

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

QUESTIONNAIRE FOR CANDIDATES



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

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

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

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

Mr V Ramaano

vramaano@parliament.gov.za

SECTION 1: PERSONAL

1.1. What are your full names and surname?

- 1.1.1. Surname : CETYWAYO
- 1.1.2. Full names : NONKOSI PRINCESS

1.2. What is your date and place of birth?

- 1.2.1. Date of birth : 04 March 1960
- 1.2.2. Place of birth : Goodwood Cape Town
- 1.2.3. Citizenship : South African
- 1.2.4. Identity Number : ~~XXXXXXXXXX~~
- 1.3. Please indicate your gender : Female

1.4. Please furnish particulars of your tertiary education:

Qualification	Institution	Year
Master: Commerce in Project & Programme Management	Cranefield of Project Management	Current
Post Grad Diploma in Project & Programme Management	Cranefield of Project Management	2002
Advanced Diploma in Project Management	Cranefield of Project Management	2001
LLB	University of Cape Town	1994
BA	University of Cape Town	1991
Matric	Mzoxolo Senior Secondary School	1987

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

Name of employer	Position	Period
Parliament of the Republic of South Africa Constitutional Assembly	Committee Manager and later Assistant Legal Adviser	One year nine months
Parliament of the Republic of South Africa	Researcher	One year
Department of Justice & Constitutional Development	Regional Head	Nine years four months
Parliament: Speaker Of National Assembly's Office	Executive Director	Two years
Presidency	Special Strategic Advisor to the Deputy President	About a year
Department of Cooperative Governance & Traditional Affairs	Special Advisor to the Minister	About eight months
Parliament of the Republic of South Africa	Head of the Office on Institutions Supporting Democracy	Three years six months
Semi-self employed appointed by Department of Justice & Constitutional Development Minister	Sheriff for the High Court: Bellville Magisterial District	2014-Todate

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

In 1998 I served at the appointment of the MEC of Economic Development in the North West Province, as the Chairperson of the Liquor Board of this province. The board had a responsibility of regulating liquor licensing in accordance with the law.

In 1999 the Minister of Justice appointed me to serve in the South African Board for Sheriffs. This is a period wherein, for the first time, all the government structures were faced with the implementation of the new Constitution with the deep desire to advance the country's transformational agenda. This also applied to the Sheriff's Profession where the Board not only had to initiate transformation projects but also advise the Minister in this regard and on possible legislative and policy review. Specifically I served as the Chairperson of the Legal Advisory Committee which over and above was charged with conduct of the Sheriffs.

In 2001 I was appointed by the Minister of Intelligence to serve as a Commissioner in a Commission that was established to look at the possibility of reviewing legislation regulating the Private Security Industry and accordingly advise the Minister.

1.7. Please provide details of your language proficiency:

Language proficiency (state 'good', 'fair' or 'poor')							
	Language						
	ISIXHOSA	ENGLISH	ISIZULU	AFRIKAANS			
Speak	Good	Good	Good	Fair			
Read	Good	Good	Fair	Fair			
Write	Good	Good	Poor	Fair			

SECTION 2: MOTIVATIONAL

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

As indicated above I am a lawyer and a manager by both qualification and experience. I am in possession of the LLB and Diplomas in Project and Programme Management. With the legal qualification I worked in the Constitutional Assembly during the final constitution making and therefore have a clear background on why the Constitution provides not only for the establishment of the Office of the Public Protector but for everything in it. This also provides me with an advantage of being able to interpret it and the relevant legislation in the context of what the intention of Parliament, as the legislator, was when they passed it. I have also had an advantage of being the Head of the Office on Institutions Supporting where I had a responsibility of advising the Speaker and the relevant Portfolio Committees on these institutions. I am happy to say the advices I gave to date have stood and were found sound. The same happened when I was the advisor to the Deputy President and the Minister.

With Project and Programme Management I have come to be an expert on governance. This is what carried me through successfully as the Regional Head of the Department of Justice as a Senior Manager and the Executive Director in the Office of the Speaker of the National Assembly, where I was hardly ever found wanting in terms of good governance, more so the internal controls and proper expenditure of budget allocated to my custody. In both areas I made a difference that can be attested to by many especially those that were the ultimate beneficiaries of my efforts. My experience therefore should add a lot of value in terms of discharging the mandate of the office as well as ensuring well balanced good relations with Parliament, other organs of the state and other institutions supporting

democracy without compromising the office's constitutional independence. My project Management expertise could help a great deal in terms of efficiency of investigations as investigations would be done in a prioritised manner, having consulted with other institutions to avoid duplications or for collaboration purposes, and each investigation could be turned into a project with clear target population (government priorities) as the beneficiary, time frames and monitored budget plan.

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

The country is faced with low economic growth and insufficient revenue intake. The financial cake that has to be shared amongst all state organs is therefore limited while the demand for public services seems to be sky rocketing. Therefore currently it does not seem possible for any state organ to be provided fully with what they ask for in terms of resources to carry out their mandate at a given financial year. I am aware that Parliamentary Portfolio Committees are not having it easy with the responsibility of motivating to Treasury for more funds to assist organs of the state in terms of unattainable budget requests. A very delicate balancing act has got to be done to try and get things incrementally and on a need basis.

The members of the public in the process have become impatient for delivery of services to a point where in some areas like education and basic services we have seen uncomfortable scenes of violent protests. It is very clear therefore that there is a huge discrepancy between the demand for services and the financial resources at the disposal of government. The Minister of Finance has been consistent in trying and getting this message across. In his recent budget speech he was emphatic in terms of cost containment measures by all the organs of the state.

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This requires a lot of creativity from all the relevant state authorities. Every organ of the state needs to prioritise and reprioritise in terms of which services to render before which ones to whom when and why.

This is more so between institutions where the mandate line is not out rightly obvious and may require interpretation or seems to overlap. The challenge with this is that there may be areas of duplication of efforts by such institutions and therefore expenditure that is hardly fruitful; or some issues may end up falling in between the cracks as the demand for services in this regard increases. The other possibility is that this may raise expectations to the members of the public or chance takers such that they end up moving from one institution to the other hoping for a different conclusion if the others do not give them what they wished for even if such institutions acted correctly. This is what is commonly referred to as forum shopping. In the process a lot of resources will have been unnecessarily employed on forum shopping related cases by all the institutions approached to investigate such cases only without any prospects of a different conclusion. It also has a potential to tempt the institutions to make decisions that are outside their legislative mandates.

It is my view that the Office of the Public Protector can make a difference in this regard. As one of the Institutions Supporting Democracy, this office needs to be mindful of this when approaching its investigations given the fact that it has wide constitutional powers. The office needs to focus its resources and have its investigation targets including those the difference of which can also be felt by the ordinary people in terms of their lives and living conditions. This is especially true regards planned investigations as the Constitution and the Public Protector Act also give this office to investigate on her or his own initiative acts of omission or commission. In this regard there are priority areas of service delivery which government

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promises to deliver around in a given five year period to advance constitutional democracy.

It is here that proactive investigative powers of the Public Protector that must also be actively prominent. The five year strategic plan of this office need not only reflect planned investigations but must be seen to be investigating whether there are no acts of omission in delivery thereof to the detriment of the poor members of the public. It would have been very interesting for example to know that there was no act of omission on the part of NESFAS that could have resulted in country wide student protests. It would have been interesting again to know what remedial action could have resulted in favour of the poor students from such investigations given the fact that education is one of the current priorities of the country. The same would apply in the basic services like sanitation at municipal level. These are the areas where the poor members of the public do not even know which institutions have what powers to assist them hence the legislative powers given to Offices like Public Protector to investigate without any complained with them.

Promises made by government in terms of their strategic plans need to be investigated as to whether they come to bear as omission in this regard offends people, mainly the poor, therefore the constitutional democracy which these institutions have a constitutional duty to support. Delayed child maintenance cases and corruption related to Guardian Fund in the Office of the Master of the High Court are issues of proactive investigation as they are meant to assist children and orphans to alleviate poverty. Therefore prioritization of cases that is justifiable and makes sense to all within the culture of equality and human dignity for all given the available resources.

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This may seem to be contradicting what I said above on duplication of efforts but the issue is a creative approach to ensuring economic use of scarce resources to advance the constitutional democracy. Collaboration therefore between the Public Protector and offices like the Auditor General for example in areas of basic services where it is clear that there is no economic use of state resources, whether by maladministration, corruption or omission, by the involved organs of state may be crucial. This is more so because the Public Protector has the advantage of the powers to take remedial action where necessary. A lot can be done in this regard but this is just my summary for purpose of this questionnaire.

SECTION 3: GENERAL

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

YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
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If so, please furnish particulars.

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

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YES	<input type="checkbox"/>	NO	X
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If so, please furnish full particulars and dates.

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

YES	<input type="checkbox"/>	NO	X
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If so, please furnish particulars.

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

YES	<input type="checkbox"/>	NO	X
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If so, please furnish particulars.

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

YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
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If so, please furnish particulars.

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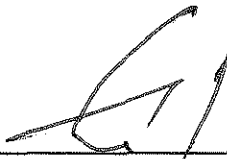
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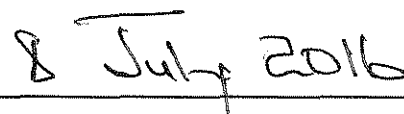
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SIGNATURE



DATE