

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO.: 3758**

**DATE OF QUESTION: 16 OCTOBER 2015**

**DATE OF REPLY: 30 OCTOBER 2015**

**3758. Mr M G P Lekota (Cope) to ask the Minister of Justice and Correctional Services:**

Whether his department has evaluated the number of requests from citizens and organizations to the Public Protector to investigate complaints of the abuse of authority from 1 September 2010 to 31 August 2015, in order to (a) pick out the common threads and deal with it systemically through legislative reform, (b) draw the attention of the President, Mr Jacob G Zuma, and the national executive to deal with such abuse of power, (c) work with the Minister of Police to ensure that hotspots of corruption in the Government are regularly and systematically investigated and transgressors prosecuted to maintain the confidence of citizens in the Government, (d) work with the Minister of Finance and the Auditor-General to ensure that better systems are put in place to prevent the serial and large-scale abuse of state funds and resources by rogue elements in the Government and (e) determine how best to provide the Public Protector’s Office with adequate resources in order to meet the avalanche of requests for the specified office to investigate; if not, why not; if so, what are the relevant details? NW4442E

**REPLY:**

(a), (b), (c) and (d):

As the Honourable member is aware, in terms of section 181(3) of the Constitution of the Republic of South Africa, 1996, all organs of state, through legislative and others measures, must assist and protect all the institutions supporting constitutional democracy, including the Public Protector, to ensure the independence, impartiality, dignity and effectiveness of these institutions.

It is, therefore, the responsibility of all organs of state, including the President, the national executive and Government, as referred to by the Honourable member, to evaluate the number of requests from citizens and organisations to the Public Protector to investigate the complaints of the abuse of authority from 1 September 2010 to 31 August 2015, in order to act upon it as indicated in paragraphs (a) to (d) of the Honourable member’s question.

In view of the above, I would kindly advise the Honourable member to scrutinize the relevant findings in all the Public Protector’s reports during the period in question and if necessary address his questions to the organs of state concerned.

As far as could be ascertained from the reports of the Public Protector during the period in question, there were no requests from citizens and organisations to the Public Protector to investigate complaints of the abuse of authority against the Department of Justice and Constitutional Development and it was therefore not necessary for the Department to act upon it as indicated in paragraphs (a) to (d) of the Honourable member’s question.

(e) Government has been supportive of the Public Protector’s requests for increasing its investigative capacity as is evident by the significant increase in its budget allocation throughout the previous Medium Term Expenditure Framework (MTEF) periods. The Honourable member may also be aware that Parliament approved the revised organizational structure of the Public Protector comprising of 420 posts in the 2012/2013 financial year. At the time, the Public Protector was advised by my colleague the Minister of Finance to develop a multi-year implementation plan to ensure that critical posts are prioritized and filled within the medium term expenditure framework allocations. During his 2015 Medium Term Budget Policy Statement on 21 October 2015, the Minister of Finance also indicated that the Public Protector will receive an additional allocation to address capacity challenges.

It should also be noted that within the current economic climate it is expected of all institutions supporting constitutional democracy, including the Public Protector, to work together to determine how to deal with matters in a more economic, cost effective and efficient manner and to ensure that there is no duplication as it relates to their mandates.

The Honourable member may further be aware, that the National Assembly is still seized with the report of the *Ad hoc* Committee on the Review of Chapter 9 and associated Institutions often referred to as the Kader Asmal report. This report contains a number of recommendations that may have far-reaching implications for the institutions supporting constitutional democracy, including the Public Protector. The Speaker of the National Assembly recently convened a workshop of relevant stakeholders in order to exchange views and to finalize the National Assembly’s position in order to help Parliament to adopt the report.

With all the above in mind and given our limited resources, it is my view that the Public Protector should be able to execute its mandate and deliver on its core business responsibilities within the budget allocation and assistance that was provided for by Government.