

Protector hits back as some query her powers

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PUBLIC Protector Thuli Madonsela says some in the government believe she overstepped her powers after giving deadlines to the Presidency and Parliament to come up with measures to sanction the president and cabinet for breaching the ethics code.

In an interview with *The Sunday Independent*, she said she was unfazed by such criticism.

"I heard on the grapevine, to be honest, that some of my detractors felt that there was no firm legal provision for me to give a deadline and to direct cabinet to change the code. I disagree with them," said Madonsela, without mentioning names.

Madonsela found President Jacob Zuma guilty of transgressing the executive member's code by not declaring his interests within a specified timeframe and ordered a review of the code.

The public protector said Zuma was not the only wrongdoer and that non-compliance was rife among cabinet members.

After missing her deadline, Parliament and the cabinet have given an undertaking to come up with a system of imposing sanctions against the president, given that he is not an MP.

The cabinet decided that the minister of justice and constitutional development and the Presidency will review the code.

Madonsela said she was empowered by the constitution to "help" the government hold itself accountable.

"What would be the point of doing an investigation and saying something went wrong and then leaving it open as to what should happen next?" she asked.

She said, however, that some departments were changing their attitudes towards her.

She said national police commissioner General Bheki Cele's department responded within a week to her request to put two controversial lease contracts for new police headquarters in Pretoria and Durban on hold - after receiving three separate complaints about the deals.

"With the Cele matter, for example, as soon as we wrote to them we got a brief on August 2 and then when we wrote to them (the next day) and we said they should not do anything further, they shouldn't sign anything. That worked because at least there we got their explanation within seven days," said Madonsela.

She also differed with her detractors who thought that her job was to fight the government.

"We can't always find the state guilty just because it is the most popular thing to do... but we don't want to celebrate that somebody didn't do something."

She also defended her findings on ANC Youth League president Julius Malema.



PROACTIVE: Attitudes are changing in some departments, says Public Protector Thuli Madonsela.

PICTURE: DAMARIS HELWIG

Last week she found that Malema had not improperly influenced the process to win a tender for his company, SGL Engineering Projects.

Afriforum Youth and Cope contested these findings.

"They are really welcome to contest this. Should they (Afriforum Youth) conduct this investigation and find differently it would

be a lesson to us about what they've done differently," said Madonsela.

Next month Madonsela will request Parliament to haul senior public servants, some of whom have refused to implement her recommendations, before the National Assembly, "to tell Parliament why they are above the constitution".