcebethshane Investigations: AJSD 	2022/09/30
45	978-1-998969-46-3	Intervention letter on an investigation into allegations of a failure by the Office of the Master of the High Court to process payments for former employees of the liquidated ATS Light Alloy Wheels South Africa (Pty) Ltd.	Kgaladi Investigations: AJSD 	2022/09/30



NO	ISBN	TITLE	UNIT	DATE SIGNED
Quarter 3: Investigations Reports Finalised (October, November, December)				
46	978-1-998969-48-7	Investigation into allegations of improper conduct and maladministration by Postbank relating to the distribution network for the Special Covid-19 Social Relief Distress Grants.	SAPO (Own initiative) Investigations: GGI 	2022/12/09
47	978-1-998969-49-4	Investigation into allegations of improper prejudice suffered as a result of undue delay and/or failure by the City of Johannesburg to remove occupants from the immovable property of Mr Adjodha.	Adjodha Investigations: GGI 	2022/12/23
48	978-1-991244-00-0	Investigation into allegations of undue delay or failure by the South African Broadcasting Corporation to pay an outstanding amount for services rendered by Michael Owen Productions Close Corporation.	Owen Ndlovu Investigations: GGI 	2022/12/23
49	978-1-991244-01-7	Report on an investigation into allegations of undue delay and maladministration by the Compensation Fund to process and finalise a claim of Mr Tsapishi James Monashane in respect of an Occupational Disease, claim no: A8/153340.	Monashane PII Inland: HO 	2022/12/27
50	978-1-991244-02-4	Report on an investigation into allegations of maladministration in connection with the pauper burial of the late Mr Nhlakanipho Sibusiso Goqo without notifying his family members.	Mpanza PII Inland: GP 	2022/12/23
51	978-1-991244-03-1	Investigation into allegations of maladministration and improper conduct relating to the irregular procurement of the services of Elityeni JV Contrite Walls for the erection of security fencing and construction of a guardhouse at Fort Jackson Industrial Park in Mdantsane in the Eastern Cape Province by the Eastern Cape Development Corporation	ECDC Investigations: GGI 	2022/12/27
52	978-1-991244-04-8	Investigation into allegations of maladministration in the appointment of the Head of Department of the North West Provincial Department of Social Development	Mofokane PII Inland: NW 	2022/12/25

NO	ISBN	TITLE	UNIT	DATE SIGNED
53	978-1-991244-05-5	Investigation into the allegation of failure by the Department of Mineral Resources and Energy to compel the Royal Bafokeng Platinum Mine to change the reasons for the termination of the complainant's employment on the exit certificate.	Nameng PII Inland: HO 	2022/12/23
54	978-1-991244-06-2	Report on an investigation into allegations of improper conduct and maladministration relating to the failure by the Sol Plaatje Local Municipality to register the title deed of Erf 18430 situated at Thami Eland street, Kutlwanong, Kimberley in 2013 in favour of the complainant	Phiri PII Coastal: NC 	2022/12/25
55	978-1-991244-07-9	Report on an investigation into allegations of improper conduct and maladministration relating to the failure by the Sol Plaatje Local Municipality in the Northern Cape province to rectify the wrongful registration of erf 9051 in favour of the late Mr Nzizwa Anthony Nxumalo and Ms Hilda Nxumalo	Nxumalo PPI Coastal: NC 	2022/12/25
56	978-1-991244-08-6	Report on an investigation into allegations of maladministration arising from alleged failure by the City of Johannesburg and Pikitup to exercise oversight on the Jozi@ work programme	Mungeka PII Inland:LP 	2022/12/28
57	978-1-991244-08-6	Closing Report on an investigation into allegations that the Minister of Police, Mr Bhekokwakhe Cele, MP violated the Executive Ethics Code when he instructed the former National Commissioner of the South African Police Service, General Khehla John Sitole, to suspend the investigation and intended suspensions of certain members of the South African Police Service Crime Intelligence until he has received a report from the Inspector-General of Intelligence.	Ndlozi Investigations:GGI 	2022/12/23
58	978-1-991244-10-9	Closing Report on an investigation into allegations of failure and/or undue delay by the erstwhile Speaker of the National Assembly, Ms Thandi Modise, to investigate a complaint lodged by Mr Freddie Nyathela.	Nyathela Investigations: GGI 	2022/12/28

NO	ISBN	TITLE	UNIT	DATE SIGNED
59	978-1-991244-11-6	Closing Report on an investigation into allegations of maladministration and improper conduct by officials of the Gauteng Department of Health, The Gauteng Department of Social Development, The South African Police Service, the City of Ekurhuleni Metropolitan Municipality and the Gauteng Provincial Government, in the matter of Ms Moliehi Maria Sithole.	Tsotetsi (Tembisa 10) PII Inland: LP 	2022/12/30
60	978-1-991244-12-3	Report on an investigation into allegations of maladministration and improper conduct by the Matjhabeng Local Municipality in connection with its failure to ensure that expenditure relating to salary payments for actual work performed by Mr M, are valid.	Anonymous (Ghost worker) PII Inland: FS 	2022/12/28
Quarter 4: Investigation Reports Finalised (January, February, March)				
61	978-1-991244-14-7	Investigation into allegations of maladministration, improper conduct, procurement irregularities and corruption in connection with the procurement and awards by the Department of Justice to Fidelity Security Services (Pty) Ltd and Container Conversions (Pty) Ltd.	Gardee Investigations: GGI 	2023/03/14
62	978-1-991244-15-4	Report on an investigation into allegations of maladministration and procurement irregularities in the awarding of a tender to Train Drone Pilots by the Vhembe TVET College.	Vhembe PII Inland: LP 	2023/03/30
63	978-1-991244-16-1	Report on an investigation into allegations of failure by the Mpumalanga Department of Human Settlements to complete the construction and handing over of a Reconstruction and Development Programme (RDP) house to Ms NP Maseko.	Maseko PII Inland: MP 	2023/03/29
64	978-1-991244-17-8	Report on an investigation into allegations of improper conduct and maladministration relating to the awarding of a "Smart" meter contract to Vodacom (Pty) Ltd by the Nama Khoi Municipality in 2016.	Babuseng PII Coastal: NC 	2023/03/28

NO	ISBN	TITLE	UNIT	DATE SIGNED
65	978-1-991244-18-5	Report on an Investigation into allegations of maladministration in the allocation and registration of Reconstruction and Development Programme (RDP) Houses by the Mpumalanga Department of Human Settlements.	Grobbelaar PII Inland: MP 	2023/03/29
66	978-1-991244-19-2	Report on an investigation into allegations of failure by the Free State Department of Agriculture and Rural Development to Acquire Farm tot Hier Toe no. 1127 situated in the regional division of Heilbron for the resident tenure families.	Mbongo PII Inland: FS 	2023/03/29
67	978-1-991244-20-8	Closing Report on an investigation into allegations of irregular procurement by Ms Blessing Thandi Shongwe, MPL, in her capacity as former Speaker of the Mpumalanga Legislature and allegations of a violation of the Executive Ethics Code as a Member of the Executive Council (MEC) of the Mpumalanga Provincial Government, in connection with irregular procurement.	Shongwe PII Inland: GP 	2023/03/31
68	978-1-991244-21-5	Advisory report on an investigation into allegations of failure by the functionaries of the Stellenbosch Hospital to inform parents of a minor female patient about an alleged incident of rape and the alleged delay to report it timeously.	Stellenbosch Hospital PII Coastal: WC 	2023/03/28
69	978-1-991244-22-2	Report on an investigation into allegations of failure by the Free State Department of Agriculture and Rural Development to acquire alternate accommodation for Ms Mphatsoe subsequent to its undertaking to identify and purchase an alternate farm for her.	Mphatsoe PII Inland: FS 	2023/03/29
70	978-1-991244-23-9	Report on an investigation into allegations of improper conduct and maladministration relating to the failure by the Magareng Municipality to provide Ms Irene Parkinson with an ERF in 2016.	Parkinson PII Coastal: NC 	2023/03/29
71	978-1-991244-24-6	Report on an investigation into allegations of maladministration, abuse of power and irregular recruitment by the Public Service Commission.	PSC Investigations: GGI 	2023/03/29

NO	ISBN	TITLE	UNIT	DATE SIGNED
72	978-1-991244-25-3	Intervention letter in terms of section 8(1) of the Public Protector Act 1994 on an investigation into allegations of undue delay and maladministration by the Wholesale and Retail Sector Education and Training Authority and the Department of Small Business Development in delivering infrastructure and equipment pertaining to the informal traders upliftment project in the Western Cape.	Baxter PII Coastal: WC 	2023/03/30
73	978-1-991244-26-0	Intervention letter on an investigation into allegations of undue delay by the Department of Mineral Resources and Energy to investigate complaints of improper conduct of the officials of the Department relating to the issuing of mining permits, mining rights, prospecting rights and other related administrative processes.	Ralushai Investigations: GGI 	2023/03/31
74	978-1-991244-27-7	Investigation into allegations of maladministration and improper conduct relating to the improper payment of the death grant benefits to the mother of the late Mr Rankitsi William Moleki by the Department of Correctional Services to the exclusion of his dependants.	Diphoko Investigations: AJSD 	2023/03/30
75	978-1-991244-28-4	Investigation into allegations of irregular appointment of members of the national rapid response task team, members of certain advisory committees, and the two Special Advisers, Advocate Menzi Simelane and Mr Rieaz Shaik, by the former Minister of Human Settlements, Water and Sanitation, Ms Lindiwe Sisulu, MP.	Powell Investigations: GGI 	2023/03/30
76	978-1-991244-29-1	Report on an investigation into allegations of improper conduct and maladministration relating to the failure by the Magareng Municipality (Municipality), to resolve a dispute regarding ownership of ERF 3274 (erf 3274), zone e, Ikhutseng township in Warrenton in 2019.	Mente PII Coastal: NC 	2023/03/30
77	978-1-991244-30-7	Report on an investigation into allegations of improper conduct and maladministration by functionaries of the National Home Builders Registration Council.	Anonymous NHBRC Investigations:GGI 	2023/03/30

NO	ISBN	TITLE	UNIT	DATE SIGNED
78	978-1-991244-31-4	Closing Report Boshielo / Air Traffic Navigation Services	Boshielo Investigations: AJSD 	2023/03/31
79	978-1-991244-32-1	Advisory Report into allegations of maladministration and improper conduct relating to nepotism regarding the recruitment and appointment of personnel and corruption associated with alleged irregular procurement processes by the Former Minister of Public Works and Infrastructure, Ms Patricia De Lille, MP	Anonymous Department of Public Works and Infrastructure (DPWI) Investigations:GGI 	2023/03/31

4.5 SUCCESS STORIES FOR 2022/23 FINANCIAL YEAR

No.	Complainant & Institution	Summary of complaint	Outcome of the investigation	Impact of the investigation
1	57967/22	The Complainant alleged a delay by the Guardians Fund to process the death benefits in respect of his late father since December 2020.	Resolved: Death benefits paid to the complainant.	<ul style="list-style-type: none"> Continuation of studies Lifestyle improvement Prospects for future employment
2	000920/21	The Complainant alleged poor maintenance of the drainage system next to his property situated at, Chief Owen Sithole Crescent, Ulundi location. The lack of maintenance results in water flooding the Complainant's residence during heavy rainfalls.	Resolved: Malfunctioning and poorly maintained drainage system was repaired and debris removed.	<ul style="list-style-type: none"> Improved living conditions
3	Konco - 105099/22	Alleged undue delay by the Department of Higher Education and Training -Orbit TVET College to issue him with certificates of completion for the years 2019, 2021 & 2022.	Resolved: N4, N5 and N6 certificates issued.	<ul style="list-style-type: none"> National certificate in Engineering issued Furthering of studies Employment opportunities
4	879/21	Alleged undue delay in repairing a sinkhole that had developed across the Complainant's drive-way.	Resolved: Municipality repaired cleared the storm water line and repaired the	<ul style="list-style-type: none"> Access to property Safe living conditions

No.	Complainant & Institution	Summary of complaint	Outcome of the investigation	Impact of the investigation
5	7/2 - 001390/22	The complaint lodged on 28 February 2022, alleged that the GEPF was unduly delaying to finalise their beneficiary claim, after the death of their father in 2005.	Resolved: Beneficiary benefits were paid to the Complainant.	<ul style="list-style-type: none"> Continuation of studies
6	000657/22 eThekweni Municipality (Eviction of unlawful occupier)	While Complainant was temporarily away from home, an individual unlawfully "sold" his home to a third party who then occupied the house.	Resolved: Unlawful occupants removed	<ul style="list-style-type: none"> Reinstatement of legal rights
7	003242/22 DHET - Richfield college	Complainant alleged that Richfield College was unduly delaying to furnish her with her N4 and N6 Diploma certificates after completion of her studies.	Resolved: Certificates issued	<ul style="list-style-type: none"> Employment opportunities
8	89000/22 Ms N Ndlovu UNISA	Complainant alleged that UNISA was unduly delaying to furnish her with her degree certificate after completion of her studies in 2021.	Resolved: Certificate issued	<ul style="list-style-type: none"> Employment opportunities
9.	013491/19 (Department of Human Settlements)	The Complaint alleged that the orphans residing at Gopane village were living in a Zozo structure which leaked during rainy seasons and the security was compromised.	PPS approached the department to build an RDP house for the orphans.	<ul style="list-style-type: none"> Right to live safe and be safe restored.
10	7/2-001817/22/ FS	Complainant alleged undue delay by the Free State Department of Human Settlements (the Department) in completing construction for an RDP house since 2021.	Matter resolved: Department The Municipality and the Department rectified the error by signing a new deed of sale on the correct site. Contractor appointed to sign a contract with the Complainant for the construction of the RDP house.	<ul style="list-style-type: none"> Complainant is able to enjoy his rights as an owner of the property.
11	Mr Makhubo Health	Undue delay and failure by Gauteng Department of Health (Tshwane District Health) in connection with services rendered not paid.	Resolved: The Department of Health paid all nine (9) invoices to Complainant	<ul style="list-style-type: none"> Business restored
12	Sikomo S UIF	Undue delay to pay UIF	Claim was approved, finalized and paid in full.	<ul style="list-style-type: none"> Lifestyle improvement

No.	Complainant & Institution	Summary of complaint	Outcome of the investigation	Impact of the investigation
13	Lang v Department of Labour	The Complainant alleged improper conduct and maladministration relating to failure by the Department to finalise a claim for pension benefits in respect of her late partner, Mr Petrus Saaiman	Resolved: The Department paid the outstanding pensions to the Complainant in March 2023.	<ul style="list-style-type: none"> • Betterment of life for mother and child
14	Moleme v SASSA	The Complainant complained about fraudulently duplicated ID document that prevented him from accessing social grants.	Resolved: Complainant received his grant in November 2022.	<ul style="list-style-type: none"> • Betterment of life for senior citizens
15	162141/22 and 11957/22 Bakgatla Ba Mocha / HM Maloka Bakgatla Ba Maloka/ Mr Senoedi	Complainant alleged that the Office of the Premier unduly delayed to issue a Certificate of Recognition to the legitimate Chief as per the resolution of the Bakgatla Ba Mocha Royal Council and the Royal family.	Resolved: Certificate of Recognition was issued to the Complainant.	<ul style="list-style-type: none"> • Recognition and restoration of Title. • Lifestyle improvement
16	137059/22 MS Dlamini	The Complainant alleged that the Department of Home Affairs was unduly delaying to provide him with an unabridged marriage certificate since 2018. He needed the certificate to apply for the release of his son's money from the Guardians' Fund.	Resolved: The unabridged marriage certificate was issued.	<ul style="list-style-type: none"> • The Complainant was able to apply for his son's money from the Guardians Fund.
17	52710/22 V.S Kanen	Complainant alleged that the Department of Employment and Labour delayed to finalise the death benefits claim on behalf of her children as a result of the death of their father.	Resolved: The claim was finalised and benefits were paid.	<ul style="list-style-type: none"> • Betterment of life and continued education for children
18	13318/22 SP Matsane	Complainant alleged that the Department of Employment and Labour failed to pay him for all his credit days' for the UIF benefit.	Resolved: Complainant was paid for all his outstanding credit days.	<ul style="list-style-type: none"> • Betterment of life
19	000436/22	Complainant alleged undue delay by the Buffalo City TVET College to issue Level 3 and Level 4 certificates after completion of her studies.	Resolved: Certificate issued to complainant.	<ul style="list-style-type: none"> • Opportunity for full employment

No.	Complainant & Institution	Summary of complaint	Outcome of the investigation	Impact of the investigation
20	004304/22	Complainant alleges unfair treatment by health officials at Masakhane Clinic in Aberdeen in the Eastern Cape.	The health officials personally apologised to the Complainant for their behaviour towards her and others and received training to improve their service delivery to the public.	<ul style="list-style-type: none"> • Service improvement
21	002174/22	The complainant alleges failure by the Master's Office in Mthatha to issue a Letter of Authority for his sister's deceased estate.	Resolved: With the intervention of the PPSA and the provisions of additional information by the complainant the Letter of Authority was issued.	<ul style="list-style-type: none"> • Legal rights restored
22	004265-22	Allegations relating to delays or failure by Eskom to remove an electricity meter box in a house that was damaged.	Resolved: The complainant's power was restored.	<ul style="list-style-type: none"> • Lifestyle improvement
23	004298/22	The complainant entered into a contract with the EC Department of Transport for the provision of scholar transport. They were contracted for 114 km but were incorrectly paid for 20 km travelled for the months of August	Resolved: The complainant was paid the outstanding money.	<ul style="list-style-type: none"> • Business improvement
24	177131/22	The complainant alleges irregular billing on her account by Nelson Mandela Bay Municipality	All credit added to the Complainant's account being removed and her bill adjusted.	<ul style="list-style-type: none"> • Credit rating restored
25	CMS-139692 (Department of Education)	The Complainant alleged failure by the Department of Education to place a Learner at Sol Plaatjie secondary school as the school she was from was not a feeder school.	PPSA approached Danville secondary school and applied for placement of the learner which the school approved in February 2023.	<ul style="list-style-type: none"> • Learner is enjoying a right to education

5

INSTITUTIONAL PROGRAMME PERFORMANCE INFORMATION

5.1 SUMMARY OF OVERALL PERFORMANCE IN THE 2022/23 FINANCIAL YEAR

The budget programme structure of the Institution is divided into 3 programmes, namely:

Programme 1: Administration

Programme 2: Investigations

Programme 3: Complaints and Stakeholder Management

TARGETS	2020/21	2021/22	2022/23
Number of planned targets during the financial year	12	7	7
Number of targets achieved	10	6	6
Number of targets not achieved	2	1	1
Percentage level of performance	83%	86%	86%

5.2. PROGRAMME 1: ADMINISTRATION

The purpose of the administration programme is to develop effective systems, to ensure optimal performance and compliance to laws and regulations. The administration programme supports the Institution in fulfilling its constitutional mandate. The outcomes under programme are: "Clean audit achieved and maintained" and "Implementation of ICT systems to optimally support business objectives".

Outcomes, outputs, output indicators, targets and actual achievement

In order to improve the services to the communities in line with the legislative provision of access to the Public Protector services by all communities, the Institution managed to achieve the outcome on the implementation of ICT systems to optimally support business objectives by fully implementing the Case Management System. The system enables effective management of cases and provides business intelligence critical for decision making. This is useful to ensure appropriate allocation of cases to prevent bottle-necks that may result in the delays in finalising the investigations.

The Mobile Referral Application, which enables community members who wish to either report malfeasance in state affairs, or express their dissatisfaction with the delay in service provision or the conduct of state functionaries, was developed and implemented. The MRA is instrumental in directing complaints to the most appropriate state institution to resolve their complaints. The MRA contributes to building the capacity of the state to effectively respond to the needs of the communities.

PROGRAMME 1: ADMINISTRATION								
Outcome	Output	Output Indicator	Audited Actual Performance 2020/2021	Audited Actual Performance 2021/2022	Planned Annual Target 2022/2023	Actual Achievement 2022/2023	Deviation from planned target to Actual Achievement 2022/2023	Reasons for deviations
Clean audit achieved and maintained	Clean audit obtained	Obtain clean audit annually	ACHIEVED Achieved a clean audit opinion for the 2019/20 financial year	ACHIEVED Maintained a clean audit opinion for the 2020/21 financial year	Maintain a clean audit opinion for 2021/22 financial year	ACHIEVED Maintained a clean audit opinion for 2021/22 financial year	NA	NA
Implementation of ICT systems to optimally support business objectives	ICT infrastructure implemented	Percentage of implementation of ICT infrastructure	NOT ACHIEVED Mobile Referral Application was not implemented	ACHIEVED 100% Implementation of a Mobile Referral Application	100% implementation of a Case Management Application by 31 March 2023	ACHIEVED Case Management System 100% Implemented System rolled out at all PPSA offices, and all end-users trained. Post implementation review report	NA	NA

Linking performance with budgets

The budget of the Administration Programme mainly consists of contractual obligations, including rental, office buildings, parking space, cleaning services, security service, information technology etc.

Programme 1: Expenditure

Sub-Programme appropriation	2021/2022			2022/2023		
	Final appropriation	Actual expenditure	(Over)/Under expenditure	Final appropriation	Actual expenditure	(Over)/Under expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Administration	153 189	146 586	10 586	162 273	173 204	-10 931
Total	153 189	146 586	10 586	162 273	173 204	-10 931

The Administration Programme comprises resources and human activities that support the core mandate of investigating complaints. This also includes office accommodation, information technology hardware and software and other corporate support services that support operations. The over expenditure arose from the legal expenses, travelling and other incidental expenses incurred in respect of the Section 194 Enquiry into the fitness to hold office of the Public Protector.

5.3 PROGRAMME 2: INVESTIGATIONS

The purpose of the investigations programme is to ensure speedy resolution of complaints aligned to the mandate of the Public Protector to strengthen constitutional democracy. The outcome pursued under Programme 2 is: "Successful resolution of complaints."

Outcomes, outputs, output indicators, targets and actual achievement

Outcome Indicator: Investigation reports finalised

The achievement on finalisation of investigation reports, within the turnaround time and bilateral meetings directly contributed to the outcome of successful resolution of complaints, which in turn, benefited Complainants. Investigations, as the core business of the Institution maintained a clean audit on performance information that was achieved through close monitoring and management of compliance with the service standards through regular file inspections.

Measures were put in place to ensure an end-to-end process of record keeping, that included, *inter alia*, the scanning of new files at registration stage, creation of a digital share drive for uploading of files at finalisation of the investigation, which were verified for completeness and accuracy, as well as the implementation of an archiving system and safekeeping of information to ensure reliability of the records.

In addition to the 80 investigation reports signed by the Public Protector and Acting Public Protector in line with its annual target as indicated above, the Institution further finalised and issued 5 398 reports signed by other employees with delegated authority by the Public Protector.

Of importance is to note that the remedial action taken and recommendations in some reports are structured in a way that not only resolve the reported complaints, but also seek to address the root cause that gave rise to the complaints, which is effective in preventing future recurrence of similar challenges. These remedial action and recommendations, once implemented, will improve internal controls within that specific state organ and ultimately improve accountability.

Outcome Indicator: Cases finalised within approved turnaround times

The Institution exceeded the target to finalise 80% of reported complaints within the specified turnaround times in accordance with the Institution's classification, SOP and service standards. In this regard, the achievement of 82% was possible due to close monitoring of progress in investigations coupled with monthly age analysis of these cases. The speedy resolutions of complaints result in alleviation of prejudice to complaints and alerts government to service delivery failures experienced by communities.

Outcome Indicator: Systemic investigations finalised

The Institution was less successful in achieving the target of finalising three (3) systemic investigations. The reason for the non-achievement of this target is attributed to the complexity of the cases to be investigated, which required extensive consultation with a number of role players. The extensive consultation, especially with affected communities, inadvertently expanded the scope of the investigation. Furthermore, the involvement of management in the Section 194 Enquiry affected the finalisation of these systemic investigations.

Outcome Indicator: Bilateral dialogues held with organs of state on systemic challenges

The institution targeted and engaged organs of state through bilateral dialogues, on systemic challenges for the purpose of resolving same. The planned target for the year was to conduct 10 bilateral meetings. The target was exceeded with 12 bilateral meetings conducted.

Outcome Indicator: Quarterly reports on the implementation of remedial action submitted to Parliament

This target relates to reports issued by the Public Protector from 01 April 2022 and subsequent remedial action that were not fully implemented and / or where progress reports on implementation of remedial action were not submitted to the Institution. Quarterly reports will then be submitted to Parliament to provide progress on the implementation of remedial action. A quarterly report was submitted to Parliament as planned.

Programme 2: Investigations

Outcome	Output	Output Indicator	Audited actual performance 2020/2021	Audited actual performance 2021/2022	Planned annual target 2022/2023	Actual achievement 2022/2023	Deviation from planned target to actual achievement 2022/2023	Reasons for deviation
Successful resolution of complaints	Investigation on reports finalised	Number of investigation reports finalised	EXCEEDED 73 investigation reports finalised	EXCEEDED 112 Investigation reports finalised	Finalise 80 investigation reports by 31 March 2023	ACHIEVED 80 Investigation reports finalised	N/A	N/A
Successful resolution of complaints	Cases finalised within approved turn-around times	Percentage of adherence to turnaround times in finalisation of cases	EXCEEDED 95% (4532/4754) of cases were finalised within the following turnaround times: ER: 9 months SD: 18 months GGI: 30 months GGI : (Very complex) 8 months	EXCEEDED 85% (3189/3732) of cases were finalised within the turnaround times ER:9 months SD:18 months GGI: 30 months GGI (Very complex) 36 months	Finalise 80% of cases within the following turn-around times: ER: 6 months SD: 12 months GGI: 24 months GGI (Very complex): 36 months by 31 March 2023	EXCEEDED 82% (2766/3385) of cases were finalised within turnaround times: ER: 6 months SD: 12 months GGI: 24 months GGI (Very complex): 36 months by 31 March 2023	2% more of cases were finalised within turnaround times per classification	Monthly age analysis of cases and close monitoring of compliance to the prescribed turnaround times for finalisation of investigations
Successful resolution of complaints	Systemic investigations were finalised	Number of systemic investigations/ interventions were finalised	NOT ACHIEVED 1 systemic Investigation Identified in 2019/20 Financial year finalised (Tembisa hospital) 1 systemic Investigation identified in 2017/18 financial year was finalised (Traditional Leadership)	EXCEEDED 2 systemic investigations/ Interventions were identified. 2 systemic Investigation were finalised	Finalise 3 systemic Investigations / interventions by 31 March 2023	NOT ACHIEVED No systemic investigations/ interventions were finalised by 31 March 2023	3 Systemic Investigations/ interventions not finalised	Investigations not finalised due to complexity of the issues and extensive public consultations with various stakeholders, which resulted in the extension of the scope.

Programme 2: Investigations

Outcome	Output	Output Indicator	Audited actual performance 2020/2021	Audited actual performance 2021/2022	Planned annual target 2022/2023	Actual achievement 2022/2023	Deviation from planned target to actual achievement 2022/2023	Reasons for deviation
Successful resolution of complaints	Bilateral dialogues held with organs of state on systemic challenges	Number of bilateral dialogues held with organs of state on systemic challenges	EXCEEDED 15 dialogues were held with organs of state on systemic challenges	EXCEEDED 12 bilateral meetings were held with organs of state on systemic challenges	Hold 10 bilateral dialogues with organs of state on systemic challenges by 31 March 2023	EXCEEDED 12 bilateral dialogues were held with organs of state on systemic challenges	2 more bilateral dialogues were held with organs of state on systemic challenges	There were more systemic challenges identified in the FS and WC Provinces, which necessitated engagements with the state organs to address gaps in service delivery challenges.
Successful resolution of complaints	Quarterly reports on the implementation of remedial action submitted to Parliament	Number of quarterly reports on the implementation of remedial action submitted to Parliament	N/A	N/A	Submit 4 quarterly reports on the implementation of remedial action to Parliament by 31 March 2023	ACHIEVED 4 quarterly reports on the implementation of remedial action were submitted to Parliament by 31 March 2023.	N/A	N/A

5.3.2 Linking performance with budgets

The highest cost driver under the investigative programme relates to payments for Compensation of Employees, which accounts for 93% of the budget. The remaining 7% relates to the funding of operations and contractual obligations in the provinces.

Programme 2 expenditure

Sub-Programme	2021/2022			2022/2023		
	Final appropriation	Actual expenditure	(Over)/Under expenditure	Final appropriation	Actual expenditure	(Over)/Under expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Investigation	188 270	178 163	10 107	200 159	195 336	4 823
Total	188 270	178 163	10 107	200 159	195 336	4 823

This programme entails the actual investigation of complaints and the issuing of reports with findings and remedial action/recommendations to be implemented by those institutions against which the complaints were lodged. The investigation process is people intensive, hence the programme is the highest cost driver in relation to compensation of employees, which accounted for 93% of the budget in the year under review. The remaining 7% relates to the funding of operations and contractual obligations for the operation of provincial and regional offices, which enables decentralised lodging of complaints to offices in various provinces, some of which are investigated in the provincial offices. The programme registered a 2% under expenditure mainly due to the time-delay savings between when posts are vacated and the filling thereof.

Strategy to overcome areas of underperformance

The area of underperformance is on the finalisation of systemic investigations/interventions, where the target was to finalise three systemic investigations/interventions. None of the systemic investigations/interventions were finalised for the period under review. To remedy underperformance, the Institution appointed a dedicated team to finalise these systemic investigations and a project plan with clear milestones, deliverables and timeframes have been developed. Quality assurance processes have been strengthened to guide and support the team throughout the investigations.

5.4 PROGRAMME 3: STAKEHOLDER MANAGEMENT

The purpose of the programme is to enhance accessibility of Institutional services to all persons and communities, as well as to assist in improving complaints handling mechanisms in organs of state. The outcome pursued under Programme 3 is: "Accessible PPSA services".

Outcomes, outputs, output indicators, targets and actual achievement

All the activities in the implementation plan pertaining to the Stakeholder Management Strategy planned in the year under review were exceeded. The Institution used radio as a primary medium of communication to reach communities, in particular where the Institution does not

have a footprint. The radio slots were instrumental to share information on the service offering of the Institution as well as educate communities of their rights and procedure to lodge complaints. A number of simulcasts were also held to commemorate national events by raising awareness and sharing information on the Institution's mandate.

The Institution further identified 12 collaborations with CBO's on advocacy cases at grassroots level against a planned target of three (3). This over achievement is a clear demonstration of the willingness of civil society to support the work of the Institution for the benefit of local communities. These collaborations are useful in assisting the vulnerable to report their plight to the Institution

and, in some instances, lodge complaints on their behalf. The following are other activities undertaken to reach communities during the reporting period:

- a) Outreach clinics in identified communities
- b) Radio interviews in community radio stations
- c) Information sharing sessions with identified stakeholders
- d) Collaborative stakeholder events with other Chapter 9 institutions
- e) Distribution of advocacy material at identified strategic points
- f) Commemoration of special events on the national calendar such as Mandela Day
- g) Increased collaboration with Community Based Organisations to promote accessibility and awareness
- h) Closer collaboration with Traditional Leaders and Traditional Council to mobilise communities in rural areas
- i) National Good Governance Week awareness campaign to promote good governance and ethics.

Programme 3: Complaints and Stakeholder Management

Outcome	Output	Output Indicator	Audited actual performance 2020/2021	Audited actual performance 2021/2022	Planned annual target 2022/2023	Actual achievement 2022/2023	Deviation from planned target to actual achievement 2022/2023	Reasons for deviation
Accessible PPSA Services	Execution of activities in the implementation plan of an Integrated Access and Stakeholder Management Strategy	Number of activities executed in the implementation plan of an Integrated Access and Stakeholder Management Strategy	N/A	EXCEEDED 103 activities were executed in the implementation plan of an Integrated Access and Stakeholder Management Strategy (97 radio interviews conducted + 5 National events conducted + 1 Good Governance Week conducted)	Execute 117 activities in the implementation plan of an Integrated Access and Stakeholder Management Strategy by 31 March 2023. (117 = 108 Public awareness Sessions + 5 National events + 1 Good Governance Week + 3 Collaborations with CBOs on advocacy cases at grassroots level)	EXCEEDED Executed 159 activities in the implementation plan of an Integrated Access and Stakeholder Management Strategy by 31 March 2023. (141 public awareness sessions conducted, + 5 National events, + 1 Good Governance week + 12 collaborations with CBOs on advocacy cases at grassroots level)	Target exceed by 33 more public awareness sessions conducted Target exceed by 9 more collaboration with CBOs on advocacy cases at the grassroots level).	7 Provinces (FS, LP, GP,NW, WC,KZN and EC participated in additional radio slots to address and engage listeners on issues pertaining to PPSA mandate and its service offerings Target exceeded due to awareness raised by PPSA on collaboration with CBOs resulting in each province concluding at least 1 MOU or letter of cooperation LOC), with WC concluding 2 Additional MOU or LOC and LP, one additional MOU or LOC.

Linking performance with budgets

Spending on the Stakeholder Management programme relates to the outreach clinics and radio interviews, which link to the objective of taking the services of the Public Protector to communities, especially at the grassroots. Radio slots as well as advertising and media campaigns are budgeted for under this programme.

Programme 3 expenditure

Sub-Programme	2021/2022			2022/2023		
	Final appropriation	Actual expenditure	(Over)/Under expenditure	Final appropriation	Actual expenditure	(Over)/Under expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Stakeholder Management	14 255	11 834	2 421	15 001	16 355	1 354
Total	14 255	11 834	2 421	15 001	16 355	1 354

The Institution has a constitutional mandate to be accessible to all citizens including rural communities who do not have access to electronic means of lodging their complaints nor any knowledge of the Institution's services. Outreach clinics and radio interviews were used to take services to the grassroots communities after which the Institution received complaints from areas visited and communities served through radio stations. The 4% variance to the over-achievement was due to a combination of cost containment measures and deferral of some outreach activities.

6

REVENUE COLLECTION

Sources of revenue	2021/2022			2022/2023		
	Estimate	Actual amount collected	(Over)/ under collection	Estimate	Actual amount collected	(Over)/ under collection
	R'000	R'000	R'000	R'000	R'000	R'000
Government Transfers	359 860	359 952	-92	377 928	378 138	-210
Finance Income	2 692	2 332	369	2 821	5 686	-2 865
Other Income	162	854	-692	169	1 543	-1 374
Revenue in kind	0	11 615	-11 615	0	12 305	-12 305
Impairment gain				0	177	-177
Actuarial gains				0	2 054	-2 054
Total	362 714	374 753	-12 039	380 918	399 904	-18 828

The Institution mainly derives its funds from allocations from the Revenue Fund and there were no instances of under collection of revenue during the year under review, but the following instances of over collection of revenue occurred.

The R210 000 over collection relates to funds due from SASSETA in respect of skills development levy grants (stipends) receivable therefrom after the Institution hosted learners in an internship programme from a contract that was entered into during the financial year.

An amount of R2,8 million was over collected in respect of interest from banking investments, which was due to additional cash allocations received at year end and could not be spent as well as increasing prime lending rates that transpired during the reporting period.

- The R1,3 million over collection relates to recoveries of employee's bursaries and legal fees (favourable costs orders) and such circumstances are not easily predictable and cannot be estimated with precision.
- Revenue from services in kind relates towards the payment of rental by the DPWI on behalf of the Institution. The Institution does not budget for this line item as it is budgeted for and allocated to the DPWI budget, but it recognises the benefit as revenue when it is actually received.
- Gains (impairment and actuarial) arise from remeasurement of estimates to data and such is only performed at year end and is thus unpredictable and not budgeted for.

7 TRANSFER PAYMENTS

There were no transfer payments received for the period under review.



PART C

GOVERNANCE



EMPLOYEE PLEDGE:



The Institution developed and approved an Ethics Management Policy during the reporting period to communicate the ethical standards expected of all its employees. As part of celebrating 27 years of the Institution's existence during its Good Governance Week, all employees signed a pledge to recommit to serve with integrity. The Institution is in the process of establishing an Ethics Committee to drive the implementation of its ethics programme.

INTRODUCTION:

Corporate governance embodies processes and systems by which organisations are directed, controlled and held accountable. In addition to legislative requirements based on the Institution's enabling legislation, corporate governance is applied through the Public Finance Management Act (PFMA) and runs in tandem with the principles contained in the King Report (IV) on Corporate Governance.

1 PORTFOLIO COMMITTEES

The Portfolio Committee on Justice and Correctional Services exercises oversight over the performance of the Institution and as such, reviews the non-financial information contained in its annual reports and is

concerned with service delivery and enhancing economic growth. Below is a synopsis of meetings held and the key issues raised:

Date	Issues raised by the Portfolio Committee	How the Institution addressed the issues raised
10 May 2022: Briefing to the Portfolio Committee on Justice and Correctional Service on the PPSA 2022/23 Annual Performance Plan and Budget.	In addition to the presentation made, the Committee requested the following information in writing: <ul style="list-style-type: none"> • Legal costs incurred defending reports, and • Legal costs relating to the impeachment process. 	Documents were submitted to the Committee as requested.
22 October 2022: Briefing to the Portfolio Committee on Justice and Correctional Service on the Institution's 2021/22 Annual Report and 2022/23 Q1 Institutional performance, expenditure against budget, funding pressures and needs.	In addition to the presentation made, the Committee requested the following information in writing: <ul style="list-style-type: none"> • PPSA Employment Equity Profile; • Breakdown of Legal fees since the 2016/17 financial year to date; and • Letter and status report to the Speaker on the implementation of Remedial Action. 	Documents were submitted to the Committee as requested.
17 March 2023: Joint briefing to the Portfolio Committee on Sport, Arts and Culture on the implementation of report No 125 of 2019/20.	The Committee invited presentations by the Department of Sport, Arts and Culture, the National Arts Council, the AGSA and the Institution to ascertain the status of the implementation of remedial action of the PPSA's report in relation to Mr Nyathela of the South African Roadies Association (SARA).	A presentation on the matter and the status of remedial action was provided to the Committee.

The Portfolio Committee on Justice and Correctional Services raised concerns regarding the Institution's high expenditure on legal fees and requested that it be provided with an expenditure report on legal fees on a quarterly basis. In order to address this concern, the Institution conducted

an analysis to identify litigation matters that needed to be withdrawn and those that the Institution should not fund. This resulted in 11 litigation matters where opposition was withdrawn due to the minimal chances of success.

2 EXECUTIVE AUTHORITY

The Executive Authority (EA) plays an oversight role over core business, administration and governance matters and is assisted by the Chief Executive Officer (CEO) and the Executive Committee (EXCO). Quarterly meetings which are an interface between the EA and Management are

held where core business, administration and governance reports are tabled for deliberation, accountability and decision making.

Below is a synopsis of meetings held and reports tabled:

Committee Name	No. of meetings held	No. of members	Title of member	Date
Executive Authority	4	5	Acting Public Protector	28 Jul 2022 - 1 Aug 2022
			Chief Executive Officer	08 Nov 2022 - 09 Nov 2022
			Chief Financial Officer	26 Jan 2023 - 27 Jan 2023
			Acting Chief Operations Officer	25 Apr 2023 - 26 Apr 2023
			Acting Executive Manager: Corporate Services	

EXCO is a governance structure comprising of heads of branches, Internal Audit, Risk Management and Strategic Support units, established to assist the Accounting Officer to manage the affairs of the Institution as outlined in the PFMA and the PPA. EXCO monitors the performance

of the Institution in line with the Annual Performance Plan, including effective management of risk to ensure achievement of objectives.

Below is a synopsis of meetings held:

3 EXECUTIVE COMMITTEE

Committee Name	No. of meetings held	No. of members	Name of members	Date
Executive Committee Meeting	9	13	Chief Executive Officer Chief Financial Officer Chief Operations Officer Acting Executive Manager: Corporate Services Executive Manager: PII Coastal Executive Manager: Investigations Acting Executive Manager: Investigations Executive Manager: Stakeholder Management Senior Manager: ICT Senior Manager: Internal Audit Senior Manager: Legal Services Acting Senior Manager: Strategic Support Acting Spokesperson	19 April 2022 04 May 2022 26 May 2022 21 June 2022 30 June 2022 20 July 2022 06 September 2022 19 January 2023 02 March 2023

Over and above the governance structures, the Institution has a Risk Management Committee (RMC) which strengthens internal controls, governance and risk management.

RISK MANAGEMENT

The Institution has a Risk Management function established in accordance with the requirements of the National Treasury Regulations, the King IV Report on Corporate Governance and in compliance with the Public Sector Risk Management Framework. The Institution has a Risk Policy, Strategy and Implementation Plan, as well as a Fraud Prevention and Anti-Corruption Framework. The Accounting Officer has appointed Risk Champions who assist in the overall management of risks.

The Institution's RMC is chaired by an independent

external Chairperson and meets quarterly to review risk management activities including risk mitigation plans. The operations of the RMC were impacted by the end of tenure of the external Chairperson, which resulted in only three (3) meetings being held during the reporting period. Its reports are presented by the Risk Committee Chairperson to the Audit Committee (AC) on a quarterly basis for the members' inputs, guidance and monitoring. The Risk Management Reports are also presented to EXCO and Leadership on quarterly basis for review and adoption.

The Leadership ensured that an ethical culture that promotes the values of the Institution pervades all its operational activities.

The integration of risk management processes in the strategy and operational planning assisted in the institutionalisation of risk management within the Institution.

The approved Risk Management Implementation Plan gave effect to the Risk Management Policy and Strategy, which outlines all risk management activities undertaken in the reporting period.

During the year under review, the Institution conducted risk assessments at strategic and operational levels to appraise and update the existing risks and to identify emerging risks. This led to the Institution developing strategic and operational risk registers.

Significant risks, relevant to institutional strategic outcomes, were assessed in terms of their likelihood and impact. Appropriate risk mitigation measures were implemented throughout the year to manage and retain risks within tolerable and acceptable levels.

Progress reports on risk mitigation plans were presented to the EXCO, RMC and the AC on a quarterly basis. Regular updating of the risk registers and identification of emerging risks with mitigation plans, contributed to the achievement of the Institution's strategic outcomes and outputs.

To embed risk management and improve the risk management culture across the Institution, various awareness activities were conducted during the year. Continuous monitoring and reporting on planned mitigation activities yielded significant positive results such as achievement of both the APP and Operational Plan targets.

A synopsis of the membership and meetings held, is set out on page 87.

Committee Name	No. of meetings held	No. of members	Name of members	Date
Risk Management Committee	3	7 members, and 11 standing invitees	<ol style="list-style-type: none"> 1. Independent Chairperson 2. Executive Manager: Investigations 3. Executive Manager: Provincial Investigations and Integration (Inland) 4. Executive Manager: Provincial Investigations and Integration (Coastal) 5. Executive Manager: Complaints and Stakeholder Management 6. Executive Manager: Corporate Services 7. Executive Manager: Chief Financial Officer 	<p>16 August 2022</p> <p>12 December 2022</p> <p>17 February 2023</p>

4 INTERNAL CONTROL UNIT

The Institution did not establish an internal control unit during the year under review, as implementation of a sound internal control is imbedded in the daily activities of Management and other officials. The Institution established the Audit Steering Committee which assists the Accounting Officer and Management to develop audit action plans and monitor the implementation of audit recommendations. The audit action plan for the year under review was monitored to redress internal control deficiencies on a quarterly basis, and the result thereof, although not the expected outcome, was favourable nonetheless.

Management established various structures and committees to monitor compliance with prescripts and advise the Accounting Officer. These included the

performance - monitoring -, training and development -, security -, occupational health and safety - and records management committees to name a few. These committees have terms of reference and are accountable to EXCO. The participation of employees from different levels within the Institution is effective in building a culture of accountability.

The Institution maintained a functional Bid Adjudication Committee (BAC), which is a structure provided for in the government procurement prescripts. The BAC discharged its responsibility in line with its terms of reference and presided over all procurement cases. The effectiveness of the BAC assisted the Institution to manage fruitless, wasteful and irregular expenditure.

5

INTERNAL AUDIT AND AUDIT COMMITTEES

Internal Audit continued to provide independent assurance and consulting services to the Institution through the evaluation of the adequacy and effectiveness of internal controls, risk management and governance. Its administrative reporting line to the Accounting Officer and functional reporting to the AC enhanced its independence, which is imperative for its effectiveness. The Internal Audit Unit, although located at Head Office, also provided internal audit services to provincial and regional offices.

Key activities and objectives of the Internal Audit reviews conducted in line with the approved audit plan

Internal Audit assisted the Accounting Officer to maintain effective controls by evaluating those controls to determine their adequacy, effectiveness and efficiency and recommended improvements, that addressed the root causes of control deficiencies.

During the year under review, Internal Audit conducted a wide range of operational, financial, compliance and information technology reviews. In addition to planned reviews, the Unit also responded to several ad-hoc management requests for audit reviews.

Internal Audit's reviews focused on regulatory and high-risk areas relating to the following:

- 2022/23 Annual Financial Statements;
- 2022/23 Annual Performance Report;
- Communications Management Review;
- Quarterly Audit of the Performance Information;
- Legal Services Review;
- Risk Management Review;
- Outreach Management Review;
- Knowledge Management Review;;
- Information and Communication Technology Review (ICT);
- Investigations Management Review;
- Security Management Review;
- Human Resources Management Review (HRM);
- Internal Financial Controls Review (IFC);
- Supply Chain Management Review (SCM);
- Facilities Management Review, and
- Ad-Hoc Reviews on SCM

6 AUDIT COMMITTEES

The AC continued to provide independent advice to Management and to oversee the functioning of the Internal Audit unit. The contract of one member of the Committee expired on 30 November 2022 and was extended until 31 March 2023 for operational reasons.

The Committee reviewed internal audit reports, quarterly performance reports as well as management action plans and processes to address areas of weaknesses identified both by Internal Audit and the AGSA. Quarterly monitoring of the audit action plans was conducted in accordance with its charter. The AC reviewed, among others, the following:

- The effectiveness of the internal control systems;
- The risk areas of the Institution's operations to be covered in the scope of internal and external audits;
- The adequacy, reliability and accuracy of the financial information provided by Management and other users of such information;
- Accounting and auditing concerns identified as a result of internal and external audits;
- The Institution's compliance with legal and regulatory provisions, and
- The activities of the internal audit function, including its annual work programme, coordination with the external auditors, the reports of significant audit

investigations and the responses of management to specific recommendations.

The Committee took note of the activities of the Financial Misconduct Committee - a structure established to deal with cases of financial misconduct as provided for in section 83 of the PFMA to ensure that all unauthorised, irregular, fruitless and wasteful expenditure is dealt with appropriately. The AC effectively executed its functions, which included the following:

- Approving the 2022/23 PPSA Annual Internal Audit Plan;
- Considering the AGSA 2022/23 Audit Strategy to avoid unnecessary duplication of audit efforts between AGSA and Internal Audit;
- Reviewing the quarterly performance reports and providing advice on actions to be taken to ensure achievement of targets;
- Reviewing management action plans to ensure that they address audit exceptions and risks identified during the audit;
- Reviewing the 2022/23 Annual Financial Statements, and
- Reviewing the 2022/23 Annual Performance Report.

The table below discloses relevant information on the audit committee members.

Name	Qualifications	Internal or external	If internal, position in department	Date appointed	Date Resigned	No. of Meetings attended
Ms Princess Mangoma (Chairperson)	<ul style="list-style-type: none"> • B.Compt • BCom Honours • CIA CISA 	External	N/A	01 March 2021	N/A	9
Ngobeni	<ul style="list-style-type: none"> • BCom Accounting • B.Compt Honours (CTA) • Master's in Commerce-Taxation • MBA • Higher Diploma in Computer Auditing • Registered Government Auditor (RGA) 	External	N/A	04 March 2021	N/A	9
Mr Luyanda Mangquku	<ul style="list-style-type: none"> • Chartered Accountant (SA) • Master's in Business Leadership (MBL) • Advanced Company Law I & II • BCom Honours in Accounting Sciences and Commerce. 	External	N/A	01 December 2019	Contract Expired 30 November 2022 and Contract Extension Granted until 31 March 2023	9

7 COMPLIANCE WITH LAWS AND REGULATIONS

The Institution has established quality assurance processes within its core business to effectively manage and monitor compliance with the legal prescripts, service standards as well as the Public Protector Rules. These structures have been instrumental in minimising the risk of litigation relating to investigation reports.

Training on new legislation and regulations that may impact on core business is conducted by Legal Services and Knowledge Management. Several quality assurance processes, at various levels, in the investigation value-chain including Full Bench, have been enhanced to ensure total quality of reports.

The units in Corporate Services adhered to various legislative Acts, ensuring that the Institution operates within the prescribed prescripts.

FRAUD AND CORRUPTION

The likelihood and occurrence of fraud and corruption incidents poses a risk to the Institution's assets, resources and integrity and may further negatively impact on quality of reports, resulting in reputational damage.

As part of its commitment to managing risk of fraud and corruption, the Institution continued to implement and maintain a Fraud Prevention and Anti-Corruption Policy, Strategy and Plan, which are reviewed on an annual basis. Fraud awareness sessions were held quarterly to continuously raise awareness about the fraud risk.

Management submitted progress reports on the implementation of the Fraud Prevention and Anti-Corruption Plan to EXCO, RMC and AC for monitoring. The reports reflected that only one case of fraud (theft) was identified, investigated and consequence management applied during the reporting period.

In relation to fraud detection, the Institution implemented its Whistleblowing Policy, that outlines detailed fraud reporting procedures, creating a mechanism for reporting anonymously within the Institution and through the National Anti-Corruption Hotline.

MINIMISING CONFLICT OF INTEREST

The Institution has an approved Policy on Conflict of Interest, which requires all employees to declare their financial interest annually. In addition, the Supply Chain Management Policy further requires all employees participating in supply chain management processes to declare their interest before undertaking any supply chain related tasks. Compliance with all SCM requirements regarding the bidding processes is not optional within the Institution.

The Institution's Code of Conduct, the Gifts, Donations and Sponsorships Policy, as well as the Financial Disclosure Framework further require all employees to disclose any gifts, donations and sponsorship on receipt on an annual basis. As a general rule, in line the Public Protector Act, employees are not allowed to perform any remunerative work outside their normal work.

CODE OF CONDUCT

The Institution has a Code of Conduct that prescribes the professional relationship and conduct of employees from an ethical point of view, both in their individual conduct and in their relationship with other employees, as well as with the public. It encourages employees to deal professionally, fairly and equitably with members of the public. Its primary purpose is to promote exemplary and acceptable conduct.

Compliance with the Code is expected from all employees to enhance professionalism and ensure public confidence in the Institution. Any breach or non-compliance with the Code is dealt with in terms of the Disciplinary Code and Procedure.



HEALTH SAFETY AND ENVIRONMENTAL ISSUES

The Occupational Health and Safety (OHS) Committee and Safety Representatives were appointed in all the Institution's offices and are tasked with the responsibility to monitor compliance with the OHS Act. The Committee and the OHS Representatives identified a number of offices where there was non-compliance with OHS requirements. The Institution took every step to ensure that it continues to provide habitable office accommodation to its employees. This was, in some instances, hampered by the delays by the DPWI in procuring alternative office accommodation where same was found to be inhabitable.

The conditions of some offices negatively impacted on the morale of employees and resulted in continuous complaints. The Institution is in the process of sourcing alternative office accommodation to house the Mthatha, Bisho, Phutaditjhaba and Pietermaritzburg Offices in the Eastern Cape, Free State and Kwazulu- Natal respectively through its own supply chain management processes.

Employee safety is a matter that continues to concern the leadership of the Institution, and is an issue that the Portfolio Committee on Justice also raised with the Institution. A physical security audit of all the Institution's offices were conducted during the reporting period to determine the adequacy of the existing security measures and identify areas of improvement. To this end, physical security was upgraded in some offices, including Polokwane and Mahikeng Provincial Offices, as well as Sibasa and Rustenburg Regional Offices.

9 SOCIAL RESPONSIBILITY

KWAZULU NATAL FLOODS

The Institution played a supporting role during the disaster (floods) in KwaZulu-Natal in April 2022. The role was to assist with the identification of the families and individuals affected by the floods and who needed immediate assistance either in the form of food, shelter or access to other government services. This involved the engagement with community members and compiling list of individuals or families and the required assistance. The Institution worked closely with the affected communities to identify their needs and liaise with the responsible organs of state to ensure that they receive the necessary assistance. The result was that affected individuals and families were able to access food and shelter and receive critical documents from the Department of Home Affairs to enable them to access services that alleviated their plight.

GAUTENG FOOD GARDEN

On 18 July 2022, the Institution, led by the acting Public Protector Adv. Kholeka Gcaleka, joined the Charlotte Manna-Maxeke Institute (CMMI) and the National Youth Development Agency (NYDA) at the Morris Isaacson High

School in Soweto to establish a food garden for the school to benefit learners and the surrounding communities in addressing food security challenges. The CMMI objective for the 2022 Mandela Day programme was to address challenges of food security at schools and in surrounding communities. This was the realisation of their Millennium Development Goal relating to Universal Food Security and was conducted under the theme: "Do what you can, with what you have, where you are".

Further to the food garden, the Institution donated garden implements such as rakes, forks, spades and watering cans as well as fruit trees. In her address, the acting Public Protector paid tribute to the late President Mandela, Ms Charlotte Maxeke, Mr Morris Isaacson, Mr Tsietsi Mashinini and Mr Onkgopotse Tiro. She also provided motivation to the learners of the school who are part of the Learner Representative Council and the Youth Forum. The Learner Representative Council and the Youth Forum are also in the forefront in implementing food security programmes at schools and surrounding areas. The impact made by the Institution is that the school continues to harvest from the established garden and this contributes towards achieving sustainable livelihoods.

10 AUDIT COMMITTEE REPORT

We are pleased to present our report for the financial year ended 31 March 2023.

AUDIT COMMITTEE RESPONSIBILITY

The Audit Committee reports that it has complied with its responsibilities arising from Section 51 (1)(a)(ii) of the Public Finance Management Act and Treasury Regulation 27.1. The Audit Committee also reports that it has adopted appropriate formal terms of reference as its Audit Committee Charter, has regulated its affairs in compliance with this charter and has discharged all its responsibilities as contained therein, except that we have not reviewed changes in accounting policies and practices.

THE EFFECTIVENESS OF INTERNAL CONTROL

Our review of the findings of the Internal Audit work, which was based on the risk assessments conducted in the public entity revealed certain weaknesses, which were then raised with the public entity. The following internal audit reviews were completed during the year under review:

- Review of the 2022/23 Annual Financial Statements
- Review of the 2022/23 Annual Performance Report
- Communications Management Review
- Quarterly Audit of the Performance Information
- Legal Services Review
- Risk Management Review
- Outreach Management Review
- Knowledge Management Review
- Information and Communication Technology Review (ICT)
- Investigations Management Review
- Security Management Review
- Human Resources Management Review (HRM)
- Internal Financial Controls Review (IFC)
- Supply Chain Management Review (SCM)
- Facilities Management Review
- Ad-Hoc Reviews

In-year Management and Monthly/Quarterly Report

The Institution has reported monthly and quarterly to the National Treasury and the Department of Planning, Monitoring and Evaluation (DPME) as is required by the PFMA and related frameworks

Evaluation of Financial Statements

We have reviewed the annual financial statements prepared by the Institution on 30 May 2023, at a Special Audit Committee meeting, prior to submission to the AGSA for audit.

Auditor's Report

We have reviewed the entity's implementation plan for audit issues raised in the prior year and we are satisfied that the cases have been adequately resolved:

The Audit Committee concurs and accepts the conclusions of the Auditor-General on the annual financial statements and is of the opinion that the audited annual financial statements be accepted and read together with the report of the Auditor-General.



Ms Princess Mangoma

Chairperson of the Audit Committee
Public Protector South Africa
Date: 08 August 2023

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B-BBEE COMPLIANCE PERFORMANCE INFORMATION

The following table has been completed in accordance with the compliance to the B-BBEE requirements of the B-BBEE Act of 2013 and as determined by the Department of Trade, Industry and Competition.

Has the Department / Public Entity applied any relevant Code of Good Practice (B-BBEE Certificate Levels 1 - 8) with regard to the following:		
Criteria	Response Yes / No	Discussion (include a discussion on your response and indicate what measures have been taken to comply)
Determining qualification criteria for the issuing of licences, concessions or other authorisations in respect of economic activity in terms of any law?	No	The service listed are not in line with PPSA mandate hence there were no projects which fall under this category
Developing and implementing a preferential procurement policy?	Yes	The policy is in place and the procurement strategies differ per project and industry dynamics based on the type of goods and services required. The SCM policy was revised and approved in-line with Preferential Procurement Regulations (PPR) 2022, which came into effect on 16 January 2023 and all PPSA Requests for Quotations (RFQ) and Requests for Bids are awarded in line with the new regulations.
Determining qualification criteria for the sale of state-owned enterprises?	No	The Institution does not own any buildings.
Developing criteria for entering into partnerships with the private sector?	No	Currently the Institution does not have any projects which fall under this category, but should the needs arise National Treasury will be engaged to provide guidance.
Determining criteria for the awarding of incentives, grants and investment schemes in support of Broad Based Black Economic Empowerment?	No	Based on the type of the products or services which are sourced by the Institution there are no requirements which might fall under this category



PART D

HUMAN RESOURCE MANAGEMENT



1

INTRODUCTION

STATUS OF HUMAN RESOURCES IN THE INSTITUTION

The organisational structure of the Institution provides for 567 posts, 372 are funded and 195 remain unfunded. The core business of the Institution, which is investigations, constitute 261 posts, which translates to 46% of the total posts.

The Institution was established through secondment of staff from the Department of Justice to provide Ombudsman related services. No funds were allocated for the actual establishment of the Institution, which resulted in the funds allocated for personnel being utilised to procure critical enablers to operationalise it. The mandate of the Institution was also expanded to include investigations into maladministration, undue delays and conduct failure in public administration. The expansion of the mandate was, however, not aligned to the staff establishment, which resulted in a high case load with limited capacity to deal therewith.

WORK-STUDY INVESTIGATION

The priority for the year under review was to complete the work-study investigation that aimed to determine whether the Institution was appropriately configured to deliver on its mandate and respond to the needs of the complainants. The project was completed and the Institution has commenced with the implementation of the recommendations. The recommendations included the revision of the service standards to improve the efficiency of the investigation process, training of investigators on various aspects of the process as well as appointing administrative staff to alleviate investigators from the burden of performing administrative functions, which take their focus away from their investigative work. It should be stated that some of the recommendations cannot be implemented immediately, as they require additional funding, which the Institution does not have.

TRAINING AND DEVELOPMENT INTERVENTIONS

The work of the Institution is highly legal and requires due diligence to prevent errors and omissions that may result in litigation or create further prejudice to complainants. An investment in training and development of employees became a priority to ensure that they possess the necessary skill and knowledge to effectively discharge their responsibilities.

A total of nine (9) training courses/ programmes were undertaken during the reporting period, which resulted in the training of 139 employees across all the business units of the Institution. The continuous training has greatly improved the quality of reports the Institution produced during the reporting period. Over and above the formal training, the Institution continues to provide on-the-job training through file inspections, guidance and supervision.

EMPLOYEE WELLNESS

The investigative work of the Institution is highly demanding and has affected a number of employees over the years. The Institution has an outsourced Employee Assistance Programme that provides psycho-social support to employees in a confidential manner. An analysis of the quarterly reports received from the service provider confirmed that some employees have difficulty coping with the high work demands, to an extent that they present with mental health issues.

The anxiety brought by the Section 194 Enquiry compounded the situation, which required the Institution to expand the psycho-social support by the service provider. Support, including counselling, was provided to a number of employees, some who had to give testimony during the Section 194 proceedings.

FILLING OF CRITICAL VACANCIES

The Institution managed to keep its vacancy rate below 10% through the prompt filling of posts as they become

vacant. However, an assessment of the critical nature of the vacated post was always conducted to ensure that only critical posts are filled to address the areas with the greatest need.

The work-study investigation determined that the caseload at head office was too high, thus necessitated splitting their Investigation Branch's workload. This resulted in the creation of an additional executive manager post to share the workload.

The Institution could not fill the position of Senior Manager: Risk Management, which became vacant during the reporting period, due to budget constraints. In this regard, the Senior Manager: Executive Support in the office of the CEO was transferred to the Risk Management post as he was found to have the necessary the competency to perform the related functions.

WORKFORCE PLANNING FRAMEWORK AND KEY STRATEGIES TO ATTRACT AND RECRUIT A SKILLED AND CAPABLE WORKFORCE

A Human Resources Plan and the Workplace Skills Plan (WSP) were developed and the WSP was submitted to SASSETA on 30 May 2022. The two plans identified the need for the Institution to vary the skills to achieve a balance of expertise, especially for core business. To this end, the Institution revised the qualification requirements for the different jobs to also attract other candidates with varying qualifications. These included internal and forensic auditors as well as forensic accountants.

EMPLOYEE PERFORMANCE MANAGEMENT

Employee performance agreements were re-structured to ensure that each employee's agreement links to the Unit, the Branch and Institutional performance. The Institution further embarked on a process of standardising performance agreements for consistency to promote the principle of equal pay for work of equal value. The standardisation has assisted to simplify the performance assessment and moderation to ensure transparency and fairness of the process. All employees signed performance agreements during the year under review and their performance was duly assessed. The performance of a few employees was found to be below the expected standard and performance improvement plans were developed to manage the poor performance.

POLICY DEVELOPMENT

The Institution reviewed all its HR, Finance, SCM and Facilities related policies in line with its Policy Development Guidelines after extensive deliberations by the internal Policy Committee. Revised policies, in particular, HR policies, were taken through the consultative process with organised labour, approved by the Executive Authority and published internally.

In conclusion, the Institution achieved all its human resources related targets and maintained adequate capacity to deliver on its mandate, albeit at a high cost to the emotional wellbeing of employees who are over-worked. The limited financial resources of the Institution do not enable it to augment its capacity to be on par with international best practice in terms of caseload per investigator. The ever increasing need for the Institution's services in relation to the diminishing budget allocation will continue to negatively impact on the Institution's ability to effectively meet the needs of the complainants , i.e. to have prompt resolution of their complaints.

2 HUMAN RESOURCE OVERSIGHT STATISTICS

All the financial amounts stated below agree to the amounts disclosed in the annual financial statements. Appropriate reasons for variances are provided.

2.1 PERSONNEL RELATED EXPENDITURE

Personal cost by salary band

Programme	Total expenditure (R'000)	Personnel expenditure (R'000)	Personnel expenditure as a % of total expenditure	No. of employees	Average personnel cost per employee (R'000)
Administration	64 429	64 429	100%	84	767
Investigations	186 885	186 885	100%	241	775
Stakeholder Management	12 166	12 166	100%	18	676
Total	263 480	263 480	100%	343	2218

Personnel cost by salary band

Level	Personnel Expenditure (R'000)	% of personnel exp. to total personnel cost (R'000)	No. of employees	Average personnel cost per employee (R'000)
Top Management	20 011	8%	7	2 859
Senior Management	46 500	18%	27	1 722
Professional qualified	152 396	58%	192	794
Skilled	15 795	6%	34	465
Semi-skilled	28 778	11%	83	347
Unskilled	0	0	0	0
TOTAL	263 480	100%	343	6 168

Training Costs

Programme/activity/objective	Personnel Expenditure (R'000)	Training Expenditure (R'000)	Training Expenditure as a % of Personnel Cost.	No. of employees trained	Avg training cost per employee
Administration	64 429	191	0.30%	53	4
Investigation	186 885	223	0.12%	75	3
Stakeholder Management	12 166	26	0.21%	11	2

Employment and vacancies

Programme/activity/objective	2021/2022 No. of Employees	2022/2023 Approved Posts	2022/2023 No. of Employees	2022/2023 Vacancies	% of vacancies
Administration	78	91	84	7	7.69%
Investigations	236	261	241	20	7.66%
Stakeholder Management	18	20	18	2	10%
Total	332	372	343	29	7.79%

Programme/activity/objective	2021/2022 No. of Employees	2022/2023 Approved Posts	2022/2023 No. of Employees	2022/2023 Vacancies	% of vacancies
Top Management	7	8	7	1	12.5%
Senior Management	28	30	27	3	10%
Professional qualified	185	213	192	21	9.85%
Skilled	34	36	34	2	5.5%
Semi-skilled	78	85	83	2	2.35%
Unskilled	0	0	0	0	0
TOTAL	332	372	343	29	7.79%

The only post of Senior Management that remained vacant for an extended period is that of Chief Operations Officer, as a result of the work study that was being conducted. The expectation was that the work-study investigation would confirm the need and the job specification, which was critical to advertise this post.

Employment changes

Salary Band	Employment at beginning of period	Appointments	Terminations	Employment at end of the period
Top Management	7	2	2	7
Senior Management	28	2	3	27
Professional qualified	185	31	15	192
Skilled	34	5	3	34
Semi-skilled	78	8	3	83
Unskilled	0	0	0	0
Total	332	48	26	343

Reasons for staff leaving

Termination Type	Number	% of Total Terminations
Death	2	0,58%
Resignation	17	4,96%
Dismissal	1	0,29%
Retirement	5	1,46%
ill-health	1	0,29%
Expiry of contract	0	0%
Other	0	0%
Total	26	7.58%

The reasons why staff leave the Institution are illustrated above. The majority of reasons are as a result of resignations, because of staff members seeking career growth in the main, and in isolated incidents, because of new challenges or seeking a different environment.

The institution is continuing to identify and prioritise critical skills for retention. Furthermore, the Institution has prioritised learning, development and digital transformation to enhance the skills set.

Labour Relations: Misconduct and disciplinary action

Nature of disciplinary Action	Number
Verbal Warning	1
Written Warning	1
Final Written warning	1
Dismissal	1
Total	4

Equity Target and Employment Equity Status

The Institution has had difficulties identifying suitable qualified people with disabilities, possibly due to the nature of the services it provides. All post advertisement placed by the Institution indicated that preference will be given to people with disabilities, however, this has not yielded the desired results. The Institution has decided to partner with disability rights groups to identify and attract suitably qualified persons with disabilities for consideration.

Levels	MALE							
	AFRICAN		COLOURED		INDIAN		WHITE	
	Current	Target	Current	Target	Current	Target	Current	Target
Top Management	2	2	0	1	0	0	1	1
Senior Management	16	15	0	1	0	1	2	1
Professional qualified	97	95	5	8	2	4	0	8
Skilled	11	4	0	0	0	0	0	0
Semi-skilled	20	19	1	1	0	0	0	0
Unskilled	0	0	0	0	0	0	0	0
TOTAL	146	135	6	11	2	5	3	10

Levels	FEMALE							
	AFRICAN		COLOURED		INDIAN		WHITE	
	Current	Target	Current	Target	Current	Target	Current	Target
Top Management	4	4	0	0	0	0	0	0
Senior Management	7	9	0	1	1	0	1	2
Professional qualified	76	85	6	9	4	5	2	6
Skilled	21	6	0	0	1	1	1	1
Semi-skilled	55	62	5	8	2	3	0	4
Unskilled	0	0	0	0	0	0	0	0
TOTAL	163	166	11	18	8	9	4	13

Levels	DISABLED STAFF			
	MALE		FEMALE	
	Current	Target	Current	Target
Top Management	0	0	0	0
Senior Management	0	0	0	0
Professional qualified	1	3	0	1
Skilled	0	1	0	1
Semi-skilled	0	0	0	1
Unskilled	0	0	0	0
TOTAL	1	4	0	3



PART E

PFMA COMPLIANCE REPORT



1

IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE AND MATERIAL LOSSES

1.1. IRREGULAR EXPENDITURE

a) Reconciliation of irregular expenditure

Description	2022/2023 Rands	2021/2022 Rands
Opening balance	30 996 084,50	10 022 100,00
Add: Irregular expenditure confirmed	18 987 533,00	22 632 259,00
Less: Irregular expenditure condoned	0,00	0,00
Less: Irregular expenditure not condoned and removed	0,00	0,00
Less: Irregular expenditure recoverable	0,00	0,00
Less: Irregular expenditure not recovered and written off	0,00	(1 658 274,50)
Closing balance	49 983 617,50	30 996 084,50

PPSA appointed a legal service provider from the panel of attorneys in respect of approximately 25 cases over the past 4 years, where an excess of R60 million has been paid. Some of the payments were on their own invoices and others in respect of counsel fees.

During the audit process AGSA had detected irregular expenditure as a result of unfair work allocation related to consultancy fees (legal fees) to the amount of R 18 636 947,00, which led to the adjustments in AFS.

Reconciling notes

Description	2022/2023 Rands	2021/2022 Rands
Irregular expenditure that was under assessment in 2021/22	0,00	27 622,00
Irregular expenditure that relates to 2021/22 and identified in 2022/23	0,00	22 564 338,00
Irregular expenditure for the current year	18 987 533,00	40 299,00
Total	18 987 533,00	22 632 259,00

b) Details of current and previous year irregular expenditure (under assessment, determination, and investigation)

Description ¹	2022/23 Rands	2021/22 Rands
Irregular expenditure under assessment	0,00	27 622
Irregular expenditure under determination	0,00	0,00
Irregular expenditure under investigation	0,00	0,00
Total²	0,00	0,00

1 Group similar items

2 Total unconfirmed irregular expenditure (assessment), losses (determination), and criminal conduct (investigation)

c) Details of current and previous year irregular expenditure condoned

Description	2022/2023 Rands	2021/2022 Rands
Irregular expenditure condoned	0,00	0,00
Total	0,00	0,00

d) Details of current and previous year irregular expenditure removed - (not condoned)

Description	2022/2023 Rands	2021/2022 Rands
Irregular expenditure NOT condoned and removed	0,00	0,00
Total	0,00	0,00

e) Details of current and previous year irregular expenditure recovered

Description	2022/2023 Rands	2021/2022 Rands
Irregular expenditure recovered	0,00	0,00
Total	0,00	0,00

f) Details of current and previous year irregular expenditure written off (irrecoverable)

Description	2022/2023 Rands	2021/2022 Rands
Irregular expenditure written off	0,00	1 658 274.50
Total	0,00	0,00

Additional disclosure relating to Inter-Institutional Arrangements

g) Details of non-compliance cases where an institution is involved in an inter-institutional arrangement (where such institution is not responsible for the non-compliance)

Description	2022/2023 Rands	2021/2022 Rands
Not applicable		
Total		

h) Details of non-compliance cases where an institution is involved in an inter-institutional arrangement (where such institution is responsible for the non-compliance)

Description	2022/2023 Rands	2021/2022 Rands
Not applicable		
Total		

i) Details of current and previous year disciplinary or criminal steps taken as a result of irregular expenditure

Disciplinary steps taken
Cases still under consideration through Financial Misconduct Committee (FMC)

1.2. FRUITLESS AND WASTEFUL EXPENDITURE

a) Reconciliation of fruitless and wasteful expenditure

Description	2022/2023 Rands	2021/2022 Rands
Opening balance	2 661 998,83	624 558,83
Add: Fruitless and wasteful expenditure confirmed	153 746,00	2 110 835,00
Less: Fruitless and wasteful expenditure written off	0,00	(72 946,00)
Less: Fruitless and wasteful expenditure recoverable	0,00	(449,00)
Closing balance	2 815 744,83	2 661 998,83

Reconciling notes

Description	2022/2023 Rands	2021/2022 Rands
Fruitless and wasteful expenditure that was under assessment in 2022/23	0,00	0,00
Fruitless and wasteful expenditure that relates to 2021/22 and identified in 2022/23	0,00	2 058 669,00
Fruitless and wasteful expenditure for the current year	153 746,00	52 166,00
Total	153 746,00	2 110 835,00

b) Details of current and previous year fruitless and wasteful expenditure (under assessment, determination, and investigation)

Description	2022/2023 Rands	2021/2022 Rands
Fruitless and wasteful expenditure under assessment	0,00	0,00
Fruitless and wasteful expenditure under determination	0,00	0,00
Fruitless and wasteful expenditure under investigation	0,00	0,00
Total	0,00	0,00

c) Details of current and previous year fruitless and wasteful expenditure recovered

Description	2022/2023 Rands	2021/2022 Rands
Fruitless and wasteful expenditure recovered	0,00	0,00
Total	0,00	0,00

d) Details of current and previous year irregular expenditure not recovered and written off

Description	2022/2023 Rands	2021/2022 Rands
Fruitless and wasteful expenditure recovered	0,00	72 946,00
Total	0,00	72 946,00

e) Details of current and previous year disciplinary or criminal steps taken as a result of fruitless and wasteful expenditure
Disciplinary steps taken

Disciplinary steps taken
Not applicable in the period under review.

1.3. ADDITIONAL DISCLOSURE RELATING TO MATERIAL LOSSES IN TERMS OF PFMA SECTION 55(2)(B)(I) &(III)

a) Details of current and previous year material losses through criminal conduct

Description	2022/2023 Rands	2021/2022 Rands
Theft	0,00	0,00
Other material losses	0,00	0,00
Less: Recovered	0,00	0,00
Less: Not recovered and written off	0,00	0,00
Total	0,00	0,00

b) Details of other material losses

Description	2022/2023 Rands	2021/2022 Rands
(Group major categories, but list material items)	0,00	0,00
Total	0,00	0,00

c) Other material losses recovered

Description	2022/2023 Rands	2021/2022 Rands
(Group major categories, but list material items)	0,00	0,00
Total	0,00	0,00

d) Other material losses written off

Description	2022/2023 Rands	2021/2022 Rands
(Group major categories, but list material items)	0,00	0,00
Total	0,00	0,00

2

LATE AND/OR NON-PAYMENT OF SUPPLIERS

Description	Number of invoices	Consolidated Value Rands
Valid invoices received	2985	102 158 127,87
Invoices paid within 30 days or agreed period	2953	94 084 143,60
Invoices paid after 30 days or agreed period	7	8 082 252,00
Invoices older than 30 days or agreed period (unpaid and without dispute)	0	0
Invoices older than 30 days or agreed period (unpaid and in dispute)	25	21731,38

Seanego and Execu Prime queried invoices

Seanego	Legal Services	NP004363	670 082,18
Seanego	Legal Services	004346/NP	1 293 515,32
Seanego	Legal Fees	004132/NP(2)	1 228 384,84
Seanego	Legal Services	4132	3 632 850,00
Seanego	Legal Services	4035	918 997,16
Execu Prime	Training	IO100785	40 882,50
Execu Prime	Training	IO100782	297 540,00

Travel With Flair Queried invoices

24/02/2022	Pta5294587	Transfer Domestic	Sibanyoni Miriam Ms	1 730,00
15/03/2022	Pta5318689	Accommodation	Lebelo Luthermal (1)	1 600,00
11/04/2022	Pta5351137	Air Ticket	Mntumtum Zoleka Ms	2 161,96
09/05/2022	Pta5382991	accommodation	Segalwe Oupa Fra (1)	1 585,74
09/05/2022	Pta5383098	Transfer Domestic	Lebelo Luthermal (1)	1 630,00
05/08/2022	Pta5508812	Air Ticket	Caleni Hombisa Mrs	6 203,00
10/08/2022	Pta5511482	Accommodation	Mabunda Thandekamrs	2 040,00
04/08/2021	Pta5125917	Car Hire Rental (Car)	Linda David Mr	287,50
08/10/2021	Pta5173410	Air Ticket	Mogamedi Mogamedi Mr	4 493,18

3 SUPPLY CHAIN MANAGEMENT

3.1. PROCUREMENT BY OTHER MEANS

Nr	Project description	Name of supplier	Type of procurement by other means	Contract number	Value of contact Rands
1.	Procurement of additional ten (10) parking bays for PPSA Head Office for a period of four (4) months which were aligned to the current lease period	Redefine Properties Pty Ltd	limited bidding	9297	52 325,00
2.	Procurement of additional four (4) parking bays for Durban office for a period of eight (8) months	Umbulumko Knowledge Services Pty Ltd	limited bidding	9298	43 448,96
3.	Leasing of office accommodation for a period of one (1) month for Bloemfontein office	Linkport Pty Ltd	limited bidding	9304	187 693,65
4.	Relocation of Konica Minolta photocopy machine from Klerksdorp to Head Office	Konica Minolta South Africa	limited bidding	9326	4 533,63
5.	Procurement of radio slot which is part of PPSA annual performance plan (celebration of Youth month)	Makhado FM	limited bidding	9417	12 000,00
6.	Procurement of radio slot which is part of PPSA annual performance plan (celebration of Youth month)	Moletsi Community Media	limited bidding	9420	9 000,00
7.	Procurement of radio slot which is part of PPSA annual performance plan (celebration of Youth month)	Moutse Community radio station	limited bidding	9418	10 000,00
8.	Procurement of radio slot which is part of PPSA annual performance plan (celebration of Youth month)	Life Broadcasting NPC	limited bidding	9430	16 000,00
9.	Procurement of radio slot which is part of PPSA annual performance plan (celebration of Youth month)	Bokone Bophirima FM	limited bidding	9434	15 000,00
10.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Kwa-Zulu Natal Office)	Indonsakusa Community Radio (ICORA FM)	limited bidding	9635	4 600,00
11.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Kwa-Zulu Natal Office)	Nongoma FM	limited bidding	9636	5 450,00
12.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Kwa-Zulu Natal Office)	Siyathuthuka Community Radio	limited bidding	9643	5 000,00
13.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Kwa-Zulu Natal Office)	Maputaland Community Radio	limited bidding	9644	3 851,83

Nr	Project description	Name of supplier	Type of procurement by other means	Contract number	Value of contact Rands
14.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Northern Cape Office)	Radio NFM	limited bidding	9637	7 935.00
15.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Northern Cape Office)	Radio Riverside	limited bidding	9645	5 980.00
16.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Northern Cape Office)	Radio Ulwazi FM	limited bidding	9634	3 700.00
17.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Northern Cape Office)	Kurara FM	limited bidding	9633	6 670.00
18.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Free State Office)	Metsimaholo FM registered under Selitec Pty Ltd	limited bidding	9638	15 000.00
19.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Free State Office)	Mosupatsela FM	limited bidding	9641	6 000.00
20.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Free State Office)	Qwaqwa Radio	limited bidding	9642	16 100.00
21.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Kwa-Zulu Natal Office)	Indonsakusa Community Radio (ICORA FM)	limited bidding	9632	22 100.00
22.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Kwa-Zulu Natal Office)	Nongoma FM	limited bidding	9298	11 500.00
23.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Kwa-Zulu Natal Office)	Siyathuthuka Community Radi	limited bidding	9299	32 000.00
24.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Kwa-Zulu Natal Office)	Maputaland Community Radio	limited bidding	9643	12 000.00
25.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Northern Cape Office)	Radio NFM	limited bidding	9522	19 125.00
26.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Northern Cape Office)	Radio Riverside	limited bidding	9562	12 000.00
27.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Northern Cape Office)	Radio Ulwazi FM	limited bidding	9563	11 061.26
28.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Northern Cape Office)	Kurara FM	limited bidding	9606	9 000.00
29.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Free State Office)	Metsimaholo FM registered under Selitec Pty Ltd	limited bidding	9607	8 400.00

Nr	Project description	Name of supplier	Type of procurement by other means	Contract number	Value of contact Rands
30.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Free State Office)	Mosupatsela FM	limited bidding	9592	10 850.00
31.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Free State Office)	Qwaqwa Radio	limited bidding	9630	8 500.00
32.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Gauteng office)	Lekoa Multi-Media	Centre t/a Lekoa	9593	22 100.00
33.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Gauteng office)	Rainbow community	Broadcaster	9594	11 500.00
34.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Gauteng office)	Emfuleni Community Radio t/a Sedibeng FM	limited bidding	9589	32 000.00
35.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Gauteng office)	Commuter FM	limited bidding	9545	12 000.00
36.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Gauteng office)	Moretela Community Radio	limited bidding	9622	19 125.00
37.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Gauteng office)	Pheli FM	limited bidding	9548	12 000.00
38.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Gauteng office)	VUT FM	limited bidding	9561	11 061.26
39.	Procurement of radio slot which is part of PPSA annual performance plan (National event for celebration of women's month)	Mkhondo Community Radio	limited bidding	9454	9 000.00
40.	Procurement of radio slot which is part of PPSA annual performance plan (National event for celebration of women's month)	Bushbuckridge Community Radio	limited bidding	9453	8 400.00
41.	Procurement of radio slot which is part of PPSA annual performance plan (National event for celebration of women's month)	Lekoa Multi-Media	limited bidding	9539	10 850.00
42.	Procurement of radio slot which is part of PPSA annual performance plan (National event for celebration of women's month)	Mamelodi FM community Radio t/a Mams Radio	limited bidding	9538	8 500.00
43.	Appointment of the service provider for the fixing of PPSA Wi-Fi system	Sizwe Africa IT Group	limited bidding	9523	12, 549.00
44.	Appointment of the service provider for the provision of additional parking bay for PPSA Head Office	Redefine Properties	limited bidding	9574	1 236 618.00
45.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Easter Cape Office)	Unitra Community Radio (UCR)-FM	limited bidding	9895	12 000.00
46.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Kwa-Zulu Natal Office)	Ugu Youth FM	limited bidding	9827	5 500.00

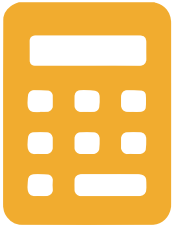
Nr	Project description	Name of supplier	Type of procurement by other means	Contract number	Value of contact Rands
47.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Kwa-Zulu Natal Office)	Radio Sunny South	limited bidding	9826	4 800.00
48.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Kwa-Zulu Natal Office)	North Cost Radio	limited bidding	9824	5 000.00
49.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Northern Cape Office)	Radio riverside	limited bidding	9829	12 420.00
50.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Northern Cape Office)	Ulwazi FM	limited bidding	9830	7 400.00
51.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Northern Cape Office)	NFM Radio	limited bidding	9828	15 801.00
52.	Appointment of the service provider to conduct dignosis of PPSA Head office X-Ray machine	Hissco Pty Ltd	limited bidding	9768	6 900.00
53.	Procurement of eleven (11) parking bays for Durban office	Umbulumko Knowledge Services Pty Ltd	limited bidding	9872	189 981.00
54.	Renewal of Microsoft licences for PPSA	Microsoft South Africa Limited	limited bidding	9533	8 702 190.81
55.	Renewal of Caseware licences	Adapt IT Pty Ltd	limited bidding	9901	97 864.25
56.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme for Easter Cape Office)	Noponi Rural Development t/a Ngqushwa Fm 99.5	limited bidding	10022	8 500.00
57.	Procurement of training services for Compliance unit for POPIA	National School of Government (NSG)	limited bidding	10019	16 000.00
58.	Procurement of training services for Internal Audit	Leadership Academy for Guardians of Governance	limited bidding	9974	38 704,40
59.	Renewal of SAGE VIP licence	SAGE South Africa Pty Ltd	limited bidding	10015	158 015,75
60.	Procurement of Microsoft premium support services	Microsoft South Africa Limited	limited bidding	10104	667 000,00
61.	Procurement of insurance services	GIB Insurance	limited bidding	10005	27 388,00
62.	Leasing of office accommodation mowana	Public Investment Corporation c/o Mowana Properties	Emergency procurement	10041	681 297,57
63.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Tubatse Progress Community Radio Station	limited bidding	9608	5 800.00
64.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Mohodi Community Radio & Telecentre	limited bidding	9514	5 000.00
65.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Univen FM	limited bidding	9528	3 600.00

Nr	Project description	Name of supplier	Type of procurement by other means	Contract number	Value of contact Rands
66.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Makhado FM	limited bidding	9607	7 000.00
67.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Mokopane Community Radio	limited bidding	9609	5 000.00
68.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	New Voice Media Group	limited bidding	9529	11 250.00
69.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Nqubeko Community	limited bidding	9596	8 000.00
70.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Intokozo ye-Ningizimu community radio station	limited bidding	9595	5 000.00
71.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	NN Community radio station	limited bidding	9594	6 000.00
72.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Mkhondo Community Radio	limited bidding	9542	9 000.00
73.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Moutse community Radio	limited bidding	9451	10 000.00
74.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Bushbuckridge community Radio	limited bidding	9540	8 400.00
75.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Voice of Hope Iziwi Lethemba	limited bidding	9452	6 000.00
76.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Barberton community Radio	limited bidding	9521	9 000.00
77.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Nkomazi FM	limited bidding	9576	9 500.00
78.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Takalani Community Radio Trust	limited bidding	9625	6 000.00
79.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Qaukeni Peoples Organization Inkojane FM	limited bidding	9626	6 000.00
80.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	UCR Airtime Sales Pty Ltd	limited bidding	9604	6 000.00
81.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Noponi Rural Development t/a Ngqushwa Fm 99.5	limited bidding	9605	7 000.00

Nr	Project description	Name of supplier	Type of procurement by other means	Contract number	Value of contact Rands
82.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Zibonele FM	limited bidding	9629	4 935.19
83.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Eden FM	limited bidding	9597	2 875.00
84.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Helderberg FM	limited bidding	9591	3 000.00
85.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Breakthrough Adventures Whale Coast FM	limited bidding	9592	3 150.00
86.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Kurara FM	limited bidding	9633	6 670.00
87.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Radio Riverside	limited bidding	9606	5 980.00
88.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Aganang Community Radio Station	limited bidding	9487	6 000.00
89.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Bokone Bophirima	limited bidding	9518	7 500.00
90.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Madibeng Community Radio t/a Madibeng FM	limited bidding	9441	4 500.00
91.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Vaaltaar Community Radio Station	limited bidding	9499	7 000.00
92.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Modiri FM	limited bidding	9509	5 000.00
93.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Madibogo Community Radio Station t/a Lehae la Botshabelo	limited bidding	9511	15 000.00
94.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Star FM	limited bidding	9488	12 000.00
95.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Selitec Pty Ltd (Metsimaholo FM)	limited bidding	9510	7 500.00
96.	Procurement of radio slot which is part of PPSA annual performance plan (Outreach programme)	Mosupatsela FM	limited bidding	9516	3 500.00
Total					12 877 450.56

3.2. CONTRACT VARIATIONS AND EXPANSIONS

Nr	Project description	Name of supplier	Contract modification type (Expansion or Variation)	Contract number	Original contract value	Value of previous contract expansion/s or variation/s (if applicable)	Value of current contract expansion or variation
					Rands	Rands	Rands
1.	Procurement of office accommodation for PPSA Bloemfontein office	SKG Africa Pty Ltd	Variation	9749	2 677 419.47	0,00	370 553.32
2.	Procurement of electronic stamps, annual subscription fees and maintenance for Mafikeng	Early Worx 282 (Pty) Ltd	Variation	9563	Capped at 500 000.00	0,00	75 000.00
3.	Procurement of electronic stamps, annual subscription fees and maintenance for Gauteng office	Hasler Business Systems (Pty) Ltd	Variation	10252		0,00	
4.	Procurement of electronic stamps, annual subscription fees and maintenance for George and Cape Town offices	DG Incentives	Variation	10287		0,00	
5.	Re-installation of video fied system for Bloemfontein office	Fidelity ADT and Technical Pty Ltd	Variation	9654		2 122 885.14	
6.	Procurement of additional two (2) SAP Business One licences	G3G Pty Ltd	Variation	9661	2 070 913.58	0,00	114 108.75
7.	Variation of provision of gardening services for Sibasa Office for a period of ten (10) months	Monabo Hygiene Services CC	Variation	9667	275 814.02	0,00	31 178.24
8.	Variation of contract for the hosting, support and maintenance for	The Innovation Hub Management Company	Variation	9689	447 434, 90	0,00	66 930.00
9.	Provision of cleaning services for various offices namely: Mafikeng, Kimberley, Bloemfontein and Rustenburg	M Jnr Consulting	Variation	10020	2 885 425.00	0,00	61 604.96
Total					10 979 891.20	9 030.96	727 140.84



PART F

FINANCIAL INFORMATION

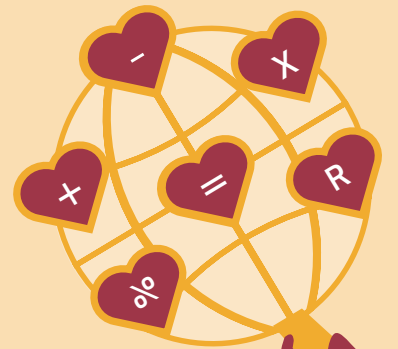


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ABBREVIATIONS AND ACRONYMS:

AGSA	Auditor General South Africa	IAS	International Accounting Standards
AJSD	Administrative Justice and Service Delivery	MTEF	Medium Term Expenditure Framework
AORC	African Ombudsman Research Centre	PII	Provincial Investigation and Integration
CSM	Complaints and Stakeholders Management	PP	Public Protector
DOJ&CD	Department of Justice and Constitutional Development	PPSA	Public Protector South Africa
GEMS	Government Employees Medical Aid Schemes	SABS	South African Bureau of Standards
GEPF	Government Employee Pension Fund	SASSETA	Safety and Security Sector Education and Training Authority
GGI	Good Governance and Integrity	USAASA	Universal Service and Access Agency of South Africa
GRAP	Generally Recognised Accounting Practice		

REPORT OF THE **AUDITOR-GENERAL** TO PARLIAMENT ON PUBLIC PROTECTOR SOUTH AFRICA

REPORT ON THE AUDIT OF THE FINANCIAL STATEMENTS

OPINION

1. I have audited the financial statements of the Public Protector South Africa set out on pages 127 to 169, which comprise the statement of financial position as at 31 March 2023, statement of financial performance, statement of changes in net assets, cash flow statement and statement of comparison of budget and actual amounts for the year then ended, as well as notes to the financial statements, including a summary of significant accounting policies.
2. In my opinion, the financial statements present fairly, in all material respects, the financial position of the Public Protector South Africa as at 31 March 2023, and its financial performance and cash flows for the year then ended in accordance with the Standards of Generally Recognised Accounting Practice (Standards of GRAP) and the requirements of the Public Finance Management Act 1 of 1999 (PFMA).

BASIS FOR OPINION

3. I conducted my audit in accordance with the International Standards on Auditing (ISAs). My responsibilities under those standards are further described in the responsibilities of the Auditor-General for the audit of the financial statements section of my report.
4. I am independent of the Constitutional Institution in accordance with the International Ethics Standards Board for Accountants' International code of ethics for professional accountants (including International Independence Standards) (IESBA code) as well as other ethical requirements that are relevant to my audit in South Africa. I have fulfilled my other ethical responsibilities in accordance with these requirements and the IESBA code.

5. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

EMPHASIS OF CASES

6. I draw attention to the matter below. My opinion is not modified in respect of this matter.

IRREGULAR EXPENDITURE

7. As disclosed in note 33 to the financial statements, Irregular expenditure of R18 987 533 was incurred, as a proper tender process was not followed.

RESTATEMENT OF CORRESPONDING FIGURES

8. As disclosed on note 33 to the financial statements, the corresponding figures for 31 March 2022 were restated as a result of an error in the financial statements of the Constitutional Institution at, and for the year ended 31 March 2023.

OTHER MATTER

National Treasury Instruction No. 4 of 2022/2023: PFMA Compliance and Reporting Framework

9. On 23 December 2022 National Treasury issued Instruction Note No. 4: PFMA Compliance and Reporting Framework of 2022-23 in terms of section 76(1)(b), (e) and (f), 2(e) and (4)(a) and (c) of the PFMA, which came into effect on 3 January 2023. The PFMA Compliance and Reporting Framework also addresses the disclosure of unauthorised expenditure, irregular expenditure and fruitless and wasteful expenditure. Among the effects of this framework is that irregular and fruitless and wasteful expenditure incurred in previous financial years and not addressed is no longer disclosed in the disclosure notes of the annual financial statements, only the current year and prior year figures are disclosed in note 33 to the financial statements. The movements in respect of irregular expenditure

and fruitless and wasteful expenditure are no longer disclosed in the notes to the annual financial statements of Public Protector South Africa. The disclosure of these movements (e.g., condoned, recoverable, removed, written off, under assessment, under determination and under investigation) are now required to be included as part of other information in the annual report of the auditees. I do not express an opinion on the disclosure of irregular expenditure and fruitless and wasteful expenditure in the annual report.

RESPONSIBILITIES OF THE ACCOUNTING OFFICER FOR THE FINANCIAL STATEMENTS

10. The accounting officer is responsible for the preparation and fair presentation of the financial statements in accordance with the Standards of GRAP and the requirements of the PFMA; and for such internal control as the accounting officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.
11. In preparing the financial statements, the accounting officer is responsible for assessing the Constitutional Institution's ability to continue as a going concern; disclosing, as applicable, cases relating to going concern; and using the going concern basis of accounting unless the appropriate governance structure either intends to liquidate the Constitutional Institution or to cease operations, or has no realistic alternative but to do so.

RESPONSIBILITIES OF THE AUDITOR-GENERAL FOR THE AUDIT OF THE FINANCIAL STATEMENTS

12. My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error; and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

13. A further description of my responsibilities for the audit of the financial statements is included in the annexure to this auditor's report.

REPORT ON THE AUDIT OF THE ANNUAL PERFORMANCE REPORT

14. In accordance with the Public Audit Act 25 of 2004 (PAA) and the general notice issued in terms thereof, I must audit and report on the usefulness and reliability of the reported performance against predetermined objectives for selected programmes presented in the annual performance report. The accounting officer is responsible for the preparation of the annual performance report.
15. I selected the following programmes presented in the annual performance report for the year ended 31 March 2023 for auditing. I selected programmes that measures the Constitutional Institution's performance on its primary mandated functions and that are of significant national, community or public interest.

Programme	Page numbers	Purpose
Investigations	72-73	The purpose of the investigations programme is to ensure speedy resolution of complaints in line with fulfilling the mandate of the Public Protector to strengthen constitutional democracy.
Stakeholder Management	75	The purpose of the programme is to enhance accessibility of Public Protector services to all persons and communities as well as to assist in improving complaints handling mechanisms in organs of state and ombudsman institutions.

16. I evaluated the reported performance information for the selected programmes against the criteria developed from the performance management and reporting framework, as defined in the general notice. When an annual performance report is prepared using these criteria, it provides useful and reliable information

and insights to users on the Constitutional Institution's planning and delivery on its mandate and objectives.

17. I performed procedures to test whether:

- the indicators used for planning and reporting on performance can be linked directly to the Constitutional Institution's mandate and the achievement of its planned objectives
- the indicators are well defined and verifiable to ensure that they are easy to understand and apply consistently and that I can confirm the methods and processes to be used for measuring achievements
- the targets can be linked directly to the achievement of the indicators and are specific, time bound and measurable to ensure that it is easy to understand what should be delivered and by when, the required level of performance as well as how performance will be evaluated
- the indicators and targets reported on in the annual performance report are the same as what was committed to in the approved initial or revised planning documents
- the reported performance information is presented in the annual performance report in the prescribed manner
- there are adequate supporting evidence for the achievements reported and for the reasons provided for any over- or underachievement of targets.

18. I performed the procedures for the purpose of reporting material findings only; and not to express an assurance opinion.

19. I did not identify any material findings on the reported performance information for the selected programmes.

OTHER MATTER

20. I draw attention to the matter below.

Achievement of planned targets

21. The annual performance report includes information on reported achievements against planned targets and provides explanations for over- and under achievements.

REPORT ON COMPLIANCE WITH LEGISLATION

22. In accordance with the PAA and the general notice issued in terms thereof, I must audit and report on compliance with applicable legislation relating to financial cases, financial management and other related cases. The accounting officer is responsible for the Constitutional Institution's compliance with legislation.

23. I performed procedures to test compliance with selected requirements in key legislation in accordance with the findings engagement methodology of the Auditor-General of South Africa (AGSA). This engagement is not an assurance engagement. Accordingly, I do not express an assurance opinion or conclusion.

24. Through an established AGSA process, I selected requirements in key legislation for compliance testing that are relevant to the financial and performance management of the Constitutional Institution's, clear to allow consistent measurement and evaluation, while also sufficiently detailed and readily available to report in an understandable manner. The selected legislative requirements are included in the annexure to this auditor's report.

25. The material findings on compliance with the selected legislative requirements, presented per compliance theme, are as follows:

Procurement and contract management

26. Some of the tenders which achieved the minimum qualifying score for functionality criteria were not evaluated further in accordance with 2017 Preferential Procurement Regulation 5(7).

27. The preference point system was not applied in some of the procurement of goods and services as required by section 2(a) of the PPPFA.

OTHER INFORMATION IN THE ANNUAL REPORT

28. The accounting officer is responsible for the other information included in the annual report. The other information referred to does not include the financial statements, the auditor's report and those selected programmes presented in the annual performance

report that have been specifically reported on in this auditor's report.

29. My opinion on the financial statements, the report on the audit of the annual performance report and the report on compliance with legislation, do not cover the other information included in the annual report and I do not express an audit opinion or any form of assurance conclusion on it.

30. My responsibility is to read this other information and, in doing so, consider whether it is materially inconsistent with the financial statements and the selected programmes presented in the annual performance report, or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

31. The other information I obtained prior to the date of this auditor's report is the PFMA Compliance report, and the General information, Performance information, Governance and Human resource management is expected to be made available to us after 31 July 2023.

32. If, based on the work I have performed on the other information that I obtained prior to the date of this auditor's report, I conclude that there is a material misstatement of this other information, I am required to report that fact.

33. When I do receive and read the General information, Performance information, Governance and Human resource management, if I conclude that there is a material misstatement therein, I am required to communicate the matter to those charged with governance and request that the other information be corrected. If the other information is not corrected, I may have to retract this auditor's report and re-issue an amended report as appropriate. However, if it is corrected this will not be necessary.

INTERNAL CONTROL DEFICIENCIES

34. I considered internal control relevant to my audit of the financial statements, annual performance report and compliance with applicable legislation; however, my objective was not to express any form of assurance on it.

35. The cases reported below are limited to the significant internal control deficiencies that resulted in the material

findings on the compliance with legislation included in this report.

36. The management of PPSA did not ensure that internal controls were designed adequately in the supply chain management environment as they did not implement the Treasury Regulations to demonstrate how the PPSA further evaluated the preference points system, which resulted in a material non-compliance with legislation.

Auditor - General.

Pretoria
31 July 2023



ANNEXURE TO THE AUDIT REPORT

The annexure includes the following:

- the Auditor-General's responsibility for the audit
- the selected legislative requirements for compliance testing.

AUDITOR-GENERAL'S RESPONSIBILITY FOR THE AUDIT

Professional judgement and professional scepticism

As part of an audit in accordance with the ISAs, I exercise professional judgement and maintain professional scepticism throughout my audit of the financial statements and the procedures performed on reported performance information for selected programmes and on the Constitutional Institution's compliance with selected requirements in key legislation.

Financial statements

In addition to my responsibility for the audit of the financial statements as described in this auditor's report, I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error; design and perform audit procedures responsive to those risks; and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Constitutional Institution's internal control

- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made
- conclude on the appropriateness of the use of the going concern basis of accounting in the preparation of the financial statements. I also conclude, based on the audit evidence obtained, whether a material uncertainty exists relating to events or conditions that may cast significant doubt on the ability of the Constitutional Institution to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements about the material uncertainty or, if such disclosures are inadequate, to modify my opinion on the financial statements. My conclusions are based on the information available to me at the date of this auditor's report. However, future events or conditions may cause a Constitutional Institution to cease operating as a going concern
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

Communication with those charged with governance

I communicate with the accounting officer regarding, among other cases, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

I also provide the accounting officer with a statement that I have complied with relevant ethical requirements regarding independence and to communicate with them all relationships and other cases that may reasonably be thought to bear on my independence and, where applicable, actions taken to eliminate threats or safeguards

COMPLIANCE WITH LEGISLATION - SELECTED LEGISLATIVE REQUIREMENTS

The selected legislative requirements are as follows:

Legislation	Sections or regulations
Public Finance Management Act No.1 of 1999 (PFMA)	Sections 38(1)(a)(iv); 38(1)(b); PFMA 38(1)(c);38(1)(c)(i); 38(1)(c)(ii); 38(1)(d); 38(1)(h)(iii); 39(1)(a); 39(2)(a); 40(1)(a); 40(1)(b); 40(1)(c)(i); 43(4); 44; 44 (1) and (2) ; 45(b); 50(3); 50(3)(a)
Treasury Regulations for departments, trading entities, Constitutional Institutions and public entities (TR)	Treasury Regulations 4.1.1; 4.1.3; 5.1.1; 5.2.1; 5.2.3(a); 5.2.3(d); 5.3.1; 8.1.1; 8.2.1; 8.2.2; 8.2.3; 8.4.1; 9.1.1; 9.1.4; 10.1.1(a); 10.1.2; 12.5.1; 15.10.1.2(c); 16A3.1; 16A3.2; 16A3.2(a); 16A 6.1; 16A6.2(a) & (b) &(e); 16A6.3(a); 16A6.3(a)(i); 16A6.3(b); 16A6.3(c); 16A6.3(d); 16A 6.3(e); 16A6.4; 16A6.5; 16A6.6; 16A7.1; 16A7.3; 16A7.6; 16A7.7; 16A8.2(1) and (2); 16A8.3; 16A8.3(d); 16A8.4; 16A9.1(b)(ii); 16A9.1(d); 16A9.1(e); 16A9.1(f); TR16A 9.2; 16A9.2(a)(ii); 16A 9.2(a)(iii); 17.1.1; 18.2; 19.8.4
Prevention and Combating of Corrupt Activities Act No.12 of 2004 (PRECCA)	Sections 34(1); 29
Construction Industry Development Board Act No.38 of 2000 (CIDB)	Section 18(1)
CIDB Regulations	CIDB regulations 17; 25(1); 25 (5) & 25(7A)
Preferential Procurement Policy Framework Act No. 5 of 2000	Sections 1(i); 2.1(a); 2.1(b); 2.1(f)
Preferential Procurement Regulations of 2017 (PPR)	Paragraphs 4.1; 4.2; 5.1; 5.3; 5.6; 5.7; 6.1; 6.2; 6.3; 6.5; 6.6; 6.8; 7.1; 7.2; 7.3; 7.5; 7.6; 7.8; 8.2; 8.5; 9.1; 9.2; 10.1; 10.2; 11.1; 11.2; 12.1 and 12.2
Preferential Procurement Regulations of 2022 (PPR)	Paragraphs 3.1; 4.1; 4.2; 4.3; 4.4; 5.1; 5.2; 5.3; 5.4
PFMA SCM Instruction no. 09 of 2022/2023	Paragraph 3.1; 3.3 (b); 3.3 (c) ; 3.3 (e) ; 3.6
National Treasury Instruction No.1 of 2015/16	Paragraph 3.1; 4.1; 4.2
NT SCM Instruction Note 03 2021/22	Paragraph 4.1; 4.2 (b); 4.3; 4.4; 4.4(a); 4.4 (c) -(d); 4.6; 5.4; 7.2; 7.6
NT SCM Instruction 4A of 2016/17	Paragraph 6
NT SCM Instruction Note 03 2019/20	Paragraphs 5.5.1(vi); 5.5.1(x);
NT SCM Instruction Note 11 2020/21	Paragraphs 3.1; 3.4(a) and (b); 3.9; 6.1; 6.2; 6.7
NT SCM Instruction note 2 of 2021/22	Paragraphs 3.2.1; 3.2.2; 3.2.4(a) and (b) ; 3.3.1; 3.2.2; 4.1
PFMA SCM Instruction 04 of 2022/23	Paragraphs 4(1); 4(2); 4(4)
Practice Note 5 of 2009/10	Paragraph 3.3
PFMA SCM instruction 08 of 2022/23	Paragraphs 3.2; 4.3.2; 4.3.3
NT instruction note 4 of 2015/16	Paragraph 3.4
NT instruction 3 of 2019/20 - Annexure A	Sections 5.5.1 (iv) and (x)
Second amendment of NTI 05 of 2020/21	Paragraphs 4.8; 4.9; 5.1; 5.3
Erratum NTI 5 of 202/21	Paragraphs 1; 2
Practice note 7 of 2009/10	Paragraph 4.1.2
Practice note 11 of 2008/9	Paragraph 3.1 Paragraph 3.1 (b)
NT instruction note 1 of 2021/22	Paragraph 4.1

RESPONSIBILITIES AND APPROVAL

The Chief Executive Officer (CEO) is required by the Public Finance Management Act (Act 1 of 1999), to maintain adequate accounting records and is responsible for the content and integrity of the annual financial statements and related financial information included in this report.

It is the responsibility of the CEO to ensure that the annual financial statements fairly present the state of affairs of the entity as at the end of the financial year and the results of its operations and cash flows for the period then ended. The external auditors are engaged to express an independent opinion on the annual financial statements and were given unrestricted access to all financial records and related data.

The annual financial statements have been prepared in accordance with Standards of Generally Recognised Accounting Practice (GRAP) including any interpretations, guidelines and directives issued by the Accounting Standards Board.

The annual financial statements are based upon appropriate accounting policies consistently applied and supported by reasonable and prudent judgements and estimates.

The CEO acknowledges that she is ultimately responsible for the system of internal financial control established by the entity and places considerable importance on maintaining a strong control environment. To enable the CEO to meet these responsibilities, the Executive Authority sets standards for internal control aimed at reducing the risk of error or deficit in a cost effective manner. The standards include proper delegation of responsibilities within a clearly defined framework, effective accounting procedures and adequate segregation of duties to ensure an acceptable level of risk. These controls are monitored throughout the entity and all employees are required to

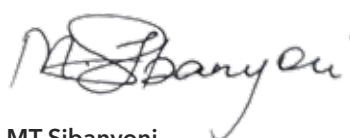
maintain the highest ethical standards in ensuring the entity's business is conducted in a manner that is above reproach in all reasonable circumstances. The focus of risk management in the entity is on identifying, assessing, managing and monitoring all known forms of risk across the entity. While operating risk cannot be fully eliminated, the entity endeavors to minimise it by ensuring that appropriate infrastructure, controls, systems and ethical behaviour are applied and managed within predetermined procedures and constraints.

The CEO is of the opinion, based on the information and explanations given by management, that the system of internal control provides reasonable assurance that the financial records may be relied on for the preparation of the annual financial statements. However, any system of internal financial control can provide only reasonable, and not absolute, assurance against material misstatement or deficit.

The CEO has reviewed the entity's cash flow forecast for the year to 31 March 2023 and, in the light of this review and the current financial position and is satisfied that the entity has or has access to adequate resources to continue in operational existence for the foreseeable future.

The entity receives a grant from National Treasury through the Department of Justice and Constitutional Development (DoJ&CD) for continued funding of operations. The annual financial statements are prepared on the basis that the entity is a going concern and that it has neither the intention nor the need to liquidate or curtail materially the scale of its operations.

The annual financial statements set out from page 127, which have been prepared on the going concern basis, were approved on May 31, 2023 and were signed off by:



MT Sibanyoni
Chief Executive Officer

ANNUAL FINANCIAL STATEMENTS

STATEMENT OF FINANCIAL POSITION AS AT 31 MARCH 2023

	Note(s)	2023 Rands	2022 Restated* Rands
ASSETS			
Current Assets			
Prepayments	7	1 569 859	976 699
Receivables from exchange transactions	8	615 986	413 358
Receivables from non-exchange transactions	9	534 200	1 756 081
Cash and cash equivalents	10	126 214 081	113 494 498
		<u>128 934 126</u>	<u>116 640 636</u>
Non-Current Assets			
Property, plant and equipment	3	14 132 369	14 127 607
Intangible assets	4	1 153 173	312 048
		<u>15 285 542</u>	<u>14 439 655</u>
Total Assets		<u>144 219 668</u>	<u>131 080 291</u>
LIABILITIES			
Current Liabilities			
Payables from exchange transactions	5	35 485 814	23 781 688
Employee benefit obligation	6	95 000	59 000
Finance lease obligation	11	984 141	1 403 242
Provisions	12	31 016 416	30 917 848
		<u>67 581 371</u>	<u>56 161 778</u>
Non-Current Liabilities			
Employee benefit obligation	6	11 880 000	11 936 000
Finance lease obligation	11	1 361 918	1 730 066
Provisions	12	-	7 578 312
		<u>13 241 918</u>	<u>21 244 378</u>
Total Liabilities		<u>80 823 289</u>	<u>77 406 156</u>
Net Assets		<u>63 396 379</u>	<u>53 674 135</u>
Accumulated surplus		63 396 379	53 674 135
Total Net Assets		<u>63 396 379</u>	<u>53 674 135</u>

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STATEMENT OF FINANCIAL PERFORMANCE FOR THE YEAR ENDED 31 MARCH 2023

	Note(s)	2023 Rands	2022 Restated* Rands
REVENUE			
Revenue from exchange transactions			
Recoveries of legal fees		-	31 604
Impairment gain	8	177 107	80 810
Actuarial gains	13	2 054 300	-
Other income	14	1 543 243	2 422 479
Interest received	15	5 686 485	2 332 277
Total revenue from exchange transactions		9 461 135	4 867 170
Revenue from non-exchange transactions			
Transfer revenue			
Government grants & subsidies	16	378 138 000	359 952 273
Revenue - services in kind	17	12 305 034	11 614 866
Total revenue from non-exchange transactions		390 443 034	371 567 139
Total Revenue	13	399 904 169	376 434 309
EXPENDITURE			
Staff costs	18	(263 480 352)	(245 998 223)
Depreciation and amortization	19	(5 777 867)	(4 833 907)
Finance costs	20	(1 476 943)	(1 312 517)
Loss on disposal of assets and liabilities		(254 930)	(231 373)
Actuarial losses		-	(70 818)
Administrative expenses	21	(119 191 830)	(90 620 833)
Total expenditure		(390 181 922)	(343 067 671)
Surplus for the year ended 31 March 2023		9 722 247	33 366 638

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STATEMENT OF CHANGES IN NET ASSETS AS AT 31 MARCH 2023

	Accumulated surplus Rands	Total net assets Rands
Balance at 1 April 2021	20 307 494	20 307 494
Changes in net assets		
Surplus for the year	35 141 828	35 141 828
Prior year adjustments	(1 775 187)	(1 775 187)
Total changes	33 366 641	33 366 641
Restated* Balance at 01 April 2022	53 674 132	53 674 132
Changes in net assets		
Surplus for the year	9 722 247	9 722 247
Total changes	9 722 247	9 722 247
Balance at 31 March 2023	63 396 379	63 396 379

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CASH FLOW STATEMENT FOR THE YEAR ENDED 31 MARCH 2023

	Note(s)	2023 Rands	2022 Restated* Rands
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts			
Grants		378 138 000	359 860 000
Interest income		5 351 215	2 159 810
Other receipts		4 843 672	1 290 202
		<u>388 332 887</u>	<u>363 310 012</u>
Payments			
Staff costs		(270 591 687)	(251 084 028)
Suppliers		(97 449 237)	(74 173 120)
Finance costs		-	-
		<u>(368 040 924)</u>	<u>(325 257 148)</u>
Net cash flows from operating activities	22	<u>20 291 963</u>	<u>38 052 864</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Purchase of property, plant and equipment	3	(4 771 536)	(1 645 465)
Proceeds from sale of property, plant and equipment	3	4 300	(2)
Purchase of other intangible assets	4	(1 042 974)	-
		<u>(5 810 210)</u>	<u>(1 645 467)</u>
CASH FLOWS FROM FINANCING ACTIVITIES			
Finance lease obligation		(1 570 224)	(1 244 695)
Finance costs		(191 943)	(163 517)
Net cash flows from financing activities		<u>(1 762 167)</u>	<u>(1 408 212)</u>
Net increase/(decrease) in cash and cash equivalents		12 719 586	34 999 185
Cash and cash equivalents at the beginning of the year		113 494 498	78 495 313
Cash and cash equivalents at the end of the year	10	<u>126 214 084</u>	<u>113 494 498</u>

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STATEMENT OF COMPARISON OF BUDGET AND ACTUAL AMOUNTS FOR THE YEAR ENDED 31 MARCH 2023

Budget on Accrual Basis

	Approved budget	Adjustments	Final Budget	Actual amounts on comparable basis	Difference between final budget and actual	Reference
	Rands	Rands	Rands	Rands	Rands	
Statement of Financial Performance						
REVENUE						
Revenue from exchange transactions						
Impairment gain	-	-	-	177 107	177 107	Note 34
Other Income	169 000	-	169 000	1 543 243	1 374 243	Note 34
Interest received	2 821 000	-	2 821 000	5 686 485	2 865 485	Note 34
Total revenue from exchange transactions	2 990 000	-	2 990 000	7 406 835	4 416 835	
Revenue from non-exchange transactions						
Transfer revenue						
Government grants & subsidies	357 928 000	20 000 000	377 928 000	378 138 000	210 000	
Revenue - Service in kind	-	-	-	12 305 034	12 305 034	Note 34
Total revenue from non-exchange transactions	357 928 000	20 000 000	377 928 000	390 443 034	12 515 034	
Total revenue	360 918 000	20 000 000	380 918 000	397 849 869	16 931 869	
EXPENDITURE						
Staff cost	(269 882 126)	5 840 000	(264 042 126)	(263 480 352)	561 774	
Depreciation and amortisation	(4 358 000)	(1 440 000)	(5 798 000)	(5 777 867)	20 133	
Finance costs	-	(1 482 000)	(1 482 000)	(1 476 943)	5 057	
Administrative Expenses	(86 677 874)	(22 918 000)	(109 595 874)	(119 191 830)	(9 595 956)	Note 34
Total expenditure	(360 918 000)	(20 000 000)	(380 918 000)	(389 926 992)	(9 008 992)	
Operating surplus	-	-	-	7 922 877	7 922 877	
Loss on disposal of assets and liabilities	-	-	-	(254 930)	(254 930)	Note 34
Actuarial gains/losses	-	-	-	2 054 300	2 054 300	Note 34
Surplus before taxation	-	-	-	9 722 247	9 722 247	
Actual Amount on Comparable Basis as Presented in the Budget and Actual Comparative Statement	-	-	-	9 722 247	9 722 247	

ANNUAL FINANCIAL STATEMENTS

ACCOUNTING POLICIES

1. PRESENTATION OF ANNUAL FINANCIAL STATEMENTS

The financial statements have been prepared in accordance with the Standards of Generally Recognised Accounting Practice (GRAP), issued by the Accounting Standards Board in accordance with Section 89(1) of the Public Finance Management Act (Act 1 of 1999).

The financial statements have been prepared on an accrual basis of accounting and are in accordance with historical cost convention as the basis of measurement, unless specified otherwise.

Assets, liabilities, revenues and expenses were not offset, except where offsetting is either required or permitted by a Standard of GRAP.

A summary of the significant accounting policies, which have been consistently applied in the preparation of these annual financial statements, are disclosed below.

1.1 PRESENTATION CURRENCY

These financial statements are presented in South African Rand, which is the functional currency of the entity. The figures have been rounded off to the nearest rand.

1.2 GOING CONCERN ASSUMPTION

The financial statements have been prepared based on the expectation that the entity will continue to operate as a going concern for at least the next 12 months.

The going concern basis presumes that funds will be available to finance future operations and that the realisation of assets and settlement of liabilities, contingent obligations and commitments will occur in the ordinary course of business.

1.3 SIGNIFICANT JUDGEMENTS AND SOURCES OF ESTIMATION UNCERTAINTY

In preparing the financial statements, management is required to make estimates and assumptions that affect the amounts presented in the financial statements and related disclosures. Use of available information and the application of judgement is inherent in the formation of estimates. Actual results in the future could differ from these estimates which may be material to the financial statements. Information about significant areas of estimation, uncertainty and critical judgements in applying accounting policies that have the most significant effect on the amounts recognised in the financial statements is given in the following notes:

Leave and bonus provision

The liability for accumulated leave and bonus provision is recognised and measured at the estimated future cash flows to be made in respect of all employees at the reporting date.

Useful lives and depreciation methods and asset impairment

Depreciation and amortisation recognised on property and equipment and intangible assets are determined with reference to the useful lives and residual values of the underlying items. The useful lives and residual values of assets are based on management's estimation of the asset's condition, expected condition at the end of the period of use, its current use and expected future use and the entity's expectations about the availability of finance to replace the asset at the end of its useful life. In evaluating the condition and use of the asset that informs the useful life and residual value, management considers the impact of technology and minimum service requirements of the assets.

Post retirement benefits obligations

The present value of the post retirement obligation depends on a number of factors that are determined on an actuarial basis using a number of assumptions. The assumptions used in determining the net cost (income) include the discount rate. Any changes in these

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assumptions will impact on the carrying amount of post retirement obligations.

The Institution determines the appropriate discount rate at the end of each year. This is the interest rate that should be used to determine the present value of estimated future cash outflows expected to be required to settle the pension obligations. In determining the appropriate discount rate, the Institution considers the interest rates of high-quality corporate bonds that are denominated in the currency in which the benefits will be paid, and that have terms to maturity approximating the terms of the related pension liability.

Other key assumptions for pension obligations are based on current market conditions. Additional information is disclosed in Note 6.

1.4 PROPERTY, PLANT AND EQUIPMENT

Property, plant and equipment are tangible non-current assets (including infrastructure assets) that are held for use in the supply of services or for administrative purposes, and are expected to be used during more than one accounting period.

Measurement

The cost of an item of property, plant and equipment is recognised as an asset when:

- it is probable that future economic benefits or service potential associated with the item will flow to the Institution; and
- its cost can be measured reliably.

The cost is the purchase price and other costs attributable to bring the asset to the location and condition necessary for it to be capable of operating in the manner intended by management.

Where an asset is acquired through a non-exchange transaction, its cost is its fair value as at date of acquisition.

When significant components of an item of property, plant and equipment have different useful lives, they are accounted for as separate items (major components) of property, plant and equipment.

Property, plant and equipment is carried at cost less accumulated depreciation and any impairment losses.

Depreciation

Depreciation expenses is the systematic allocation of the depreciable amount of an assets over its useful live. The depreciable amount is the cost of an asset or other amount substituted for its costs less its residual value.

The depreciation method used reflects the pattern in which the asset's future economic benefits or service potential are expected to be consumed by the entity. The depreciation method applied to an asset is reviewed at least at each reporting date and, if there has been a significant change in the expected pattern of consumption of the future economic benefits or service potential embodied in the asset, the method is changed to reflect the changed pattern. Such a change is accounted for as a change in an accounting estimate.

The depreciation charge for each period is recognised in surplus or deficit unless it is included in the carrying amount of another asset.

Property, plant and equipment are depreciated on the straight-line basis over their expected useful lives to their estimated residual value as follows:

Item	Depreciation method	Useful life
Furniture and fixtures	Straight line	7 - 25 years
Motor vehicles	Straight line	5 - 7 years
Office equipment	Straight line	7 - 25 years
Leasehold improvements - Buildings	Straight line	5 - 25 years
Computer equipment	Straight line	7 - 17 years
Other leased Assets	Straight line	3 Years / Lease term

The depreciable amount of an asset is allocated on a systematic basis over its useful life, leasehold improvements also take into consideration the lease term.

Other leased assets useful lives are determinable by the lease term.

Derecognition

Items of property, plant and equipment are derecognised when the asset is disposed of or when there are no further economic benefits or service potential expected from the use of the asset.

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The gain or loss arising from the derecognition of an item of property, plant and equipment is determined as the difference between the net disposal proceeds, if any, and the carrying amount of the item and is included in surplus or deficit when the item is derecognised.

1.5 INTANGIBLE ASSETS

An intangible asset is an identifiable non-monetary asset without physical substance.

An asset is identifiable if it either:

- it is separable, i.e. capable of being separated or divided from an entity and sold, transferred, licenced, rented or exchanged, either individually, or together with a related contract, identifiable asset or liability, regardless of whether the entity intends to do so or;
- arises from binding arrangements (including rights from contracts), regardless of whether those rights are transferable or separable from the entity or from other rights and obligations.

An intangible asset is recognised when:

- it is probable that the expected future economic benefits or service potential that are attributable to the asset will flow to the entity; and
- the cost or fair value of the asset can be measured reliably.

The entity assesses the probability of expected future economic benefits or service potential using reasonable and supportable assumptions that represent management's best estimate of the set of economic conditions that will exist over the useful life of the asset.

Where an intangible asset is acquired through a non-exchange transaction, its initial cost at the date of acquisition is measured at its fair value as at that date.

Expenditure on research (or on the research phase of an internal project) is recognised as an expense when it is incurred. An intangible asset arising from development (or from the development phase of an internal project) is recognised when:

- it is technically feasible to complete the asset so that it will be available for use or sale.
- there is an intention to complete and use or sell it.

- there is an ability to use or sell it.
- it will generate probable future economic benefits or service potential.
- there are available technical, financial and other resources to complete the development and to use or sell the asset.
- the expenditure attributable to the asset during its development can be measured reliably.

Intangible assets are carried at cost less any accumulated amortisation and any impairment losses except for intangible assets that have indefinite life that are not amortised but are carried at cost less any accumulated impairment losses.

An intangible asset is regarded as having an indefinite useful life when, based on all relevant factors, there is no foreseeable limit to the period over which the asset is expected to generate net cash inflows or service potential. Amortisation is not provided for these intangible assets, but they are tested for impairment annually and whenever there is an indication that the asset may be impaired. For all other intangible assets amortisation is provided on a straight-line basis over their useful life.

The amortisation period and the amortisation method for intangible assets are reviewed at each reporting date.

Reassessing the useful life of an intangible asset with a finite useful life after it was classified as indefinite is an indicator that the asset may be impaired. As a result the asset is tested for impairment and the remaining carrying amount is amortised over its useful life.

Amortisation is provided to write down the intangible assets, on a straight-line basis, to their residual values as follows:

Item	Depreciation method	Useful life
Intangible assets, internally generated	Straight line	Infinite
Computer software, other	Straight line	4 - 11 Years

Intangible assets are derecognised:

- on disposal; or
- when no future economic benefits or service potential are expected from its use or disposal.

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The gain or loss arising from the derecognition of intangible assets is included in surplus or deficit when the asset is derecognised (unless the Standard of GRAP on leases requires otherwise on a sale and leaseback).

1.6 FINANCIAL INSTRUMENTS

A financial instrument is any contract that gives rise to a financial asset of one entity and a financial liability or a residual interest of another entity.

A financial asset is:

- cash;
- a residual interest of another entity; or
- a contractual right to:
 - receive cash or another financial asset from another entity; or
 - exchange financial assets or financial liabilities with another entity under conditions that are potentially favourable to the entity.

A financial liability is any liability that is a contractual obligation to:

- deliver cash or another financial asset to another entity; or
- exchange financial assets or financial liabilities under conditions that are potentially unfavourable to the entity.

Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates.

Liquidity risk is the risk encountered by an entity in the event of difficulty in meeting obligations associated with financial liabilities that are settled by delivering cash or another financial asset.

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. Market risk comprises three types of risk: currency risk, interest rate risk and other price risk.

A financial asset is past due when a counterparty has failed to make a payment when contractually due.

Financial instruments at amortised cost are non-derivative financial assets or non-derivative financial liabilities that

have fixed or determinable payments, excluding those instruments that:

- the entity designates at fair value at initial recognition; or
- are held for trading.

Initial recognition

The Institution recognises a financial asset or a financial liability in its statement of financial position when it becomes a party to the contractual provisions of the instrument.

Initial measurement of financial assets and financial liabilities

The Institution measures a financial asset and financial liability initially at its fair value plus transaction costs that are directly attributable to their acquisition or issue.

Subsequent measurement of financial assets and financial liabilities

The entity measures all financial assets and financial liabilities after initial recognition using the amortised cost. All financial assets measured at amortised cost, or cost, are subject to an impairment review.

The amortised cost of a financial asset or financial liability is the amount at which the financial asset or financial liability is measured at initial recognition minus principal repayments, plus or minus the cumulative amortisation using the effective interest method of any difference between that initial amount and the maturity amount, and minus any reduction (directly or through the use of an allowance account) for impairment or uncollectibility.

Receivables from exchange transactions

Trade and other receivables classified as loans and receivables are initially measured at fair value plus transaction costs and subsequently measured at amortised cost using the effective interest rate method. Appropriate allowances for estimated irrecoverable amounts are recognised in profit or loss when there is objective evidence that the asset is impaired.

Payables from exchange transactions

Trade and other payables are initially measured at fair

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value plus transaction costs and subsequently measured at amortised cost using the effective interest rate method.

Cash and cash equivalents

Cash and cash equivalents comprise cash on hand, on deposit and other short-term readily realisable liquid instruments. Cash and cash equivalents that have been classified as loans and receivables are initially measured at fair value plus transaction costs and subsequently at amortised cost.

Impairment and uncollectability of financial assets

At the end of the reporting period, the Institution assesses all financial assets, other than those carried at fair value, to determine whether there is objective evidence that a financial asset or group of financial assets had been impaired. For amounts due to the entity, significant financial difficulties of the debtor, probability that the debtor will enter bankruptcy and default on payments are all considered indicators of impairment.

Gains and losses

- A gain or loss arising from a change in the fair value of a financial asset or financial liability measured at fair value is recognised in surplus or deficit.
- Impairment losses are recognised as a reduction to the surplus. Impairment losses are reversed when an increase in the financial asset's recoverable amount can be related objectively to an event occurring after the impairment was recognised, subject to restriction that the carrying amount of the financial asset at the date that the impairment is reversed shall not exceed what the carrying amount would have been had the impairment not been recognised. Reversals of impairment losses are recognised in the surplus.

Derecognition

Derecognition is the removal of a previously recognised financial asset or financial liability from an institution's statement of financial position.

Financial asset; the Institution derecognises a financial asset only when:

- the contractual rights to the cash flows from the financial asset expire, are settled or waived;

- the Institution transfers to another party substantially all of the risks and rewards of ownership of the financial asset; or
- the Institution, despite having retained some significant risks and rewards of ownership of the financial asset, has transferred control of the asset to another party and the other party has the practical ability to sell the asset in its entirety to an unrelated third party, and is able to exercise that ability unilaterally and without needing to impose additional restrictions on the transfer. In this case, the entity:
 - derecognise the asset; and
 - recognise separately any rights and obligations created or retained in the transfer.

The entity derecognises a financial liability (or a part of a financial liability) from its statement of financial position when it is extinguished – i.e. when the obligation specified in the contract is discharged, cancelled, expires.

Where an existing financial liability is replaced by another from the same customer on substantially different terms, or the terms of an existing liability substantially modified, such an exchange or modification is treated as a derecognition of the original liability, and the difference in the respective carrying amount is recognised in the surplus or deficit for the year.

1.7 LEASES

A lease is an agreement whereby a lessor conveys to the institution in return for a payment or series of payments the right to use an asset for an agreed period of time.

The institution has entered into agreements to lease office buildings, communication and office equipments from lessors.

Finance leases - lessee

A lease is classified as a finance lease if it transfers substantially all the risks and rewards incidental to ownership. A lease is classified as an operating lease if it does not transfer substantially all the risks and rewards incidental to ownership.

Finance leases are recognised as assets and liabilities in the statement of financial position at amounts equal to the

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fair value of the leased property or, if lower, the present value of the minimum lease payments. The corresponding liability to the lessor is included in the statement of financial position as a finance lease obligation.

Minimum lease payments are the payments over the lease term that the lease is or can be required to make, excluding contingent rent, costs for services and, where appropriate, taxes to be paid by and reimbursed to the lessor, together with any amounts guaranteed by the lessee or by a party related to the lessee

The discount rate used in calculating the present value of the minimum lease payments is the entity's incremental borrowing rate.

The lessee's incremental borrowing rate of interest is the rate of interest the lessee would have to pay on a similar lease or, if that is not determinable, the rate that, at the inception of the lease, the lessee would incur to borrow over a similar term, and with a similar security, the funds necessary to purchase the asset.

Minimum lease payments are apportioned between the finance charge and reduction of the outstanding liability. The finance charge is allocated to each period during the lease term so as to produce a constant periodic rate of on the remaining balance of the liability.

Operating leases - lessee

An operating lease is a lease other than a finance lease.

All leases that PPSA enters into as a lessee, and where the lessor retains substantially all the risks and rewards of ownership of the underlying asset, are classified as operating leases. Payments made under operating leases are charged against expenses on a straight line basis over the lease term.

1.8 IMPAIRMENT OF NON-CASH-GENERATING ASSETS

Cash-generating assets are those assets held by the Constitutional Institution with the primary objective of generating a commercial return. When an asset is deployed in a manner consistent with that adopted by a profit-oriented entity, it generates a commercial return.

Non-cash-generating assets are assets other than cash-generating assets held for service delivery purposes,

consequently, the Institution has designated its tangible and intangible assets as non cash generating assets and at each reporting date assess whether there is indication that its assets maybe impaired.

Impairment is a loss in the future economic benefits or service potential of an asset, over and above the systematic recognition of the loss of the asset's future economic benefits or service potential through depreciation and amortisation.

A non-cash generating asset will be impaired when its carrying amount exceeds its recoverable service amount. The recoverable service amount is the higher of the non-cash generating asset's fair value less cost to sell and its value in use.

Value in use is the present value of the assets remaining service potential. This is determined by using the depreciated replacement cost.

At each reporting date, PPSA reviews the carrying amount of its tangible and intangible assets to determine whether there is any indication that those assets have suffered an impairment loss. If any such indication exists, the recoverable amount of the asset is estimated in order to determine the extent of the impairment loss (if any).

If the recoverable amount of an asset is estimated to be less than its carrying amount, the carrying amount of the asset is reduced to its recoverable amount. Impairment losses are immediately recognised as an expense, unless the relevant asset is carried at a re-valued amount under another standard, in this case the impairment loss is treated as a revaluation decrease under the standard.

Where an impairment loss subsequently reverses, the carrying amount of the asset is increased to the revised estimate of its recoverable amount, the increased carrying amount does not exceed the carrying amount that would have been determined had no impairment loss been recognised for the asset in prior years. A reversal of an impairment loss is recognised in surplus or deficit immediately, unless the asset is carried at a re-valued amount under another standard, in this case the reversal of the impairment loss is treated as a revaluation increase under that other standard.

1.9 EMPLOYEE BENEFITS

Short-term employee benefits

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Employee benefits comprise of termination benefits, short term employee benefits, vested employee benefits, gratuity, post employment benefits and other long term employee benefits given by an entity in exchange for service rendered by employees.

Termination benefits are employee benefits payable as a result of either:

- an entity's decision to terminate an employee's employment before the normal retirement date; or
- an employee's decision to accept voluntary redundancy in exchange for those benefits. Vested employee benefits are employee benefits that are not conditional on future employment.

Short-term employee benefits

Short-term employee benefits are employee benefits (other than termination benefits) that are due to be settled within twelve months after the end of the period in which the employees render the related service.

Short-term employee benefits include items such as:

- wages, salaries and social security contributions;
- short-term compensated absences (such as paid annual leave and paid sick leave) where the compensation for the absences are due to be settled within twelve months after the end of the reporting period in which the employees render the related employee service;
- bonus, incentive and performance related payments payable within twelve months after the end of the reporting period in which the employees render the related service; and
- non-monetary benefits (for example, medical care, and free or subsidized goods or services such as housing, cars and cellphones) for current employees.

When an employee has rendered service to the entity during a reporting period, the entity recognise the undiscounted amount of short-term employee benefits expected to be paid in exchange for that service as a liability (accrued expense) after deducting any amount already paid.

If the amount already paid exceeds the undiscounted amount of the benefits, the entity recognise that excess

as an asset (prepaid expense) to the extent that the prepayment will lead to, for example, a reduction in future payments or a cash refund and as an expense, unless another Standard requires or permits the inclusion of the benefits in the cost of an asset.

The expected cost of compensated absences is recognised as an expense as the employees render services that increase their entitlement or, in the case of non-accumulating absences, when the absence occurs. The entity measures the expected cost of accumulating compensated absences as the additional amount that the entity expects to pay as a result of the unused entitlement that has accumulated at the reporting date.

The entity recognise the expected cost of bonus, incentive and performance related payments when the entity has a present legal or constructive obligation to make such payments as a result of past events and a reliable estimate of the obligation can be made. A present obligation exists when the entity has no realistic alternative but to make the payments.

A constructive obligation is an obligation that derives from an entity's actions where by an established pattern of past practice, published policies or a sufficiently specific current statement, the entity has indicated to other parties that it will accept certain responsibilities and as a result, the entity has created a valid expectation on the part of those other parties that it will discharge those responsibilities.

Finance costs is also derived from Post-employment medical aid benefits. The calculation is performed by an independent actuary based on the nominal and real zero coupon government bond yield curves constructed by Sanlam Investments (closest available date to the valuation date) to discount the expected future payments. Different discount and inflation rates (according to the yield curve) are therefore used for medical aid subsidies paid at different future durations.

Post-employment benefits

Post-employment benefits are employee benefits (other than termination benefits) which are payable after the completion of employment.

Post-employment benefit plans are formal or informal arrangements under which an entity provides post-employment benefits for one or more employees.

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Other long-term employee benefits are employee benefits (other than post-employment benefits and termination benefits) that are not due to be settled within twelve months after the end of the period in which the employees render the related service.

Post-employment benefits: Defined benefit plans

Defined benefit plans are post-employment benefit plans other than defined contribution plans.

Actuarial gains and losses comprise experience adjustments (the effects of differences between the previous actuarial assumptions and what has actually occurred) and the effects of changes in actuarial assumptions. In measuring its defined benefit liability the entity recognises actuarial gains and losses in surplus or deficit in the reporting period in which they occur.

Current service cost is the increase in the present value of the defined benefit obligation resulting from employee service in the current period.

Interest cost is the increase during a period in the present value of a defined benefit obligation which arises because the benefits are one period closer to settlement.

Past service cost is the change in the present value of the defined benefit obligation for employee service in prior periods, resulting in the current period from the introduction of, or changes to, post-employment benefits or other long-term employee benefits. Past service cost may be either positive (when benefits are introduced or changed so that the present value of the defined benefit obligation increases) or negative (when existing benefits are changed so that the present value of the defined benefit obligation decreases). In measuring its defined benefit liability the entity recognises past service cost as an expense in the reporting period in which the plan is amended.

The entity accounts not only for its legal obligation under the formal terms of a defined benefit plan, but also for any constructive obligation that arises from the entity's informal practices. Informal practices give rise to a constructive obligation where the entity has no realistic alternative but to pay employee benefits. An example of a constructive obligation is where a change in the entity's informal practices would cause unacceptable damage to its relationship with employees.

The entity determines the present value of defined benefit obligations and the fair value of any plan assets with sufficient regularity such that the amounts recognised in the annual financial statements do not differ materially from the amounts that would be determined at the reporting date.

The entity recognises the net total of the following amounts in surplus or deficit, except to the extent that another Standard requires or permits their inclusion in the cost of an asset:

- current service cost;
- interest cost;
- the expected return on any plan assets and on any reimbursement rights;
- actuarial gains and losses;
- past service cost;
- the effect of any curtailments or settlements; and
- the effect of applying the limit on a defined benefit asset (negative defined benefit liability).

Actuarial assumptions

Actuarial assumptions are unbiased and mutually compatible.

Financial assumptions are based on market expectations, at the reporting date, for the period over which the obligations are to be settled.

The rate used to discount post-employment benefit obligations (both funded and unfunded) reflect the time value of money. The currency and term of the financial instrument selected to reflect the time value of money is consistent with the currency and estimated term of the post-employment benefit obligations.

Post-employment benefit obligations are measured on a basis that reflects:

- estimated future salary increases;
- the benefits set out in the terms of the plan (or resulting from any constructive obligation that goes beyond those terms) at the reporting date; and
- estimated future changes in the level of any state benefits that affect the benefits payable under a defined benefit

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plan, if, and only if, either:

- those changes were enacted before the reporting date; or
- past history, or other reliable evidence, indicates that those state benefits will change in some predictable manner, for example, in line with future changes in general price levels or general salary levels.

Assumptions about medical costs take account of estimated future changes in the cost of medical services, resulting from both inflation and specific changes in medical costs.

The entity uses the Projected Unit Credit Method to determine the present value of its defined benefit obligations and the related current service cost and, where applicable, past service cost. The Projected Unit Credit Method (sometimes known as the accrued benefit method pro-rated on service or as the benefit/years of service method) sees each period of service as giving rise to an additional unit of benefit entitlement and measures each unit separately to build up the final obligation.

Actuarial valuations are conducted on an annual basis by independent actuaries separately for each plan. The results of the valuation are updated for any material transactions and other material changes in circumstances (including changes in market prices and interest rates) up to the reporting date.

The entity recognises gains or losses on the curtailment or settlement of a defined benefit plan when the curtailment or settlement occurs. The gain or loss on a curtailment or settlement comprises:

- any resulting change in the present value of the defined benefit obligation.

1.10 PROVISIONS AND CONTINGENCIES

A provision is a liability of uncertain timing or amount. Provisions are recognised when:

- the entity has a present obligation as a result of a past event;
- it is probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation; and
- a reliable estimate can be made of the obligation.

The amount of a provision is the best estimate of the

expenditure expected to be required to settle the present obligation at the reporting date.

Where some or all of the expenditure required to settle a provision is expected to be reimbursed by another party, the reimbursement is recognised when, and only when, it is virtually certain that reimbursement will be received if the entity settles the obligation. The reimbursement is treated as a separate asset. The amount recognised for the reimbursement does not exceed the amount of the provision.

Provisions are reviewed at each reporting date and adjusted to reflect the current best estimate. Provisions are reversed if it is no longer probable that an outflow of resources embodying economic benefits or service potential will be required, to settle the obligation.

Gratuity

In terms of the Public Protector's conditions of service, the Public Protector is entitled to a taxable lump sum gratuity on vacation of her office. The gratuity calculation is based on the basic salary and period of office. The provision raised in the Annual Financial Statements is the actual amount that is payable to the Public Protector on vacation of her office.

Contingent Liabilities

A contingent liability is a possible obligation that arises from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the entity; or a present obligation that arises from past events but is not recognised because it is not probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation; or the amount of the obligation cannot be measured with sufficient reliability.

Contingent Assets

Contingent assets is a possible asset that arises from past events, and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the entity.

Contingent assets and contingent liabilities are not recognised. Contingencies are disclosed in note.

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1.11 COMMITMENTS

Items are classified as commitments when an entity has committed itself to future transactions that will normally result in the outflow of cash.

Disclosures are required in respect of unrecognised contractual commitments.

Commitments for which disclosure is necessary to achieve a fair presentation are disclosed in a note to the financial statements, if both the following criteria are met:

- Contracts are non-cancellable or only cancellable at significant cost (for example, contracts for computer or building maintenance services) and
- Contracts relate to something other than the routine, steady, state business of the entity – therefore salary commitments relating to employment contracts or social security benefit commitments are excluded.

1.12 REVENUE FROM EXCHANGE TRANSACTIONS

An exchange transaction is one in which the entity receives assets or services, or has liabilities extinguished, and directly gives approximately equal value (primarily in the form of goods, services or use of assets) to the other party in exchange.

Revenue from exchange transactions arises from, amongst others, interest from investments and recoveries.

Interest Income

Interest income is accrued on favourable balances with commercial banking institutions. Interest income is accrued on a time basis, by reference to the principal outstanding and at the effective interest rate applicable, which is the rate that exactly discounts estimated future cash receipts through the expected life of the financial asset to that asset's net carrying amount.

Recoveries

Recoveries consist of legal, staff and other recoveries.

Legal recoveries relates to the cases whereby PPSA is taken for review mostly based on the investigation reports issued. PPSA then had to defend the cases to ensure that the reports which includes the remedial actions are protected

and implemented. This is the main core of the Institution. Once the case is in favour of PPSA then the amounts are recorded as recovery of legal fees.

Staff recoveries are derived from bursaries and over payments of salaries and allowances.

Measurement

Revenue is measured at the fair value of the consideration received or receivable, net of trade discounts and volume rebates.

1.13 REVENUE FROM NON-EXCHANGE TRANSACTIONS

Revenue comprises gross inflows of economic benefits or service potential received and receivable by an entity, which represents an increase in net assets, other than increases relating to contributions from owners.

Non-exchange transactions are transactions that are not exchange transactions. In a non-exchange transaction, an entity either receives value from another entity without directly giving approximately equal value in exchange, or gives value to another entity without directly receiving approximately equal value in exchange.

Revenue from non-exchange transactions include transfer payments from the DoJ.

The PPSA recognises revenue from transfers in the period in which the transfer becomes binding.

Assets and revenue recognised as a consequence of a transfer are measured at the fair value of the assets recognised as at the date of recognition.

Services in kind relates to office buildings occupied by the PPSA but the rental is paid by the Department of Public Works and is not recoverable from the Institution.

Receivables arising from non-exchange transactions are recognised when a binding transfer arrangement is in place but cash or other assets have not been received. PPSA analyses all stipulations contained in transfer agreements to determine if it incurs a liability when it accepts transferred resources.

Adjustments to the appropriated funds made in terms of the adjustments budget process are recognised in the

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financial records on the date the adjustments become effective.

Recognition

An inflow of resources from a non-exchange transaction recognised as an asset is recognised as revenue, except to the extent that a liability is also recognised in respect of the same inflow.

As the entity satisfies a present obligation recognised as a liability in respect of an inflow of resources from a non-exchange transaction recognised as an asset, it reduces the carrying amount of the liability recognised and recognises an amount of revenue equal to that reduction.

Measurement

Revenue from a non-exchange transaction is measured at the amount of the increase in net assets recognised by the entity.

When, as a result of a non-exchange transaction, the entity recognises an asset, it also recognises revenue equivalent to the amount of the asset measured at its fair value as at the date of acquisition, unless it is also required to recognise a liability. Where a liability is required to be recognised it will be measured as the best estimate of the amount required to settle the obligation at the reporting date, and the amount of the increase in net assets, if any, recognised as revenue. When a liability is subsequently reduced, because the taxable event occurs or a condition is satisfied, the amount of the reduction in the liability is recognised as revenue.

Receivables that arise from statutory (non-contractual) arrangements are initially measured in accordance with this accounting policy, as well as the accounting policy on Statutory Receivables. The entity applies the accounting policy on Statutory Receivables for the subsequent measurement, derecognition, presentation and disclosure of statutory receivables.

Interest is recognised using the effective interest rate method for financial instruments, and using the nominal interest rate method for statutory receivables. Interest levied on transactions arising from exchange or non-exchange transactions is classified based on the nature of the underlying transaction.

Services in-kind

Except for financial guarantee contracts, the entity recognises services in-kind that are significant to its operations and/or service delivery objectives as assets and recognises the related revenue when it is probable that the future economic benefits or service potential will flow to the entity and the fair value of the assets can be measured reliably.

Where services in-kind are not significant to the entity's operations and/or service delivery objectives and/or do not satisfy the criteria for recognition, the entity discloses the nature and type of services in-kind received during the reporting period.

1.14 ACCOUNTING BY PRINCIPALS AND AGENTS

Identification

An agent is an entity that has been directed by another entity (a principal), through a binding arrangement, to undertake transactions with third parties on behalf of the principal and for the benefit of the principal.

A principal is an entity that directs another entity (an agent), through a binding arrangement, to undertake transactions with third parties on its behalf and for its own benefit.

A principal-agent arrangement results from a binding arrangement in which one entity (an agent), undertakes transactions with third parties on behalf, and for the benefit of, another entity (the principal).

Identifying whether an entity is a principal or an agent

When the entity is party to a principal-agent arrangement, it assesses whether it is the principal or the agent in accounting for revenue, expenses, assets and/or liabilities that result from transactions with third parties undertaken in terms of the arrangement.

The assessment of whether an entity is a principal or an agent requires the entity to assess whether the transactions it undertakes with third parties are for the benefit of another entity or for its own benefit.

Recognition

The entity, as a principal, recognises revenue and expenses

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that arise from transactions with third parties in a principal-agent arrangement in accordance with the requirements of GRAP 23 - Revenue from non-exchange transactions.

The entity, as an agent, recognises only that portion of the revenue and expenses it receives or incurs in executing the transactions on behalf of the principal in accordance with Revenue from non-exchange transactions.

The entity recognises assets and liabilities arising from principal-agent arrangements in accordance with the requirements of GRAP 109 - Accounting by principals and agents.

1.15 FRUITLESS AND WASTEFUL EXPENDITURE

Fruitless expenditure means expenditure which was made in vain and would have been avoided had reasonable care been exercised.

All expenditure relating to fruitless and wasteful expenditure is recognised as an expense in the statement of financial performance in the year that the expenditure was incurred. The expenditure is classified in accordance with the nature of the expense. If the expenditure is recoverable it is treated as an asset until it is recovered from the responsible person or written off as irrecoverable in the statement of financial performance..

1.16 IRREGULAR EXPENDITURE

Irregular expenditure is an expenditure, other than unauthorised expenditure, incurred in contravention of, or that is not in accordance with, a requirement of any applicable legislation, including the Public Finance Management Act. Irregular expenditure is recognised as expenditure in the statement of financial performance. If the expenditure is not condoned by the relevant authority it is treated as an asset until it is recoverable or written off as irrecoverable.

1.17 SURPLUS OR DEFICIT

Income, expenditure, gains and losses are recognised in surplus or deficit except for the exceptional cases where recognition directly in net assets is specifically allowed or required by a Standard of GRAP.

1.18 BUDGET INFORMATION

The approved budget is prepared on a accrual basis and presented by economic classification linked to performance outcome objectives. The approved budget covers the fiscal period from 01 April 2022 to 31 March 2023. The annual financial statements and the budget are on the same basis of accounting therefore a comparison with the budgeted amounts for the reporting period have been included in the Statement of comparison of budget and actual amounts.

The budget variances in excess of ten percent (10%) and above are disclosed in the notes to the financial statements.

1.19 RELATED PARTIES

A related party is a person or an entity with the ability to control or jointly control the other party, or exercise significant influence over the other party, or vice versa, or an entity that is subject to common control, or joint control.

Control is the power to govern the financial and operating policies of an entity so as to obtain benefits from its activities.

Joint control is the agreed sharing of control over an activity by a binding arrangement, and exists only when the strategic financial and operating decisions relating to the activity require the unanimous consent of the parties sharing control (the venturers).

Related party transaction is a transfer of resources, services or obligations between the reporting entity and a related party, regardless of whether a price is charged.

Significant influence is the power to participate in the financial and operating policy decisions of an entity, but is not control over those policies.

Management are those persons responsible for planning, directing and controlling the activities of the entity, including those charged with the governance of the entity in accordance with legislation, in instances where they are required to perform such functions.

Close members of the family of a person are those family members who may be expected to influence, or be influenced by that person in their dealings with the entity.

The entity is exempt from disclosure requirements in relation to related party transactions if that transaction

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occurs within normal supplier and/or client/recipient relationships on terms and conditions no more or less favourable than those which it is reasonable to expect the entity to have adopted if dealing with that individual entity or person in the same circumstances and terms and conditions are within the normal operating parameters established by that reporting entity's legal mandate.

Where the entity is exempt from the disclosures in accordance with the above, the entity discloses narrative information about the nature of the transactions and the related outstanding balances, to enable users of the entity's financial statements to understand the effect of related party transactions on its annual financial statements.

The key management of PPSA includes the Public Protector, the Deputy Public Protector, the Chief Executive Officer and the Executive Managers.

1.20 EVENTS AFTER REPORTING DATE

Events after reporting date are those events, both favourable and unfavourable, that occur between the reporting date and the date when the financial statements are authorised for issue. Two types of events can be identified:

- those that provide evidence of conditions that existed at the reporting date (adjusting events after the reporting date); and
- those that are indicative of conditions that arose after the reporting date (non-adjusting events after the reporting date).

The entity will adjust the amount recognised in the financial statements to reflect adjusting events after the reporting date once the event occurred.

The entity will disclose the nature of the event and an estimate of its financial effect or a statement that such estimate cannot be made in respect of all material non-adjusting events, where non-disclosure could influence the economic decisions of users taken on the basis of the financial statements.

1.21 UNSPENT CONDITIONAL GRANTS

This represent unspent funds at the end of the financial year on grants received from national government or any other external party that can only be spent for the condition for which it was received. The amount is recognised as a

current liability until the conditions of the grant are met or the money is transferred back to the funder.

1.22 PREPAYMENTS

Prepayments are amounts paid for by a business in advance of the goods or services received in future period.

Recognition

This is expenditures that has been paid for in the current reporting period, but for which economic benefits will not be consumed until future period. Prepayments are reported as current assets as the future economic benefits will be consumed within one year.

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NOTES TO THE ANNUAL FINANCIAL STATEMENTS

2. NEW STANDARDS AND INTERPRETATIONS

2.1 STANDARDS AND INTERPRETATIONS ISSUED, BUT NOT YET EFFECTIVE

The entity has not applied the following standards and interpretations, which have been published and are mandatory for the entity's accounting periods beginning on or after 01 April 2022 or later periods:

Standard or pronouncement	Years beginning on or after expected impact:	Effective date:
GRAP 1: Presentation of financial statements The change entails an enhancement of an existing standards of financial statements regarding going concern assessment consideration and disclosures.	Is expected that there will be an additional consideration of an assessment of a going concern as well as an additional disclosures of a going concern.	01 April 2023
GRAP 25: Employee benefits (revised) The change entails an enhancement of an existing standards of financial statements regarding going concern assessment consideration and disclosures.	Not expected to impact results but may result in additional disclosure	01 April 2023
GRAP 104: Financial instruments The change arose out of a need to align the previous GRAP 104 standard issued in 2009 to an International Financial Reporting Standard (IFRS) in 2014 which substantially revised how the amortised cost is determined, how and when financial assets are assessed for impairment and also overhauled the requirements for hedge accounting.	It is not expected that the change will materially impact the accounting and disclosure for the institution's financial assets and liabilities as the its financial instruments comprise of cash and cash equivalents, short term receivables and payables with no stated interest rate and the Accounting Standards Board concluded that financial assets and financial liabilities should not be discounted prior to their due date for payment, unless the credit period granted is not in line with operating terms in the public sector. The Institution does not grant credit nor credit period not in line with the operating terms of the public sector.	01 April 2023
IGRAP 21: The effect of past decisions on materiality: The standard determines whether past decisions about materiality affect subsequent reporting periods and whether applying alternative accounting treatments based on materiality is a departure from the Standards of GRAP or an error.	Not expected to impact results but may result in additional disclosure.	01 April 2023

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2023	2022
Rands	Restated* Rands

3. PROPERTY, PLANT AND EQUIPMENT

	2023			2022		
	Cost / Valuation	Accumulated depreciation and accumulated impairment	Carrying value	Cost / Valuation	Accumulated depreciation and accumulated impairment	Carrying value
	Rands	Rands	Rands	Rands	Rands	Rands
Furniture and fixtures	9 925 391	(7 655 232)	2 270 159	9 470 270	(7 635 640)	1 834 630
Motor vehicles	7 870 496	(4 360 468)	3 510 028	6 555 099	(3 234 357)	3 320 742
Office equipment	5 142 068	(4 565 671)	576 397	4 995 155	(4 623 606)	371 549
IT equipment	23 426 966	(18 195 093)	5 231 873	20 916 226	(15 830 730)	5 085 496
Leasehold improvements	453 786	(199 556)	254 230	453 786	(108 849)	344 937
Other leased Assets	4 773 306	(2 483 624)	2 289 682	4 263 930	(1 093 677)	3 170 253
Total	51 592 013	(37 459 644)	14 132 369	46 654 466	(32 526 859)	14 127 607

Reconciliation of property, plant and equipment - 2023

	Opening Balance Rands	Additions Rands	Disposals Rands	Depreciation Rands	Total Rands
Furniture and fixtures	1 834 630	699 132	(4 696)	(258 907)	2 270 159
Motor vehicles	3 320 742	1 315 397	-	(1 126 111)	3 510 028
Office equipment	371 549	352 489	(898)	(146 743)	576 397
IT equipment	5 085 496	2 690 017	(70 479)	(2 473 161)	5 231 873
Leasehold improvements	344 937	-	-	(90 707)	254 230
Other leased Assets	3 170 253	782 975	(183 157)	(1 480 389)	2 289 682
Total	14 127 607	5 840 010	(259 230)	(5 576 018)	14 132 369

Reconciliation of property, plant and equipment - 2022

	Opening Balance Rands	Additions Rands	Disposals Rands	Depreciation Rands	Total Rands
Furniture and fittings	1 097 834	964 134	(8 040)	(219 298)	1 834 630
Motor vehicles	4 409 642	-	-	(1 088 900)	3 320 742
Office equipment	494 603	38 362	(922)	(160 494)	371 549
IT equipment	6 600 615	642 969	(34 376)	(2 123 712)	5 085 496
Leasehold improvements	435 645	-	-	(90 708)	344 937
Leased assets	2 132 663	2 259 338	(188 033)	(1 033 715)	3 170 253
Total	15 171 002	3 904 803	(231 371)	(4 716 827)	14 127 607

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2023 Rands	2022 Restated* Rands
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4. INTANGIBLE ASSETS

	2023			2022		
	Cost / Valuation	Accumulated depreciation and accumulated impairment	Carrying value	Cost / Valuation	Accumulated depreciation and accumulated impairment	Carrying value
	Rands	Rands	Rands	Rands	Rands	Rands
Computer Software	2 372 640	(1 219 467)	1 153 173	1 329 666	(1 017 618)	312 048

Reconciliation of intangible assets - 2023

	Opening Balance Rands	Additions Rands	Amortisation Rands	Total Rands
Computer software	312 048	1 042 974	(201 849)	1 153 173

Reconciliation of intangible assets - 2022

	Opening Balance Rands	Amortisation Rands	Total Rands
Computer software	429 128	(117 080)	312 048

5. PAYABLES FROM EXCHANGE TRANSACTIONS

Trade payables	13 592 326	4 774 675
Deferred operating leases	438 329	686 591
Salaries and allowances	2 806 125	2 895 898
Accrued services bonus	6 604 891	6 184 169
Creditors accrual	12 035 183	9 234 140
VAT on import services	8 960	6 215
	35 485 814	23 781 688

The trade payables and creditors increased in the year under review due to legal fees relating to the Section 194 enquiry.

6. EMPLOYEE BENEFIT OBLIGATIONS

The amounts recognised in the statement of financial position are as follows:

Carrying value		
Opening balance	(11 995 000)	(10 106 000)
Interest cost	(1 285 000)	(1 149 000)
Current service cost	(844 000)	(725 000)
Benefits paid	94 700	55 818
Actuarial gains or (losses)	2 054 300	(70 818)
	(11 975 000)	(11 995 000)
Non-current liabilities	(11 880 000)	(11 936 000)
Current liabilities	(95 000)	(59 000)
	(11 975 000)	(11 995 000)

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2023	2022
Rands	Restated* Rands

Net expense recognised in the statement of financial performance

Current service cost	844 000	725 000
Interest cost	1 285 000	1 149 000
Actuarial (gains) losses	(2 054 300)	70 818
Benefit paid	(94 700)	(55 818)
	(20 000)	1 889 000

Key assumptions used

Assumptions used at the reporting date:

The PPSA follows a practice of subsidizing the post-retirement medical aid (PRMA) contributions for its retired employees.

The calculations are performed by independent actuaries on a yearly basis. The valuation for this financial year was completed on the 04 May 2023.

Contribution Rate Structure

Members contribute according to tables of contribution rates which differentiate between them on the type and number of dependents. Some options also differentiate on the basis of income.

Post-Employment Medical Aid Subsidy Policy

Eligible employees will receive a post-employment subsidy of 75% of the contribution payable should they be a member of a medical scheme at retirement, subject to a minimum of five uninterrupted years of service prior to retirement. Membership is compulsory for all PPSA employees, however, there are currently a number of employees who are not members. They have been included in this valuation.

Continuation members and their eligible dependents receive a 75% subsidy. Only a spouse or life partner is covered as a dependent under this benefit. Upon a member's death-in-service, surviving dependents are not entitled to commence receipt of the subsidy. Upon a member's death-in-retirement, surviving dependents are not entitled to continue to receive the subsidy.

Comparison of Vital Statistics

The table below presents vital statistics on eligible employees at the valuation dates.

Comparison of in-service statistics

	2023	2022
Eligible Employees		
Total number of eligible employees	240	226
Number of in-service members	191	182
Average age	41.8	42.0
Average past service	10.7	11.1
Average current value of post-employment subsidy p.m.	R2,514	R2,432
Number of in-service non-members	49	44
Average age	39.9	39.8
Average past service	8.9	9.3
Average current value of post-employment subsidy p.m.	R2.722	R2.598

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2023	2022
Rands	Restated*
	Rands

Comparison of Valuation Assumptions

The table below compares the assumptions used at the current and previous valuation dates.

Assumption	31/03/2023	31/03/2022
Discount rate	11.87%	10.74%
Health care cost inflation rate	7.87%	7.37%
Net-of-health-care-cost-inflation discount rate	3.71%	3.14%
Maximum subsidy inflation rate	7.37%	6.87%
Net-of-maximum-subsidy-inflation discount rate	4,19%	3.62%
Average retirement age	62	62
Mortality during employment	SA 85-90	SA 85-90
Mortality post-employment	PA(90) -1 with a 1% mortality improvement p.a. from 2010	
Withdrawal rates	See Table A4.2 of the Actuarial report	
Average age	60%	60%
Average past service	90%	90%
Average current value of post-employment subsidy p.m.	45%	45%

The table below summarizes the results of this analysis on the Current-Service and Interest Costs for the year ending 31 March 2023.

Assumptions	Change	Svc. Cost	Interest Cost	Total	%Change
Central assumptions		844,000	1,285,000	2,129,000	
Health care inflation rate	+1%	859,000	1,299,000	2,158,000	1%
	-1%	818,000	1,261,000	2,079,000	-2%
Discount rate	+1%	687,000	1,174,000	1,861,000	-13%
	-1%	1,051,000	1,411,000	2,462,000	16%
Post-employment mort.	+1 yr	818,000	1,247,000	2,065,000	-3%
	-1 yr	869,000	1,323,000	2,192,000	3%
Average retirement age	-1 yr	915,000	1,411,000	2,326,000	9%
Membership continuation	-10%	750,000	1,151,000	1,901,000	-11%

7. PREPAYMENTS

	2023	2022
		Restated*
Prepayments		
Opening balance	976 699	976 795
Additions	1 569 859	976 699
Less: utilised	(976 699)	(976 795)
	1 569 859	976 699

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2023	2022 Restated*
Rands	Rands

8. RECEIVABLES FROM EXCHANGE TRANSACTIONS

Interest receivable	615 644	280 378
Other receivable	930 010	1 239 754
Provision for doubtful debts	(929 668)	(1 106 774)
	615 986	413 358

Trade and other receivables impaired

In determining the recoverability of trade receivables, the PPSA considered any change in quality of the trade receivables from the date that the credit was initially granted to the reporting date.

As at 31 March 2023; R929,668 (31 March 2022: R1,106,774) were past due and considered for an assessment of impairment.

The ageing of these debts is as follows:

	2023	2022 Restated*
Over 6 months	929 668	1 106 774
Reconciliation of provision for impairment of trade and other receivables		
Benefits paid	1 106 774	1 187 584
Current liabilities	(177 106)	(80 810)
	929 668	1 106 774

9. RECEIVABLES FROM NON-EXCHANGE TRANSACTIONS

Other receivables from non-exchange revenue	534 200	1 756 081
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Other receivables from non-exchange transaction increased as a result of the payment of interns funded from SASSETA. The full funding for the year under review at the reporting date was not settled.

PPSA entered into a contract with SASSETA to train interns on its behalf. In terms of the contractual arrangement SASSETA transfers proportionally an amount to be paid to the interns to PPSA. Therefore PPSA is the acting agent to SASSETA. This is the principal - agent arrangement and is accounted for in terms of GRAP 109: Accounting by Principals and Agents.

PPSA does not have additional resources held on behalf of the principal other than the disclosed.

10. CASH AND CASH EQUIVALENTS

The cash balance remains within the primary bank account of PPSA. An increase in cash balance for this current financial year relates to the approval granted by National Treasury of an additional funding of R20 million in the year 2022/23 which was an addition to the baseline.

	2023	2022 Restated*
Cash on hand	17 768	17 324
Bank balances	126 196 313	113 477 174
	126 214 081	113 494 498

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2023	2022
Rands	Restated* Rands

11. FINANCE LEASE OBLIGATION

Minimum lease payments due

within one year
in second to fifth year inclusive

less: future finance charges

1 728 785	1 578 120
756 830	1 816 344
2 485 615	3 394 464
(139 556)	(261 156)
2 346 059	3 133 308

Present value of minimum lease payments due

within one year
in second to fifth year inclusive

1 619 900	1 403 242
726 159	1 730 066
2 346 059	3 133 308

Non-current liabilities

Current liabilities

1 361 918	1 730 066
984 141	1 403 242
2 346 059	3 133 308

PPSA has entered into a lease agreement with Telkom SA for cellphone devices plus package. It is the company's policy to lease certain items of property, plant and equipment.

12. PROVISIONS

Reconciliation of provisions - 2023

	Opening Balance	Additions	Utilised during the year	Reversed during the year	Total
	Rands	Rands	Rands	Rands	Rands
Gratuity	7 578 312	896 560	-	-	8 474 872
Provisions - Other	6 457 045	2 218 313	(1 605 812)	(649 961)	6 419 585
Accumulated leave	19 560 921	4 227 825	(4 369 828)	(3 296 959)	16 121 959
Performance awards	4 899 882	-	(1 697 772)	(3 202 110)	-
Total	38 496 160	7 342 698	(7 673 412)	(7 149 030)	31 016 416

Reconciliation of provisions - 2022

	Opening Balance	Additions	Utilised during the year	Reversed during the year	Total
	Rands	Rands	Rands	Rands	Rands
Gratuity	6 681 751	896 561	-	-	7 578 312
Provisions - Other	3 715 875	5 844 939	(2 969 206)	(134 563)	6 457 045
Accumulated leave	19 539 247	3 962 054	(212 930)	(3 727 450)	19 560 921
Performance awards	5 903 181	-	(301 497)	(701 802)	4 899 882
Total	35 840 054	10 703 554	(3 483 633)	(4 563 815)	38 496 160

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	2023 Rands	2022 Restated* Rands
Non-current liabilities	-	7 578 312
Current liabilities	31 016 416	30 917 848
	31 016 416	38 496 160

The Public Protector is entitled to a taxable lump sum gratuity when vacating the office as stated in the conditions of service applicable to her. The Public Protector's term of office is a fixed term of seven (7) years. The current Public Protector's term will officially end in October 2023.

The accumulated leave provision relates to the employer's present obligation as a result of leave days which were not utilised by the employees by the end of the financial year. In the event of termination of employment, employees' unutilised leave days are payable to the extent that they are not forfeited. Unutilised leave days are forfeited if they are not taken at the end of June of each year.

Employees of the PPSA were previously assessed and appraised annually in terms of the performance management development system (PMDS). National Treasury has since discontinued the payment of performance bonuses from 2021-22 financial year, as such PPSA has ceased raising a provision of performance bonus.

Under provisions - other, it includes cost orders awarded by the court and operating expenditure incurred, with uncertainty in the timing or amounts.

The provision of COIDA is raised based on an annual assessment from Compensation Fund.

13. REVENUE

	2023	2022 Restated*
Recoveries of legal fees	-	31 604
Impairment gain	177 107	80 810
Acturial gains	2 054 300	-
Other income	1 543 243	2 422 479
Finance income	5 686 485	2 332 277
Government grants & subsidies	378 138 000	359 952 273
Services in kind	12 305 034	11 614 866
	399 904 169	376 434 309

The amount included in revenue arising from exchanges of goods or services are as follows:

	2023	2022 Restated*
Recoveries	-	31 604
Impairment gain	177 107	80 810
Acturial gains	2 054 300	-
Other income	1 543 243	2 422 479
Interest received	5 686 485	2 332 277
	9 461 135	4 867 170

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The amount included in revenue arising from non-exchange transactions is as follows:

2023	2022
Rands	Restated* Rands

Taxation revenue

Transfer revenue

Government transfers (DoJ)

Services in kind

378 138 000	359 952 273
12 305 034	11 614 866
390 443 034	371 567 139

14. OTHER INCOME

Taxation revenue

Transfer revenue

Government transfers (DoJ)

Services in kind

877 931	2 092 609
50 490	82 158
98 500	97 850
516 322	149 862
1 543 243	2 422 479

15. FINANCE INCOME

Interest revenue

Finance income

5 686 485	2 332 277
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16. REVENUE FROM NON EXCHANGE TRANSACTIONS (GRANTS)

Operating grants

Government transfers (DoJ)

SASSETA grant

377 928 000	359 952 273
210 000	-
378 138 000	359 952 273

Conditional and Unconditional

Included in the above are the following grants and subsidies received:

Unconditional grants received

377 928 000	359 860 000
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Government transfers (DoJ)

Current-year receipts

Conditions met - transferred to revenue

377 928 000	377 928 000
(377 928 000)	(377 928 000)
-	-

The grant received from DoJ to fund the operations of PPSA.

SASSETA grant

Current-year receipts

Conditions met - transferred to revenue

210 000	-
(210 000)	-
-	-

PPSA entered into a memorandum of agreement to train interns from 2020/21 financial year.

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2023	2022
Rands	Restated* Rands

17. REVENUE FROM NON-EXCHANGE TRANSACTIONS (SERVICE IN-KIND)

Services in kind	12 305 034	11 614 866
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PPSA recognised services in kind relating to the office accommodation in Hillcrest and Nelspruit Offices. The Department of Public Works has entered into a lease agreement on behalf of the Institution and paid for the rentals on its behalf.

The Department of Public Works pays for our offices in Rustenburg and Mafikeng; however there was no reliable estimates to recognise services in kind at the reporting date.

18. STAFF COSTS

	2023	2022
	Rands	Restated* Rands
Basic	187 515 312	171 364 800
Performance awards*	(2 949 457)	159 738
Medical aid - company contributions	8 165 430	7 398 763
UIF	735 660	681 372
Cell phone allowance	457 611	1 001 556
Medical aid allowance	763 348	654 411
Employer contribution: pension GEPP	22 849 108	20 943 712
Travel, motor car, accommodation, subsistence and other allowances	1 417 922	1 698 677
13th Cheques	13 483 018	12 418 525
Acting allowances	1 975 302	1 249 911
Housing benefits and allowances	7 105 193	6 796 859
Gratuity	896 560	896 560
Pension allowances	2 595 883	2 706 995
Non-pensionable allowance	17 284 076	16 208 476
Leave days discounting**	413 783	1 318 311
Other staff allowances	771 603	499 557
	263 480 352	245 998 223

* Performance awards:

National Treasury has since discontinued the payment of performance bonuses from 2021-22 financial year, as such PPSA has ceased raising a provision of performance bonus. The amount provided for in the previous financial years had to be reversed based on payments made which resulted in a negative movement.

**Leave days discounting:

PPSA has accumulated a high balance of staff leave days in the prior year. PPSA staff have utilised most of their outstanding leave days in the current financial year which resulted in a significant decrease in movement of the provision in the current financial year.

19. DEPRECIATION AND AMORTISATION

	2023	2022
	Rands	Restated* Rands
Property, plant and equipment	5 576 018	4 716 827
Intangible assets	201 849	117 080
	5 777 867	4 833 907

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20. FINANCE COSTS

2023	2022 Restated*
Rands	Rands
191 943	163 517
1 285 000	1 149 000
1 476 943	1 312 517

Finance leases
Post-employment medical benefits - Interest costs

The interest cost represents the accrual of interest on the total accrued liability, allowing for benefit payments, over the corresponding year. This arises because the post-employment medical aid contributions are one year closer to payment.

21. ADMINISTRATIVE EXPENSES

2023	2022 Restated*
Rands	Rands
Advertising	95 506
Auditors remuneration	4 296 674
Bank charges	90 476
Cleaning	3 073 912
Consulting and professional fees (21.1)	28 658 303
Entertainment	39 536
Rental - Service in kind	11 614 866
Rental of buildings	11 833 411
Parking	942 819
Printing and Publications: Annual report and APP	123 589
Insurance	178 306
IT expenses	13 228 730
Marketing	448 775
Fuel and oil	490 933
Postage and courier	258 911
Printing and stationery	395 525
Personal protective equipment	2 254
Security	1 744 835
Subscriptions and membership fees	61 502
Communications: Cellphones	563 821
Training and bursaries	576 425
Travel - local (21.2)	2 218 717
Travel - overseas	-
Municipal services	4 490 221
Communication telephone and fax	1 191 014
Copy chargers - Photocopiers	342 732
Non-capitalised assets	1 063 507
Current service cost (post-employment medical benefits)	725 000
Storage	288 812
Compensation fee	490 791
General and administrative expenses	1 090 930
119 191 830	90 620 833

Advertising
Auditors remuneration
Bank charges
Cleaning
Consulting and professional fees (21.1)
Entertainment
Rental - Service in kind
Rental of buildings
Parking
Printing and Publications: Annual report and APP
Insurance
IT expenses
Marketing
Fuel and oil
Postage and courier
Printing and stationery
Personal protective equipment
Security
Subscriptions and membership fees
Communications: Cellphones
Training and bursaries
Travel - local (21.2)
Travel - overseas
Municipal services
Communication telephone and fax
Copy chargers - Photocopiers
Non-capitalised assets
Current service cost (post-employment medical benefits)
Storage
Compensation fee
General and administrative expenses

21.1. Included in the consulting and professional fees is legal expenditure. The significant increase is as a result of Section 194 enquiry.

21.2. An increase in travelling expenditure is as a result of the outreach and stakeholder management programs.

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2023	2022
Rands	Restated* Rands

22. CASH GENERATED FROM OPERATIONS

Surplus	9 722 247	33 366 638
Adjustments for:		
Depreciation and amortisation	5 777 867	4 833 907
Loss on sale of assets and liabilities	254 930	231 373
Finance costs - Finance leases	191 943	163 517
Movements in retirement benefit assets and liabilities	(20 000)	1 889 000
Movements in provisions	(7 479 744)	2 656 106
Donations	(285 500)	-
Changes in working capital:		
Receivables from exchange transactions	(202 628)	(285 543)
Other receivables from non-exchange transactions	1 221 881	(1 223 884)
Prepayments	(593 160)	96
Payables from exchange transactions	11 704 127	(3 578 346)
	20 291 963	38 052 864

23. OPERATING SURPLUS

Operating surplus for the year is stated after accounting for the following:

Loss on sale of property, plant and equipment	(254 930)	(231 373)
Amortisation on intangible assets	201 849	117 080
Depreciation on property, plant and equipment	5 576 018	4 716 827
Employee costs	263 480 352	245 998 223

24. COMMITMENTS

Authorised operational expenditure Approved and contracted

Contracted services	28 823 212	49 409 033
Procurement of goods	5 030 673	4 001 563
	33 853 885	53 410 596

Approved but not contracted

Approved services but not yet contracted	16 234 002	7 130 250
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Total operational commitments

Approved and contracted	33 853 885	53 410 596
Approved but not yet contracted	16 234 002	7 130 250
	50 087 887	60 540 846

Operating leases - as lessee (expense)

Minimum lease payments due

within one year	8 011 173	4 811 835
in second to fifth year inclusive	11 057 279	11 454 121
later than five years	362 751	552 013
	19 431 203	16 817 969

PPSA occupies office buildings leased under operating leases. The Department of Public Works and Infrastructure entered into the lease agreements on behalf of the PPSA. The lease payments made by the Department of Public Works are being

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recovered from PPSA. The lease term ranges between 1 - 9 years. This escalation rate ranges between 5% to 10%. Three other office buildings are occupied at no cost to the PPSA, of which one is owned by the Department of Public Works and Infrastructure and two are leased but paid directly by the Department of Public Works and Infrastructure from its own budget.

Photocopier machines are included as leased for a period of 36 months.

Restatement on commitments note (Operating leases - as lessee)	Previously Reported Rands	Adjustment Rands	Restated Rands
within one year	3 168 476	1 643 359	4 811 835
in second to fifth year inclusive	5 567 100	5 887 021	11 454 121
later than five years	-	552 013	552 013
	8 735 576	8 082 393	16 817 969

Reasons for restatements: During the financial year under review it was discovered that there were additional lease contracts for DPW which were omitted from prior years and had to be included in the lease schedule.

25. CONTINGENCIES

Contingent Liabilities

- In the matter of the *Phumelela gaming and leisure limited & others vs Public Protector & others*, report No 11 of 2019/20 related to a complaint of maladministration and improper conduct in connection with a 1997 - MOU between the Gauteng Provincial Government and the Gauteng Horse Racing Industry which subsequently led to the corporatisation of the Horse Racing Industry. The report was taken on review by multiple parties. One taxed bill paid subsequent to year end out of provisions, another taxed bill is planned for set down for taxation in November 2023 hence the contingent liability.
- In the matter of the *Lubabalo Oscar Mabuyane vs Winnie Madikizela Mandela Local Municipality vs Public Protector and the Others*, review of Public Protector report on an investigation into allegations of corruption, maladministration or misuse of the Public Funds by senior and executive government officials from the Mbizana Local Municipality and Eastern Cape Provincial Government Departments. Applicants as per the court records launched applications in which they sought to have the report reviewed and set aside. Tax bill received and finalised in July 2023 for other parts. Another taxed bill is planned for set down for taxation in August 2023, hence the contingent liability.
- In the matter of the *Stellenbosch Municipality vs Public protector*, Application for reviewing and setting aside the Respondent's report titled "Report on an Investigation into Allegations of Improper Conduct and Maladministration by the Stellenbosch Local Municipality with regard to the Appointment of Staff irregularly. The matter is pending with possible order cost. At the reporting date the matter remains a contingent liability.
- In the matter of the *Public Protector vs. Basani Baloyi*, the applicant made an appeal to the Constitutional Court for an unfair labour practice/ dismissal resulting from non-confirmation of probation period. The court ordered in favour of the applicant with costs. The settlement was paid, and the applicant's attorney's costs are still being drafted. At the reporting date the taxed bills were not received therefore possible obligation exists.
- In the matter of the *Public Protector vs. DA, CASAC*, the PPSA made an appeal against the judgment of the High Court regarding the Vrede Report. The court dismissed the appeal with costs ordered in favour of the defendant. Some of the applicant costs have been settled. Tax bill for the constitutional court still outstanding.
- In the matter of the *Public Protector vs. Speaker of the National Assembly*, the PPSA made an urgent application to suspend Parliamentary Proceedings on the removal of the Head of Chapter 9 Institution (Part A). The court dismissed the application with costs in favour of the Speaker of the National Assembly and the DA. The Respondents' attorneys are still drafting the costs and there was no reliable estimate on the reporting date, thus no provision has been made in the annual financial statements.

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7. In the matter of the **Public Protector vs. Democratic Alliance**, the appeal made by the applicant in the defamation lawsuit launched by the Public Protector. The court ordered in favour of the applicant with costs. Some of the applicant costs have been settled. Taxed bill for the supreme court of appeal still outstanding
8. In the matter of **Pravin Gordhan vs. the Public Protector (Pillay)**. The review of the Public Protector's report into allegations of unlawful approval of Mr Pillay's early retirement. Judgement was handed down with costs. Both the Public Protector and Mr Gordhan applied for leave to appeal, leave to appeal was dismissed with costs in favour of Pravin Gordhan on 07 April 2021. As at the reporting date the contingent exists as the tax bills were received in the June /July 2023 period. The matter has multiple applicants and the dates for other tax bills are not yet determined.
9. In the matter of **Pravin Gordhan vs. the Public Protector (Rogue Unit)**. The review of the Public Protector's report into allegations of violation of the Executive Ethics Code by Mr Pravin Gordhan, MP, as well as maladministration, corruption and improper conduct by the South African Revenue Services. Judgement was handed down with costs. PPSA appealed the judgment and it was dismissed with costs on 26 May 2021. At the reporting date the contingent liability exists, the tax bills were subsequently received in July 2023. The matter has multiple applicants and the dates for other tax bills are not yet determined.
10. In the matter of **PPSA vs H Samuel**, labour court matter. The employee was reinstated with costs. PPSA took the award on review and security (R1 500 000) was paid to the attorneys until the case is finalised. The matter is still pending, thus no provision has been made in the annual financial statements.
11. In the matter of **Minister of Finance vs. the Public Protector**. The Public Protector's report into Venda Pension Fund. Judgement was handed down with costs against PPSA. The bill has not been submitted for taxation.
12. National Treasury instruction note 12 of 2020/21 requires institutions to declare surpluses or deficits to the relevant Treasury using the annual financial statements. An estimated calculation for surplus for 2022/23 reporting period stands at R59,782,896.00. A contingent liability therefore exists in relation to the retention of surplus funds as at 31 March 2023.

Contingent assets

1. In the matter of **Kagisano Molopo Local Municipality vs. the Public Protector**. The Public Protector investigated the alleged prejudice suffered by Nduza Cleaning and Security Services as a result of maladministration by the Kagisano - Molopo Local Municipality, in awarding a security tender. The Municipality launched a review application on the Public Protector's report and later withdrew its application before the matter could be heard in court. Kagisano Molopo Local Municipality tendered to pay PPSA's wasted costs. The matter is finalised, PPSA to institute recovery process.
2. In the matter of **Mapula Mokaba vs. the Public Protector**. The review application of the Public Protector's report No. 15 of 2016/17. Ms. Mapula was ordered to pay the costs of the Public Protector in respect of the condonation application. The matter is finalised, PPSA to institute recovery process.
3. In the matter of **Anton Mostert v PPSA** the judgment was handed down on 10 June 2021 in favour of PPSA. The SCA dismissed Anton Mostert's special leave to appeal. The matter finalised PPSA to institute recovery process.
4. In the matter of **Trevor Mark v PPSA** the judgment was handed down on 16 February 2022 with costs. The bill was submitted for taxation on 04 October 2022. The matter finalised PPSA to institute recovery process.
5. In the matter of **Gilingwe Nkwinti v PPSA** the judgment was handed down on 14 December with costs. Mr Nkwinti has since filed for notice to appeal at the Supreme Court of Appeal, thus the matter is pending.
6. In the matter of **PPSA vs H Samuel**, labour court matter. The employee was reinstated with costs. PPSA appealed and security (R1 500 000) was paid to the attorneys until the case is finalised. The matter is still pending.

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26. RELATED PARTIES

Relationships

Funds transferring department	DoJ&CJ
Rental agreement	Related party transactions between the Public Protector South Africa and Department of Public Works.
Partnering agency for internship and skills development training	Safety and Security Sector Education and Training Authority (SASSETA)
Other entities within the Justice portfolio	Legal Aid South Africa Guardian's Fund President 's Fund Special Investigation Unit The Human Rights Commission Criminal Assets Recovery Account Justice Administered Fund Office of the Chief Justice Department of Correctional Services National Prosecuting Authority Rules Board for Courts of Law South African Boards of Sheriffs South African Law Reform Commission (SALRC) Council of Debt Collectors
Members of key management	Refer to the details below

Additional information to the note

The Public Protector is an independent Constitutional Institution established in terms of section 181 (1)(a) of the Constitution of the Republic of South Africa, with a mandate to support and strengthen constitutional democracy.

The Public Protector is publicly funded and accountable to Parliament, yet independent of government in carrying out its operational functions. As a Constitutional Institution, the Public Protector, reports to the National Assembly.

Accordingly, national departments, national trading entities and national public entities are accountable to Parliament, thus making the Public Protector a related party within the national sphere of government.

The Public Protector is a supreme administrative oversight body, with the power to investigate, report and remedy improper conduct in state affairs. The Public Protector must be accessible to all persons and communities. The adequate funding of the Public Protector through parliamentary appropriation is necessary to ensure that the Public Protector delivers on its mandate.

Key management information

Class	Description	Number
Executive Authority	The Public Protector of South Africa	1
Public Office Bearer	The Deputy Public Protector of South Africa	1
Executive management	Executive Management within PPSA	8

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Related party balances

SASSETA contract

Other receivables from non-exchange transactions (Refer to note 9)

2023	2022
Rands	Restated* Rands
464 713	92 273

The contract to appoint interns was renewed between PPSA and SASSETA during the year under review. The intake started in March 2022 and payments were made to interns. As at the 31 March 2023 SASSETA owed PPSA the amount as reported above. The balance is part of the receivables from non-exchange transactions in the Statement of Financial position.

Government grants and subsidies (Refer to note 16) DoJ&CJ
 Revenue - services in kind (Refer to note 17)
 Government grants & subsidies (Refer to note 16) SASSETA

2023	2022
Rands	Restated* Rands
377 928 000	359 860 000
12 148 298	11 614 866
210 000	-

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Key Management Personnel Remuneration

2023

NAME	Basic salary Rands	Pension allowance Rands	Travel allowance Rands	Medical aid allowances Rands	Medical aid allowances Rands	Other allowance Rands	Service bonus Rands	Gratuity Rands	Other benefits received Rands	Total Rands
Public Protector Adv BJ Mkhwebane	1 723 987	-	-	-	662 485	77 700	-	1 418 695	-	3 882 867
Acting Public Protector Adv KN Gcaleka	1 151 024	-	-	-	767 350	-	-	-	-	1 918 374
Chief Executive Officer MT Sibanyoni	1 241 075	161 340	75 000	120 000	231 629	159 816	100 411	-	77 027	2 166 298
Executive Manager PII Coastal Adv CH Fourie (1)	214 334	32 150	24 559	9 600	7 687	29 000	26 792	-	560 910	905 032
Acting COO L Mamabolo (2)	-	-	-	-	-	-	-	-	92 251	92 251
Chief Financial Officer Y Lusibane (3)	223 500	33 525	-	15 000	60 600	21 250	55 875	-	148 592	558 342
Executive Manager GGI and AJSD PR Mogaladi	1 211 400	181 710	72 000	-	51 184	168 787	98 010	-	-	1 783 091
Executive Manager Investigations Adv MG Matimolane (4)	-	-	-	-	-	-	-	-	27 858	27 858
Acting Chief Financial Officer T Senosi (5)	-	-	-	-	-	-	-	-	136 868	136 868
Acting Executive Manager Corporate Services GG Tyelela (6)	-	-	-	-	-	-	-	-	132 640	132 640
Acting Executive Manager Investigations V Dlamini (7)	-	-	-	-	-	-	-	-	198 614	198 614
Acting Executive Manager PII Inland E De Waal (8)	-	-	-	-	-	-	-	-	151 300	151 300
Acting Executive Manager PII Coastal B Neshunzhi (9)	-	-	-	-	-	-	-	-	58 501	58 501
Executive Manager Stakeholder Management FN Motsitsi	1 297 667	168 697	72 000	-	98 516	140 013	102 486	-	-	1 879 379

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NAME	Basic salary Rands	Pension allowance Rands	Travel allowance Rands	Medical aid allowances Rands	Medical aid allowances Rands	Other allowance Rands	Service bonus Rands	Gratuity Rands	Other benefits received Rands	Total Rands
Executive Manager PII Inland Acting as COO Adv. NI Nkabinde (10)	1 127 488	169 123	-	-	238 624	25 572	89 613	-	341 523	1 991 943
Executive Manager Adv D Barnard (11)	520 003	67 600	-	-	155 258	8 475	-	-	-	751 336
Chief Financial Officer M Mdingi (12)	65 403	9 810	-	-	28 341	1 695	-	-	-	105 249
Chief of Staff L Lebelo (13)	126 995	-	-	-	84 663	-	-	-	-	211 658
	8 902 876	823 955	243 559	144 600	2 386 337	632 308	473 187	1 418 695	1 926 084	16 951 601

2022

NAME	Basic salary Rands	Pension allowance Rands	Travel allowance Rands	Medical aid allowances Rands	Medical aid allowances Rands	Other allowance Rands	Service bonus Rands	Gratuity Rands	Other benefits received Rands	Total Rands
Public Protector Adv BJ Mkhwebane	1 723 987	-	-	-	662 485	77 700	-	896 560	-	3 360 732
Acting Public Protector Adv KN Gcaleka	1 088 439	-	-	-	725 626	-	-	-	-	1 814 065
Chief Executive Officer MT Sibanyoni	1 204 927	156 640	75 000	9 500	336 094	147 463	41 219	-	-	1 970 843
Chief Operating Officer L. Mohalaba	543 001	81 450	-	-	235 300	9 862	74 046	-	122 465	1 066 124
Acting COO L Mamabolo	-	-	-	-	-	-	-	-	243 980	243 980
Chief Financial Officer Y Lusibane	907 093	136 064	-	60 000	250 222	106 680	73 842	-	-	1 533 901
Chief of Staff SC Nyembe	349 763	52 464	-	-	180 711	8 045	-	-	63 252	654 235
Chief of Staff Adv L Lebelo	253 990	38 099	-	-	129 774	8 235	-	-	-	430 098
Executive Manager- PII Coastal Adv CH Fourie	1 286 006	192 901	147 353	57 600	47 576	37 010	107 167	-	-	1 875 613

ANNUAL FINANCIAL STATEMENTS

NAME	Basic salary	Pension allowance	Travel allowance	Medical aid allowances	Medical aid allowances	Other allowance	Service bonus	Gratuity	Other benefits received	Total
	Rands	Rands	Rands	Rands	Rands	Rands	Rands	Rands	Rands	Rands
Executive Manager - GSM FN Motsitsi	1 211 658	157 516	99 000	9 339	34 731	145 383	99 479	-	-	1 757 106
Executive Manager - AJSD PR Mogaladi	882 043	132 306	53 727	-	33 780	123 651	83 394	-	-	1 308 901
Executive Manager PII Inland NI Nkabinde	1 013 408	152 011	-	-	199 000	28 423	-	-	57 251	1 450 093
Acting Executive Manager Investigations Adv. N Nkabinde	-	-	-	-	-	-	-	-	84 451	84 451
Acting Executive Manager Corporate Services GG Tyelela	-	-	-	-	-	-	-	-	119 421	119 421
Acting Executive Manager Investigations VX Dlamini	-	-	-	-	-	-	-	-	224 804	224 804
Acting Executive Manager Corporate Services FS Tebele	-	-	-	-	-	-	-	-	20 785	20 785
Acting Executive Manager PII Inland Adv De Waal	-	-	-	-	-	-	-	-	24 830	24 830
	10 464 315	1 099 451	375 080	136 439	2 835 299	692 452	479 147	896 560	961 239	17 939 982

(1) Executive Manager - Adv CH Fourie retired in May 2022.

(2) Ms Mamabolo assumed the responsibility of Acting COO from April 2021 till June 2022.

(3) Chief Financial Officer - Ms Y Lusibane resigned in June 2022.

(4) Adv MG Matimolane assumed the responsibility of Acting Executive Manager from June to July 2022.

(5) Mr T Senosi assumed the responsibility of Acting Chief Financial Officer in July 2022 till February 2023.

(6) Mr GG Tyelela assumed the responsibility of Acting Executive Manager: Corporate Services from June 2022 to date.

(7) Mr V Dlamini assumed the responsibility of Acting Executive Manager from April-June 2022 and from October 2022 to date.

(8) Adv E De Waal assumed the responsibility of Acting Executive Manager PII Inland from July 2022 to date.

(9) Mr Neshunzi assumed the responsibility of Acting Executive Manager: PII - Coastal from June up until September 2022.

(10) Adv N Nkabinde assumed the responsibility of Acting COO from July to date.

(11) Adv D Barnard assumed the responsibility of the Executive Manager PII Coastal from November 2022.

(12) Mr Mfundo Mdingi assumed the responsibility of the CFO from March 2023.

(13) Mr Luther Lebelo (Chief of Staff) seconded to remedial action until further notice as from June 2022.

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27. CHANGE IN ESTIMATE PROPERTY, PLANT AND EQUIPMENT

The useful lives of certain property, plant and equipment were assessed during the 2022-23 financial year. The effect of the change in estimates is as follows:

	Net Impact	After Change	Before Change
Effect in the statement of financial position			
Property Plant and Equipment	4 066	313 523	309 457
Effect in the statement financial performance			
Depreciation	4 066	5 575	9 641

28. PRIOR PERIOD ERRORS

The correction of the error(s) results in adjustments as follows:

	2023	2022 Restated*
Statement of financial position		
Property, plant and equipment (a)	-	(119 542)
Receivables from non-exchange transactions (b)	-	1 659 911
Payables from exchange transactions (c)	-	(3 450 119)
Provisions (d)	-	134 563
Opening Accumulated Surplus or Deficit (e)	-	1 775 187
Statement of financial performance		
Recoveries of legal fees (f)	-	31 604
Other incomes (g)	-	1 659 911
Depreciation and amortization (h)	-	24 244
Finance costs (i)	-	(163 517)
Loss on disposal of assets and liabilities (j)	-	(188 033)
Administrative expenses (k)	-	(3 139 399)

29. PRIOR-YEAR ADJUSTMENTS

Presented below are those items contained in the statement of financial position, statement of financial performance and cash flow statement that have been affected by prior-year adjustments:

Statement of financial position

2022

	As previously reported	Correction of error	Restated
Property, plant and equipment (a)	14 247 149	(119 542)	14 127 607
Receivables from non-exchange transactions (b)	96 170	1 659 911	1 756 081
Payables from exchange transactions (c)	(20 331 569)	(3 450 119)	(23 781 688)
Provisions (d)	(31 052 411)	134 563	(30 917 848)
Opening Accumulated Surplus or Deficit (e)	(55 449 322)	1 775 187	(53 674 135)
	(92 489 983)	-	(92 489 983)

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Statement of financial performance

2022

	As previously reported	Correction of error	Restated
Recoveries of legal fees (f)	-	31 604	31 604
Other incomes (g)	762 568	1 659 911	2 422 479
Depreciation and amortization (h)	(4 858 151)	24 244	(4 833 907)
Finance costs (i)	(1 149 000)	(163 517)	(1 312 517)
Loss on disposal of assets and liabilities (j)	(43 340)	(188 033)	(231 373)
Administrative expenses (k)	(87 481 434)	(3 139 399)	(90 620 833)
Surplus for the year	(92 769 357)	(1 775 190)	(94 544 547)

Errors

Statement of financial position

(a) Property, plant and equipment

Correction of error as a result of the overstatement of leased assets due to non-retirement of lost cellphones.

(b) Receivables from non-exchange transactions

Salary recovery from Sanlam pension fund as a result of declaration of employee who were medically unfit.

(c) Payables from exchange transactions

Correction of error due to cut-off mainly on legal expenditure.

(d) Provisions

Correction of error as a result of incorrect billing.

(e) Accumulated surplus.

Changes on opening accumulated surplus as a result of reference (a), (b), (c), (d), (f), (g), (h), (i), (j) and (k).

Correction of error as a result of the overstatement of depreciation and amortisation.

Correction of error as a result of Sanlam pension fund payment to PPSA.

Correction of error as a results of retirement of lost cellphones due to theft.

Corrections of error as a result of overstatement of administrative expenses.

Statement of financial Performance

(f) Other incomes

Correction of error as a result of recoveries on legal fees incorrectly recorded

(g) Other incomes

Correction of error as a result of salary recoveries from Sanlam pension fund.

(h) Depreciation and amortization

Correction of error as a result of adjustment of depreciation and amortization of retired assets.

(i) Finance costs

Correction of error as a result of the adjustment of finance cost due to finance lease interest.

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(j) Loss on disposal of assets and liabilities

Correction of error as a result of retirement of leased assets (cellphones).

(k) Administrative expenses

Correction of error as a result of the overstatement accruals on municipal services, security services, legal fees and storage etc.

30. RISK MANAGEMENT FINANCIAL RISK MANAGEMENT

Liquidity risk is the risk that the PPSA will not be able to meet its financial obligations as they fall due. The PPSA has adequate cash balances at its disposal and minimal long-term debt, which limits liquidity risk. Nevertheless, budgets and cash flow forecasts are prepared annually to ensure liquidity risks are monitored and controlled.

The table below analyses the PPSA's financial liabilities into relevant maturity groupings based on the remaining period on the Statement of Financial Position to the contractual maturity date. The amounts disclosed in the table below are contractual undiscounted cash flows:

31 March 2023

	Liabilities in less than 3 months	Liabilities in 12 months	Liabilities after 1 year	Total
Payables from exchange transactions	35 485 814	-	-	35 485 814
Finance lease obligation	-	984 141	-	984 141

31 March 2022

	Liabilities in less than 3 months	Liabilities in 12 months	Liabilities after 1 year	Total
Payables from exchange transactions	23 781 688	-	-	23 781 688
Finance lease obligation	-	1 403 242	-	1 403 242

Foreign exchange risk

Currency risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in foreign exchange rates.

PPSA exposure to foreign exchange risk is limited to the payment of Microsoft license fees and international membership fees, the transaction volume is minimal. The foreign exchange risk is related to the fluctuation of the Rand and Dollar/Euro purchase rates.

The Institution reviews its foreign currency exposure, including commitments on an ongoing basis. The institution expects its foreign exchange contracts to hedge foreign exchange exposure.

Market risk

Interest rate risk

PPSA is exposed to cash flow interest rate risk arising from cash on hand at commercial banks which earns interest at floating rates based on daily bank deposit rates.

The PPSA exposure to market risk (in the form of interest rate risk) arises as a result of the following:

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- a) Possible interest on late payment by the PPSA
- b) Interest income linked to rates prescribed by the National Treasury
- c) Interest on accounts held at banking institutions

PPSA is mainly exposed to interest rate fluctuations, and the financial assets and liabilities are managed in such a way that the fluctuations in variable rates do not have material impact on the surplus (deficit) as the institution settles its outstanding obligations within 30 days and interest on outstanding debts is charged monthly using the applicable interest rates if there is any.

Credit risk

Credit risk is the risk that one party to a financial instrument will cause a financial loss for the other party by failing to discharge an obligation.

Credit risk represents the potential loss to the PPSA is as a result of unexpected defaults or unexpected deterioration in the creditworthiness of counterparties. PPSA credit risk is primarily attributable to its receivables. However, the risk is minimal as the institution receivables (excluding amounts held with banks) are limited to advance to employees and interest receivable. There are past due and impaired receivables for this current financial year.

The carrying amount included in the Statement of Financial Position represents the PPSA maximum exposure to credit risk in relation to this asset. The Institution does not consider there to be any significant concentration of credit risk.

With regard to credit risk arising from the other financial assets, which comprise of cash and cash equivalents, the Institution exposure arises from a potential default of the counterparty where credit rating is constantly monitored, with a maximum exposure to the carrying amount of these instruments. Cash and cash equivalents are only placed with banking institutions with an AA credit rating.

31 March 2023

	Financial assets	Financial liabilities	Total carrying value
Receivables from exchange transactions	615 986	-	615 986
Cash and cash equivalent	126 214 081	-	126 214 081
Payables from exchange transaction	-	(35 485 814)	(35 485 814)
Receivables from non-exchange transaction	534 200	-	534 200
	127 364 267	(35 485 814)	91 878 453

31 March 2022

	Financial assets	Financial liabilities	Total carrying value
Receivables from exchange transactions	413 358	-	413 358
Cash and cash equivalent	113 494 498	-	113 494 498
Payables from exchange transaction	-	(23 781 688)	(23 781 688)
Receivables from non-exchange transaction	1 756 081	-	1 756 081
	115 663 937	(23 781 688)	91 882 249

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31. GOING CONCERN

The institution assessed its going concern status considering several factors including financial position and cash flows, its revenue sources and funding regulatory environment with the following outcomes:

Positive net asset position of R63 396 379 and net current asset position of R61 352 755.

Positive operating cash flows R20 291 963.

From the past experience National Treasury never declined the institution's request to retain the surplus funds

To the best of the management knowledge the DoJ and National Treasury have not made any announcement of ceasing or reducing funding to the institution.

To the best of the management knowledge; no legislation has been enacted or substantially enacted to indicate that National government plans to review our founding legislation.

After considerations of the outcomes of the assessment conducted, the annual financial statements have been prepared on the basis of accounting policies applicable to a going concern.

32. EVENTS AFTER THE REPORTING DATE

1. In the matter of the **Phumelela gaming and leisure limited & others vs Public Protector & others**, report No 11 of 2019/20. One taxed bill paid subsequent to year end out of provisions initially raised, this is a non-adjusting event.
2. In the matter of the **Lubabalo Oscar Mabuyane vs Winnie Madikizela Mandela Local Municipality vs Public Protector and the Others**. Untaxed bill received in July 2023. At the reporting date contingent liability existed as there was no reliable estimate or tax bills received. This is an adjusting event. Adjustment of R 1 310 129,30 on provisions is raised in the annual financial statements
3. In the matter of **Pravin Gordhan vs. the Public Protector (Pillay) and Pravin Gordhan vs. the Public Protector (Rogue Unit)**. At the reporting date the contingent existed as the tax bills were received and paid in the June /July 2023 period. This is an adjusting event. R4 464 741,28 (accrual) adjusted in the annual financial statements
4. In the matter of the **Public Protector vs. Maruping Lekwene**. Judgement was handed down on 07 March 2022 in favor of the applicant. At the reporting date the contingent liability existed, the tax bills were subsequently received in May 2023 and payment made in June 2023. This is an adjusting event. An amount of R475 233,23 (accruals) adjusted in the annual financial statements.
5. In the matter of **Public Protector vs. Ms Mosana**. The judgement was handed in October 2022. The whole award was settled except disbursements that were taxed on the 17 May 2023. This is an adjusting event. An amount of R67 526,04 (accruals) adjusted in the annual financial statements.

33. IRREGULAR EXPENDITURE AND FRUITLESS AND WASTEFUL EXPENDITURE

	2023	2022 Restated*
Irregular expenditure	18 987 533	22 632 259
Fruitless and wasteful expenditure	153 746	2 110 835
Total	19 141 279	24 743 094

Irregular expenditure is presented inclusive of VAT

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2023	2022
Rands	Restated* Rands

i) Irregular expenditure

Community radio station in Barberton : Services rendered without approval (Mpumalanga Office)	4 500
Community radio station in Piet Retief : Services rendered without approval (Mpumalanga Office)	9 000
Community radio station in Siyabuswa : Services rendered without approval (Mpumalanga Office)	5 000
Cleaning services company : approval of contract of wrong delegation	332 086
Consulting and professional fees (legal fees) : unfair work allocation	18 636 947

ii) Fruitless and wasteful expenditure

Lost cellphone devices	50 639
Penalties on late payments of tax	15 107
Private residential accomodation	88 000

34. BUDGET DIFFERENCES

Material differences between budget and actual amounts

1. Impairment gains

The line item was not budgeted for, as no reliable estimates could be made during the budgeting process.

2. Other Income

The line item relates to recoveries of salaries paid to employees who are in a process of medical boarding. The occurrence of medical boarding incidents cannot be predicted.

3. Interest received

Interest is earned on the basis of high cash balance resulting from additional funding received from DoJ as well as the successive prime lending rates increases during the period under review.

4. Revenue - Service in kind

Revenue services in kind performance in budget relates to the rental properties paid for by Department of Public Works but utilised by PPSA. There is revenue and corresponding contra expenses which are included as part of the administrative expenses.

5. Administration expenses

Administration recorded an over expenditure during the reporting period due to section 194 litigation expenses not budgeted for in the year under review.

6. Loss on disposal of assets and liabilities

The Institution does not budget or plan for losses on disposal of assets and liabilities.

7. Actuarial gains

The Institution does not budget or plan for actuarial gains as a result of the trend assumptions of discount rates by actuaries.

NOTES

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