

PUBLIC PROTECTOR  
SOUTH AFRICA

Accountability • Integrity • Responsiveness

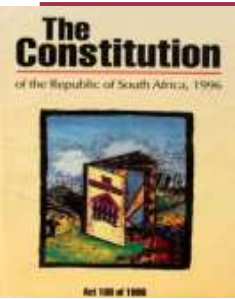
PUBLIC PROTECTOR  
HOUSE

# **PUBLIC PROTECTOR SOUTH AFRICA**

## **SCOPA PRESENTATION**

**INVESTIGATIONS RELATED TO  
GAUTENG PROVINCE 2022/23**

**19 OCTOBER 2023**

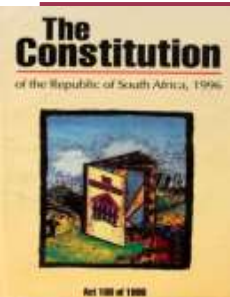


# Constitutional Mandate of the Public Protector



- The Public Protector is an independent Constitutional institution whose mandate, derived from section 182 of the Constitution of the RSA, 1996 read with section 181 of the Constitution, is to support and strengthen constitutional democracy by investigating and redressing maladministration or improper conduct in state affairs.





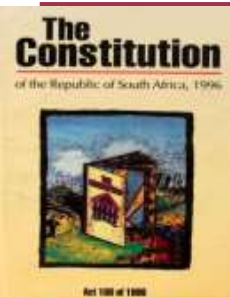
# Constitutional Mandate of the Public Protector



- Section 182 of the Constitution states that:

*“(1) The Public Protector has the power as regulated by national legislation*

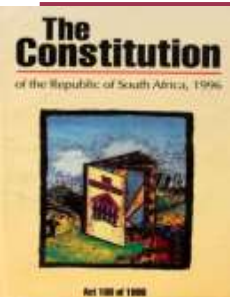
- a) to investigate any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice;*
- b) to report on that conduct; and*
- c) to take appropriate remedial action.*



# Constitutional Mandate of the Public Protector



- (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.”*



# Binding effect of remedial action of the Public Protector



- In the 2016 landmark constitutional court judgment of *Economic Freedom Fighters v Speaker of the National Assembly and Others the Constitutional Court* confirmed that the remedial action taken by the Public Protector to be legally binding.
- The Court further held that:

*“When remedial action is binding, compliance is not optional, whatever reservations the affected party might have about its fairness, appropriateness or lawfulness. For this reason, the remedial action taken against those under investigation cannot be ignored without any legal consequences.”*



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@Publicprotector

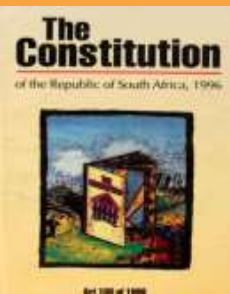


Public Protector South Africa



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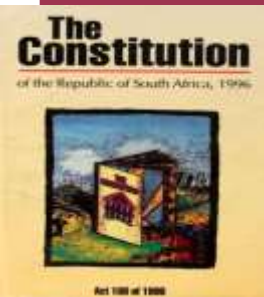


# OUTREACH PROGRAMME

- A constitutional obligation of PPSA is to be accessible in terms of Section 182(4).
- An outreach programme with specialised outreach officers are dedicated to make the office accessible by reaching out to those remote communities who cannot access the office via telephone, fax, post or visit.
- Community radio stations and complaint drop boxes are also utilized to reach out to the far flung areas of the province.
- The PPSA conducts joint collaborative activities with State Organs and other State Agencies to maximize access to information.
- Signing of MoU`s to formalise the working relationship with State Institutions. Adherence to investigations timeframes, information sharing, expediency in resolving customer complaints and sharing resources and platform in programmes such as outreach and awareness and



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# PPSA's approach to investigation



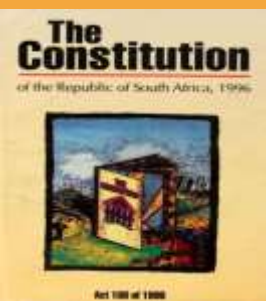
What Happened?

What should have happened?

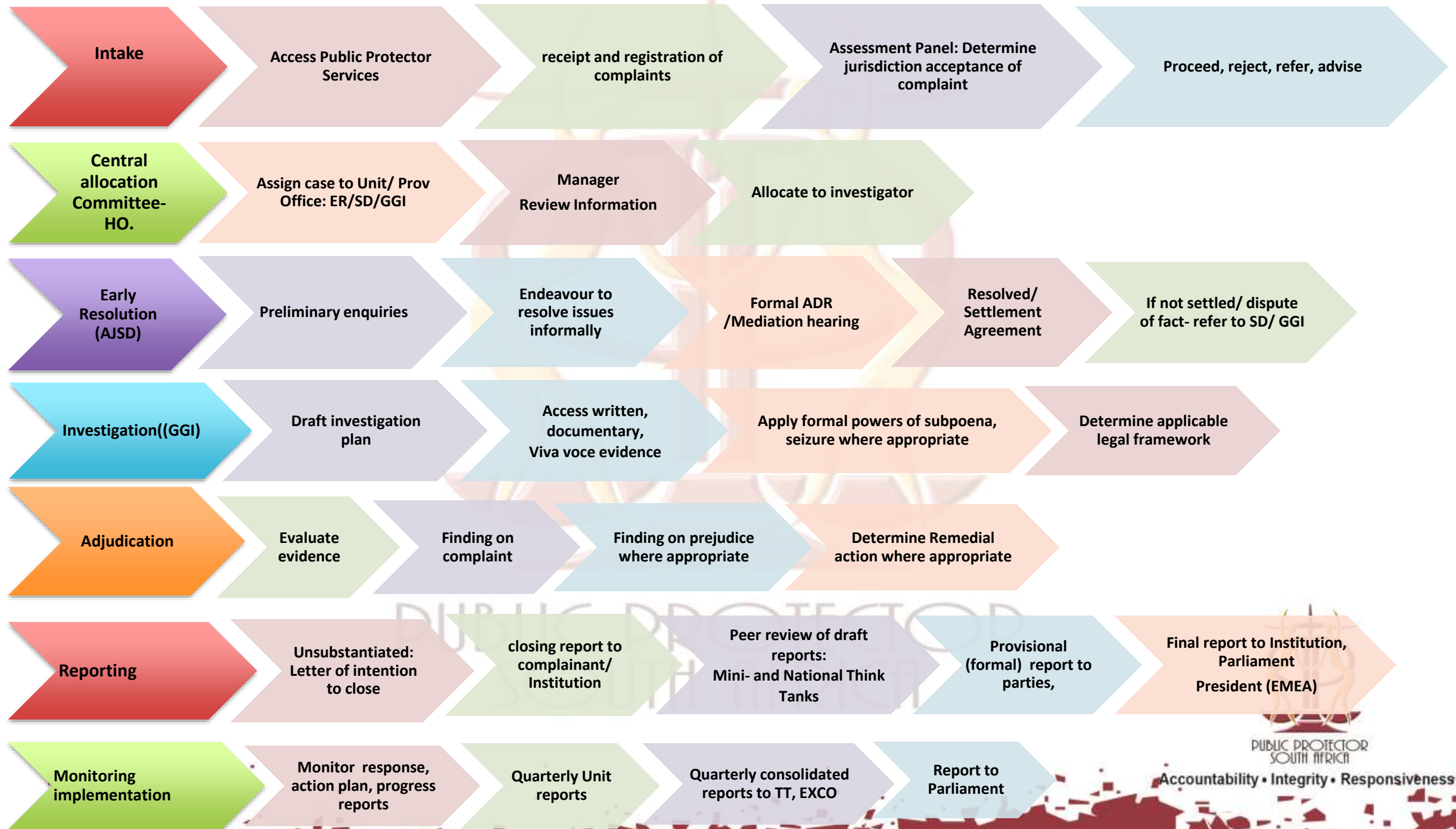
Is there a discrepancy that constitutes maladministration?

Finding of the PP

What is the remedy?

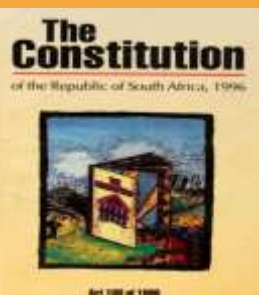


# INVESTIGATIONS PROCESS



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# Systemic Investigations by the Public Protector



- Systemic Investigations by the Public Protector focus on structural administrative deficiencies whose impact transcends the experience of individual complainants.
- The intention of systemic investigations is to address issues affecting larger groups and in so doing, make a much broader impact with appropriate remedial action.
- Experience has indicated that once systemic root causes and process failures have been discovered and cured, the influx of complaints lodged with the PPSA from various complainants, about the same/similar issues are reduced substantially.



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# GAUTENG CURRENT CASELOAD AND NATURE OF COMPLAINTS

## TRENDS AND NATURE OF COMPLAINTS

**TOTAL NUMBER OF CURRENT CASES= 81**

**Abuse of power**

**Poor Service delivery**

**Irregular awarding of tenders**

**Maladministration**

**Undue delay**

**Improper Conduct**

**Systemic Investigations**

**Own initiative Investigations**

**Irregular appointments**

**Irregular billing**

# Nature of Complaints

## Municipalities:

Organ of State	Type of cases
<ul style="list-style-type: none"><li>• <b>City of Johannesburg Metropolitan Municipality*</b></li><li>• <b>City of Tshwane Metropolitan Municipality</b></li><li>• <b>City of Ekurhuleni Metropolitan Municipality</b></li><li>• <b>Rand West City Local Municipality</b></li><li>• <b>Sedibeng District Municipality* (Emfuleni)</b></li><li>• <b>Mogale City Local Municipality</b></li><li>• <b>Lesedi Local Municipality</b></li><li>• <b>Midvaal Local Municipality</b></li></ul>	<ul style="list-style-type: none"><li>• <b>Maladministration and irregular procurement</b></li><li>• <b>Irregular billing.</b></li><li>• <b>Failure to resolve complaints timeously.</b></li><li>• <b>Failure to enforce by-laws.</b></li><li>• <b>Undue delay to process indigent applications.</b></li><li>• <b>Undue delay to relocate complainants.</b></li><li>• <b>Undue delay in dealing with storm water pipes.</b></li><li>• <b>Failure to provide feedback</b></li><li>• <b>Irregular appointments</b></li><li>• <b>Undue delay to repair sewerage pipelines.</b></li></ul>

# Nature Of Complaints

Organ of State	Types of cases
Gauteng Department of Health	<ul style="list-style-type: none"> <li>➤ Irregular procurement.</li> <li>➤ Irregular appointment.</li> <li>➤ Failure to implement recommendations of forensic reports.</li> <li>➤ Failure to pay service providers on time</li> </ul>
Gauteng Department of Human Settlement	<ul style="list-style-type: none"> <li>➤ Undue delay to allocate RDP houses</li> </ul>
Gauteng Department of Education	<ul style="list-style-type: none"> <li>➤ Undue delay to issue matric certificates</li> <li>➤ Placement of learners</li> <li>➤ Undue delay to submit pension documents to GAAP</li> </ul>
Gauteng Department of Road and Transport	<ul style="list-style-type: none"> <li>➤ Undue delay to re-register a taxi association.</li> <li>➤ Undue delay to repair potholes.</li> </ul>
Gauteng Department of Infrastructure and Development	<ul style="list-style-type: none"> <li>➤ Undue delay to implement recommendations of forensic reports.</li> <li>➤ Irregular awarding of a tender.</li> </ul>

# GAUTENG PROVINCE CURRENT CASES UNDER INVESTIGATION

FILE NO.	DEPT COMPLAINED AGAINST	SUMMARY OF COMPLAINT	STATUS
007134/21	City of Johannesburg	Irregular procurement and undue influence by JM	Finalising investigation
CMS-167022	Midvaal Local Municipality	Abuse of state resources, conflation between state and political party in Midvaal Municipality by the Executive Mayor, Speaker, Municipal Manager and DA Gauteng leader Mr Solly Msimanga	Under investigation
CMS-57034	Mogale City Local Municipality	Irregular appointments.	Finalising investigation
CMS-33712	Department of Education	Irregular appointments at the Dobsonville Campus of South West Gauteng TVET College.	Under investigation

## GAUTENG PROVINCE CASES UNDER INVESTIGATION

FILE NO.	DEPT COMPLAINED AGAINST	SUMMARY OF COMPLAINT	STATUS
CMS-160403	Gauteng Gambling Board	Allegations of maladministration / dishonesty and improper conduct in dealing with public money by the Executive and the Board of Gauteng Gambling Board	Under investigation
CMS-37269	Rand Water	Allegations of an irregular appointments at Rand Water	Under investigation
CMS-161146	Sedibeng District Municipality	Complainant alleges abuse of power by the Executive Mayor by giving the Complainant unlawful instructions, irregular appointment of the Acting City Manager and the unlawful suspension of the Complainant	Under investigation
011347/18	City of Tshwane Metropolitan Municipality	Complainant alleges failure by CoT to fund them as per lease agreement concluded in 2017 since they were given 5 years contract to plough for 50 Hectors at Kgorong Goa Jawa.	Finalising investigation

## GAUTENG PROVINCE CURRENT CASES UNDER INVESTIGATION

FILE NO.	DEPT COMPLAINED AGAINST	SUMMARY OF COMPLAINT	STATUS
003824/22	JoshCo	Allegations of maladministration and irregular appointments of a named Officials	Under investigation
002972/22	Gauteng Dept Health (Charlotte Maxeke Academic Hospital	Allegations of a failure by the Charlotte Maxeke Hospital to take responsibility for medical negligence following confirmation of same by a Health Professional at Steve Biko Academic Hospital on referral by the Office of Health Ombud.	Finalising investigation
006240/20	Gauteng Department of Health	Irregular procurement of PPE	Finalising investigation
003878/22	City of Johannesburg	Complainant alleges abuse of power in the CoJ	Finalising investigation
009178/21	Gauteng Department of Roads and Transport	Allegation of maladministration and irregular awarding of a tender to construct K73 road in Woodmead/ Allandale to Lonerock Construction.	Finalising investigation

# GAUTENG PROVINCE CURRENT CASES UNDER INVESTIGATION

FILE NO.	DEPT COMPLAINED AGAINST	SUMMARY OF COMPLAINT	STATUS
59165/22	Lesedi Local Municipality	Allegations of irregular billing	Under investigation
144637/23	City of Ekurhuleni	Allegations of irregular billing	Finalising investigation
103057/23	City of Ekurhuleni	Allegations of irregular billing	Under investigation
5731/23	City of Ekurhuleni	Allegations of irregular billing	Finalising investigation
146724/23	Merafong City Local Municipality	Allegations of irregular billing	Under investigation
59165/22	Lesedi Local Municipality	Allegations of irregular billing	Under investigation



# GAUTENG PROVINCE CURRENT CASES UNDER INVESTIGATION

FILE NO.	DEPT COMPLAINED AGAINST	SUMMARY OF COMPLAINT	STATUS
003864/22	City of Johannesburg	Systemic administrative deficiency regarding hijacked buildings	Under investigation
CMS-167771	Gauteng Department of Human Settlements	Undue delay by Property Practitioner Regulatory Agency	Under investigation
CMS-104923	Emfuleni Local Municipality	Complainant alleges water outage at Sebokeng Zone 3.	Under investigation

# GAUTENG PROVINCE CURRENT CASES UNDER INVESTIGATION

FILE NO.	DEPT COMPLAINED AGAINST	SUMMARY OF COMPLAINT	STATUS
146966/23	Gauteng Department of Human Settlements	Allegations of an undue delay to allocate an RDP house	Under investigation
148780/23	City of Ekurhuleni	Alleged failure to attend a sewage infrastructures that is polluting the Juskei Hennops and other affected rivers and surrounding communities	Under investigation
159604/22	Gauteng Department of Infrastructure and Development	Allegations of an undue delay to pay for services rendered since January 2020	Under investigation
CMS-162083	Gauteng Department of Education	Allegations of an undue delay by the Gauteng Department of Education to issue a matric certificate.	Under investigation

# GAUTENG PROVINCE CURRENT CASES UNDER INVESTIGATION

FILE NO.	DEPT COMPLAINED AGAINST	SUMMARY OF COMPLAINT	STATUS
187989/22	Social Development	Allegations of irregular termination of funding to SADAAC.	Finalising investigation
003950/22	Gauteng Department of Human Settlements	Allegations of improper conduct in irregular purchasing of land in a farm within Midvaal Local Municipality.	Under investigation
168375/22	City of Ekurhuleni	Allegations of undue delay or failure to resolve a complaint lodged relating to irregularly payment for services rendered	Under investigation
34660/22	Gauteng Department of Human Settlements	Allegations of an undue delay to issue a title deed , the houses were allocated in 2009 and to date the beneficiaries have no tittle deeds.	Under investigation

## GAUTENG PROVINCE CURRENT CASES UNDER INVESTIGATION

FILE NO.	DEPT COMPLAINED AGAINST	SUMMARY OF COMPLAINT	STATUS
002945/22	Gauteng Department of Infrastructure Development	Allegations of fraud and corruption regarding the appointment of an HoD from Public Works in KZN, nepotism in the appointment of two officials and corruption in the appointment of a service provider without following due SCM processes. This happened in December 2020.	Finalising investigation
003847/22	City of Johannesburg & Mogale City	Allegations that the community of Ruimsig are to be relocated to Ward 28 Mogale City without their knowledge and mismanagement of R10 million identified for finalisation of Ruimsig	Finalising investigation
003986/22	City of Johannesburg	Allegations of improper conduct and failure by the COJ Council Speaker to attend to a complaint reported to him about the ward Councilor of ward 122 both in February and May 2022. the Complaint was about the Councilor accepting a bribe from a company that does business with the COJ.	Finalising investigation

# GAUTENG PROVINCE CURRENT CASES UNDER INVESTIGATION

FILE NO.	DEPT COMPLAINED AGAINST	SUMMARY OF COMPLAINT	STATUS
002957/22	City of Ekurhuleni	Allegation of maladministration in evicting complainant from a site which they lawfully occupied for more than 10 years	Under investigation
008300/20	Gauteng Department of Infrastructure Development	Allegations of maladministration regarding the building of Mayibuye Primary School in Tembisa	Finalising investigation
000828/22	Gauteng Department of Health	Alleged failure to repair hospital after the fire.	Under investigation
005861/22	Emfuleni Local Municipality	Alleged procurement irregularities in the awarding of waste removal contracts	Under investigation
CMS-107241	City of Johannesburg	Alleged irregular appointment of an official	Under investigation

# GAUTENG PROVINCE CURRENT CASES UNDER INVESTIGATION

FILE NO.	DEPT COMPLAINED AGAINST	SUMMARY OF COMPLAINT	STATUS
CMS-135183	City of Ekurhuleni	Improper conduct by the functionaries of CoE	Under investigation
CMS-158305	City of Ekurhuleni	Alleged undue delay to close open sewerage trench	Under investigation
CMS-52845	City of Ekurhuleni	Allegations of irregular billing	Under investigation
CMS-134770	Gauteng Enterprise Propeller	Undue delay to pay grant	Under investigation
CMS-53638	City of Tshwane	Undue delay to pay rate refund	Finalising investigation

# GAUTENG PROVINCE CURRENT CASES UNDER INVESTIGATION

FILE NO.	DEPT COMPLAINED AGAINST	SUMMARY OF COMPLAINT	STATUS
177692/23	City of Ekurhuleni	Allegation of undue delay to issue title deed	Under investigation
19855/23	City of Ekurhuleni	Allegations of undue delay to install electricity meter box and refund	Under investigation
12990/23	City of Ekurhuleni	Allegations of irregular billing	Under investigation
13871/22	City of Tshwane Municipality	Allegations of irregular billing	Under investigation
100343/23	Gauteng Department of Education	Alleged undue delay by the Department to submit a document to GPAA for her late husband pension	Under investigation

## GAUTENG PROVINCE CURRENT CASES UNDER INVESTIGATION

FILE NO.	DEPT COMPLAINED AGAINST	SUMMARY OF COMPLAINT	STATUS
003881/22	City of Johannesburg	Alleged improper interference and intimidation by MMC in the procurement of refurbishment.	Under investigation
003930/22	Emfuleni Local Municipality	Allegations of irregular billing	Finalising investigation
006419/22	Gauteng Department of Human Settlements/ Emfuleni Local Municipality	Allegations of maladministration and irregular building of the RDP house on the street and undue delay to resolve a complaint lodged since 2020	Finalising investigation
156266/22	Gauteng Department of Health	Alleged undue delay to pay service provider for services rendered	Finalising investigation



## GAUTENG PROVINCE CURRENT CASES UNDER INVESTIGATION

FILE NO.	DEPT COMPLAINED AGAINST	SUMMARY OF COMPLAINT	STATUS
39029/22	Thelle Mogoerane Hospital	Alleged understaffing and maladministration in that patients are left on beds that are soaked with urine.	Under investigation
005057/21	Gauteng Gambling Board	Allegation of maladministration, improper conduct to resolve an objection lodged with regard to the granting of Gambling Licence to 4Racing	Finalising investigation
005035/22	Gauteng Department of Health	Allegation of poor state of affairs at Rahima Moosa Mother and Child Hospital.	Finalising investigation
158146/23	Mogale City Local Municipality	Allegation of irregular appointment for a position of Manager: Human Settlement and Real Estate.	Under investigation
50995/23	Gauteng Department of Human Settlements	Alleged undue delay to transfer a property	Under investigation

## GAUTENG PROVINCE CURRENT CASES UNDER INVESTIGATION

FILE NO.	DEPT COMPLAINED AGAINST	SUMMARY OF COMPLAINT	STATUS
13308/23	Gauteng Department of Economic Development	Alleged irregular appointment	Under investigation
167397/23	Gauteng Department of Economic Development	Alleged irregular appointment	Under investigation
CMS-107184	City of Ekurhuleni Metropolitan Municipality	Allegation of irregular awarding of a security tender.	Under investigation
CMS-111229	Rand west City Local Municipality	Allegation of an undue delay to repair a road in Finsbury, Randfontein	Under investigation
CMS-149401	City of Johannesburg	Alleged undue delay to pay service provider	Under investigation

# GAUTENG PROVINCE CURRENT CASES UNDER INVESTIGATION

FILE NO.	DEPT COMPLAINED AGAINST	SUMMARY OF COMPLAINT	STATUS
000243/21	Johannesburg Property Company	Allegation of an irregular appointment	Under investigation
CMS-150118	Gauteng Department of Health	Allegation of improper conduct and maladministration by the Department in the appointment of the HOD, DDG: CS and the CFO	Finalising investigation
CMS-15272	City of Ekurhuleni	Undue Delay to resolve a reported matter	Under investigation
CMS-37889	Sedibeng District Municipality	Allegations of irregular appointment, nepotism and corruption	Under investigation
CMS-150127	Merafong City Local Municipality	Allegations of improper conduct in failing to enforce street trading by-laws	Under investigation
CMS-127361	Ekurhuleni Metropolitan Municipality	Allegations of irregular electricity billing	Under investigation

## GAUTENG PROVINCE CURRENT CASES UNDER INVESTIGATION

FILE NO.	DEPT COMPLAINED AGAINST	SUMMARY OF COMPLAINT	STATUS
006282/20	Emfuleni Local Municipality	Alleged irregular appointment of a service provider and tender irregularities	Finalising investigation
009249/20	Gauteng Department of Infrastructure and Development	Alleged irregular expenditure in repairing a clinic.	Finalising investigation
000875/22	Gauteng Department of Education	Alleged improper conduct by principal in protecting a learner who is constatly harrasing learners and stealing from the school	Finalising investigation
000725/22	City of Ekurhuleni	Failure to resolve a building by law infringement complaint .	Finalising investigation
006417/22	Westcol TVET	Alleged irregular appointments	Finalising investigation

## GAUTENG PROVINCE CURRENT CASES UNDER INVESTIGATION

FILE NO.	DEPT COMPLAINED AGAINST	SUMMARY OF COMPLAINT	STATUS
000103/21	City of Johannesburg	Allegation of Corruption by MMC of COJ	Under investigation
000914/22	City of Johannesburg	Allegation of an improper enrichment by COJ official	Under investigation
007085/21	City of Ekurhuleni -EMPD	Abuse of power and state resources by Mr Mzwandile Masina by driving vehicle belonging to EMPD without authorization, vehicle was involved in accident and failure by EMPD officials to take down a statements from Mr Masina.	Under investigation
CMS-133403	Emfuleni Local Municipality	Alleged unfair conduct by senior staff at library	Under investigation

## GAUTENG PROVINCE CURRENT CASES UNDER INVESTIGATION

FILE NO.	DEPT COMPLAINED AGAINST	SUMMARY OF COMPLAINT	STATUS
CMS-61469	City of Johannesburg	Alleged unfair conduct by senior staff.	Under investigation
CMS-169555	Gauteng Department of Roads and Transport	Alleged fraudulent activity at the Florida testing station	Under investigation

# LIST AND STATUS OF THE REPORTS

REPORT NO	REPORT TITLE	LATEST REPORTED PROGRESS	STATUS
Report 2 of 2019/20	Report on an investigation into allegations of the irregular appointment of Mr Lucky Ntsangwane to the position of Senior Manager: Research by the South African Weather Service.	The Board of SAWS to within 30 days of this report, lodge an application to the relevant court to have the appointment of Mr Ntsangwane to the position of Senior Manager, Research declared unlawful and set aside.	Implemented
Report 05 of 2019/20	Report on an investigation into allegations of maladministration, improper conduct and irregular appointment of Senior Executives in the offices of the Executive Mayor and Council Speaker of the City of Tshwane Metropolitan Municipality	The City reported that the Legal Counsel is appointed to represent the City in court and still awaiting for the court date. The City cited its intention to institute a judicial review.	Not implemented
Report 25 of 2019/20	Report on an investigation into allegations of undue delay by the City of Tshwane to resolve a complaint related to an illegal occupation of a Reconstruction and Development Programme (RDP) House in Mapobane approved for Mrs Gloria Lehobye.	The City indicated that a Legal Counsel has been appointed to deregister Ms Ndhlovu from Erf 3344 and register her on Erf 3476 and thereafter, register Mrs Esther Sonto Ndlovu on Erf 3344	Not implemented



# LIST AND STATUS OF THE REPORTS

REPORT NO	REPORT TITLE	LATEST REPORTED PROGRESS	STATUS
Report 33 of 2019/20	Report on an investigation into allegations of improper eviction by the City of Tshwane Metropolitan Municipality which resulted in the unlawful demolition of a building structure	The City reported that the matter will be followed up with the affected Department and feedback will be provided to the Public Protector's Office. No further update was received.	Not Implemented
Report 32 of 2019/20	Report on an investigation into allegations of improper conduct and maladministration during the expropriation of the Winterveldt plots and inadequate compensation for expropriated plots by the City of Tshwane Metropolitan Municipality.	According to the City the expropriation of the Winterveldt plots was done legally, and the owners got their money. Those who did not collect were submitted to the Master of High Court. There was no objection registered during the expropriation and no communique received from the Complainant regarding the review of the expropriation as provided by the legislations.	Not Implemented
Report 05 of 2009/10	Investigation into allegation of maladministration into allocation of sites to Lady Selborne by the City of Tshwane	The City indicated that a Legal Counsel was appointed and the matter is in court.  NB: The Complainant are the once who took the matter to court to enforce the City to implement the remedial action. No action was taken by the City since 2009	Not Implemented





# LIST AND STATUS OF THE REPORTS

REPORT NO	REPORT TITLE	LATEST REPORTED PROGRESS	STATUS
Report 21 of 2020/21	Report on an investigation into allegations of maladministration relating to irregular appointments, irregular salary increases, financial mismanagement, procurement irregularities and conflict of interests in the City of Johannesburg.	In their response dated 07-04-2022, the City of Joburg were raising issues regarding the report. There was no indication as to whether are they planning of implementing as there was no implementation plan submitted	Not implemented
Report 46 of 2020/21	Report on an investigation into allegations of maladministration and improper conduct by the Chris Hani Baragwanath Academic Hospital for its failure to inform the Sithebe family of the death of Mr Themba Milton Sithebe. The subsequent loss of the deceased's corpse, as well as the failure by the South African Police Service to investigate or finalise the case of a missing corpse	There is no response from the Hospital since the report was issued by the PP	Implemented
Report 16 of 2021/22	Report on a joint investigation between the SAHRC and Public Protector SA into allegations of poor socio-economic conditions, lack of essential services its potential prejudice and impact on fundamental human rights in the township of Alexandra by certain Organs of State	There were various department such as Gauteng Provincial Department of Human Settlements, Gauteng Provincial Department of Social Development, SAPS and JMPD. Gauteng Provincial Department of Social Development have implemented the Remedial Actions fully.	Partially implemented Gauteng Provincial Department of Social Department have implemented Remedial Actions fully, SAPS have partially implemented the Remedial Actions, CoJ have implemented partially whereas Gauteng Provincial Human Settlements did not implement Remedial Actions since the report was released.
Report 71 of 2021/22	Report on an investigation into the Administration. Management and the responsiveness of certain Gauteng Hospitals to the COVID-19 pandemic.	The report covers various Hospitals in Gauteng Province. A progress report dated 01 February 2022 was received from Gauteng Province	There approximately 60 Remedial Actions covering various public hospitals in Gauteng Province. 15 Remedial Actions were fully implemented.20 Remedial Actions were partially implemented and the remaining 25 Remedial

# LIST AND STATUS OF THE REPORTS

REPORT NO	REPORT TITLE	LATEST REPORTED PROGRESS	STATUS
Report 84 of 2021/2022	Report on an investigation into allegation of maladministration and the alleged undue delay or failure by the city of Tshwane to convene a dispute resolution committee hearing in order to adjudicate on the complainant's matter relating to the transfer and compensation for incomplete houses and semi developed stands	There is no response received from the City of Tshwane since the report was released by the PP	Not implemented
Report 86 of 2021/22	Report on an investigation into allegations of violation of the executive ethics code by Mr Jacob Mamabolo a Member of the executive council ((MEC) in his capacity as the former acting MEC responsible Health in the Gauteng Province.	There is no response from the State Organ since the report was issued by the PP	Not implemented
Report 91 of 2021-22	Report on an investigation into allegations of irregular implementation of the Putco Bus contract by Gauteng Department of Roads and Transport	Response dated 24 March 2022 from MEC , Mamabolo and attached a letter dated 21 December 2021 received from the Minister confirming the withdrawal of the Putco contract.	Partially implemented
Report 03 2022/23	Report on an Investigation into allegations of undue Delay and Maladministration by the City of Johannesburg and the Office of the Joburg Ombudsman to resolve an Irregular Billing complaint of Mr Freddie Nyathela	No response	Not implemented
Report 05 2022/23	Report on an investigation into allegations of Maladministration in the termination of contract and the failure by Pelchem to pay for services rendered by Lebitso Consulting Services	No response	Not implemented
Report 07 2022/23	Report on an investigation into allegations of occupational detriment and victimization by a whistleblower, the late Ms Wilkinson leading to her dismissal by the City of Johannesburg	No response	Not implemented



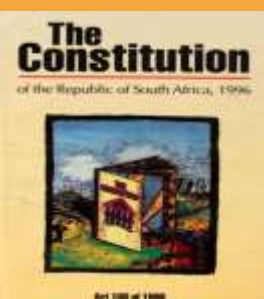
# LIST AND STATUS OF THE REPORTS

REPORT NO	REPORT TITLE	STATUS
Report 146 of 2019/2022	Report on an investigation into allegation of irregular appointment of the service Provider: Sedibeng Municipality	Not implemented
Report 71 2021/22 of 2021/22	Report on an investigation into administration, management and the responsiveness of certain hospitals in Gauteng to the Covid 19 pandemic. Deficiencies	Not implemented
Report 57 of 2019/20	Maladministration and improper conduct relating to irregular appointment of Manager: Special programmes and tender irregularities with regards to procurement of mayoral golf day and state of the municipal address.	Not implemented
Report 8 of 2021/22	Report on an Investigation into allegations maladministration in the awarding of security operation center tender amounting to 30 million to IN2IT by the Department of Finance and E-Gov.	Not implemented
Report 21 2021/22	Report on an investigation into allegations of Maladministration in the irregular appointment, irregular salary increases, financial mismanagement, procurement irregularities and conflict of interest in the CoJ.	Not implemented
Report56 OF 2019/20	Report on an investigations into tender irregularities at Legal Aid South Africa	Not implemented
Report 2022/23	Report on an investigation into allegations of occupational detriment and victimization by a whistleblower, the late Ms Wilkinson leading to her dismissal by the City of Johannesburg	



# LIST AND STATUS OF THE REPORTS

REPORT NO	REPORT TITLE	STATUS
Report 10 of 2018/19	Improper and irregular appointment of an assistant manager Mr Sfiso Zungu in the Sedibeng Municipality	Not Implemented
Report 99 2021/22 of 2021/22	Investigations in the maladministration and improper conduct and improper approval of disability grant by Ms Portia Mthenjwa the Admin Clerk at SASSA.	Not Implemented
Report 88 of 2021/22 of 2019/20	Allegations of poor service delivery , irregular billing of water, lack of transparency on budget allocation, lack of health and school facilities and high crime rate at Rand West Municipality	Not Implemented
Report 86 of 2021/22	Violation of the Executive Ethics Code, Mr Jacob Mamabolo in his capacity as acting MEC for Health in Gauteng	Not Implemented
File No:012521/19	Allegations of maladministration and systemic deficiencies affecting service delivery at the Tembisa Hospital by the Gauteng Department of Health.	Not Implemented
Report 09 of 2019/20	Report on investigations relating to improper prejudice suffered by Sebenzani Trading as a result of maladministration, failure to follow proper procurement process and collusion with a prospective service Provider by JRA.	Not Implemented



## Referral to appropriate institution



**Assessment of Complaints/Panel: Determine jurisdiction acceptance of complaint and referral to appropriate institution.**

SECTION 6 (4) (c) (ii) -The Public Protector shall, be competent- if she deems it advisable, to refer any matter which has a bearing on an investigation, to the appropriate public body or authority affected by it or to make an appropriate recommendation regarding the redress of the prejudice resulting there from or make any other appropriate recommendation she deems expedient to the affected public body or authority.



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# CHALLENGES FACED BY THE PUBLIC PROTECTOR DURING THE INVESTIGATIONS



- Implementation of remedial action of the reports of the Public Protector.
- Non acknowledgement complaints referred to the Institutions and non submission of progress and close-out report on matters referred to the Institutions
- Lack of feedback to the complainants on matters referred to Institutions resulting in complainants returning to PPSA for further intervention.
- Undue delay to respond to allegations letters send to State Institutions
- Failure to comply with response turnaround times.
- ADR: Non attendance and representatives not having the authority to take decisions.
- Complainants not advised of internal review process.



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# The Constitution

of the Republic of South Africa, 1996



Act 108 of 1996



THANK YOU, NGIYATHOKOZA, ENKOSI,  
NGIYABONGA, KE A LEBOGA, KE A LEBOHA,  
KE A LEBOGA, NDI A LIVHUHA,  
NDZA KHENSA, DANKIE



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