

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

QUESTIONNAIRE FOR CANDIDATES



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: Goodman
 - 1.1.2. Full names : Mamiki Thabitha

- 1.2. What is your date and place of birth?
 - 1.2.1. Date of birth: 28 August 1961.
 - 1.2.2. Place of birth : Bochum, Polokwane, raised in Pretoria.
 - 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
Masters of Laws: International Economic Law (LLM)	University of South Africa (UNISA)	2011
Bachelor of Laws (LLB)- 3x distinctions (Private law perspectives on Human rights and Discrimination)	UNISA	1999
Bachelor of Procuratoris (BPROC)	UNISA	1987
NON DEGREE COURSES		
Southern African Development Administration A & B (DAB)	UNISA	1983
Introduction to Leadership for Africa Renewal	TMALI –UNISA	2016
PRACTICAL TRAINING COURSES (in order of relevance to the position)		
The Role of Ombudsman in Public Service	Public Administration International (PAI), London, UK	2006
Executive Development Programme (Special Study Programme for Heads of Ombudsman, Human	GMSi , London, United Kingdom (UK)	2012

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Qualification	Institution	Year
Rights and Related Oversight Institutions)		
Public Speaking-(Presentation skills,communication,advanced reading, advanced listening skills)	Standard Trust	1986-1987
Negotiation in the Public Sector	EEE Mediation -UK	2012
Advanced Negotiation skills	Maurice Kerrigan South Africa	2002 & 2005
Fraud Examination	Association of Certified Fraud Examiners (ACFE)	2012
Legislative Drafting	Governance and Institutional Division ,Commonwealth(CGTC)and Office of Chief Law Advisor	2003
Practice as Attorney in the Republic of South Africa (Articles of Clerkship Passed Board Examination – Attorneys Examination)	Law Society of Transvaal(Now Law Society of the Northern Province	1993
Tutor Training	Law Society CLE	2000
Computer courses(Microsoft word, excel, PowerPoint, outlook	Ukhukhanya Computer training,	2002
Quality Assurance and Systemic Evaluation	Office of Standards in Education	2001
Advanced academic research and report writing	University of South Africa	2010 and 2011
Presidential Leadership Programme	South African Management Development Institute (SAMDI)	2004
Personal Mastery: (decision making, balancing life and interest, emotional intelligence etc.)	Franklin. Covey Co. United States of America held in South Africa	2004

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Qualification	Institution	Year
Investigation (Sharpening your teeth)	Ombudsman Canada, held in South Africa)	2012

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

Name of employer	Position	Period
Standard Bank of South Africa -Pretoria	Ledger Clerk	1986-1987
Phosa Mojapelo Attorneys-Nelspruit	Candidate Attorney (Contract ceded from Maboja Mboweni Attorneys in 1989)	1989-1990
Tholi Vilakazi Attorneys – Pretoria	Administrator (equivalent to Managing Director)	1990-1992
Public Defender 's Office now Justice Center - Johannesburg	Public Defender	1993-1998
Mike Langa Attorneys - Johannesburg	Managing Director	1998-January 1999
Mamiki Shai Attorneys	Managing Director	1999-2001
Gauteng Department of Education	Senior Manager Legal Services: Head of Legal Services	2001-2003
	Divisional Manager – Support and liaison services	2003-2004
National Department of Science and Technology	Chief Legal Advisor	2004-2005
Public Protector South Africa	Deputy Public Protector	2005-2012
	Board Legal Advisor	2013-2015

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Name of employer	Position	Period
National Gambling Board	Executive Manager: Chief Compliance Officer	2015-2016
Work experience since leaving school		
Law Society of the Northern Provinces :Continuing Legal Education	Tutor (in Management of Legal Offices-strategic planning and Financial Management)	2000
Sached Trust –Providing Tuition to UNISA student	Tutor (Criminal Law and Criminal PROCEDURE)	1984-1986

- 1.6. Please provide details of any other experience that you feel may be relevant:
- 1.6.1. Complaint handling, case handling, fact finding and evidence analysis.
 - 1.6.2. Investigating. Complex fraud, corruption, civil claims, online crimes, conducting research, examination, evaluation and inspections (related to money laundering and gambling) (Produced Investigation manual for Public Protector’s Office during 2009-2012).
 - 1.6.3. Mediation, arbitration and conflict transformation, advanced interest based negotiation in complex cases of international nature and involving international law (produced Dispute Resolution manual for Public Protector’s office 2011-12).
 - 1.6.4. Applying Innovative and transformational Leadership,
 - 1.6.5. Executive Management of Ombudsman and Oversight Institutions including risk identification and management, case and project management.
 - 1.6.6. Conduction trial in court, Advanced presentation skills, presenting arguments in court , high level reporting and drawing annual reports, plans and strategies, implementation plans, advisory reports for reform of law and policy, submission including cabinet memoranda.
 - 1.6.7. Drawing, amending, reviewing laws and policy documents (for instance see the published Public Protector Rules).
 - 1.6.8. Designing compliance strategies, implementation plans and models.
 - 1.6.9. Repositioning an organization especially for profits and production and within its mandatory functions.

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- 1.6.10. Coaching, mentoring, inspirational and motivating people.
 - 1.6.11. Stakeholder orientation and management and communication and managing diversity.
 - 1.6.12. Adjudication on cases: appeals, reviews, mediation proceedings, dispute resolution, settlement conferences, other conflicts.
 - 1.6.13. Designing remedial actions , advice and recommendations(wrote and produced for the Public Protector Office, a manual for remedial action, produced advisory report with recommendations for the purpose reforming gambling policy and legislation, produced policy consultative process plan for department of science and technology in 2004-5).
 - 1.6.14. High level researched Writing skills and creative designing including writing investigation reports, legal opinions, annual performance, reports, case reports project reports.(besides those already mentioned I also designed oversight , monitoring and evaluation tools for the National Gambling Boards, produced researched evidence based reports)
 - 1.6.15. Computer skills including conducting searches and general.
 - 1.6.16. Impact reporting and performance management.
 - 1.6.17. Management of money held in trust, financial management and creating policies for financial control and management. (Was tutoring *inter alia* financial management for Attorneys through Law Society CLE).
 - 1.6.18. Advisory, governance and record management.
 - 1.6.19. Public Speaking and teaching (tutoring).
 - 1.6.20. Strategic cost cutting and cost alignment.
- 1.7. Please provide details of your language proficiency:

Language proficiency (state 'good', 'fair' or 'poor')							
	Language						
	Sesotho sa Leboa	English	Afrikaans	Zulu	Swazi	Setswana	Southern Sesotho
Speak	good	good	fair	fair	fair	good	good
Read	good	good	good	good	good	good	good
Write	good	good	good	fair	fair	good	good

SECTION 2: MOTIVATIONAL

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

2.1.1. Firstly; I believe that a Public Protector cannot be manufactured, the country either has a Public Protector or not.

A Public Protector is an ombudsman whose character of a protective nature, includes holding constitutional democracy in a hand, like a fragile treasure that must be delivered untainted, making sure that by thoughts, actions and consequences there is results of prosperity and wealth, there is unity and peace, redressed past, mutual drive of the country's vision and there is clear count of the achievements of the country's goals and vision.

The protective nature of the Public Protector includes: A natural ability to consistently maintain impartiality and neutrality, to prevent real or perceived conflict of interest while holding confidential, the affairs of the state and those of complainants, gained through complaint handling, investigating or speech making. The Public Protector serves around diverse interests, heterogeneous society, and stands firm as an independent thinker, decision maker and brings solutions that make the three tier of government run their mandates without distractions and on a clean path.

The protective nature of the Public Protector includes equal speed, attention, focused resolution of every complaint received or initiated, irrespective of whether complaints related to Member's Ethics Act, the Anti-Corruption laws, Public Protector's Act, Promotion of Administrative Justice Act, Promotion of access to Information, abuse of power, improper actions of those placed in authority by government.

Simply put, The Public Protector is a person and also an institution wherein the confidence of the country must be enveloped without doubt. It is an embodiment of the values, admirations and hopes of society.

It is the access to justice for all: the poor and the rich, the strong and the weak and the vulnerable, the previously disadvantaged individuals and those previously advantaged.

The Public Protector is the advocate of equality and non-discrimination, it is an organ of the South African State without color, allowing everyone and everybody accessing justice without prejudice.

The Public Protector is therefore the mother of the South African nation, cares for the well-being of the society, corrects, remedy and always remember to deliver the constitutional democracy intact for the betterment of all. By character I am a Public Protector, I have walked with the South African Democracy from the time of the passing of the interim Constitution, appointed as a Public Defender in one of the first Institution aimed to realize the democratic principles of protecting the indigent persons without much for myself but all for the society.

Served the democratic government in the transition days from apartheid to democratic multiparty government in both the provincial and national departments, in an advisory capacity and in what today is called company secretary , in the management of legal services and stakeholder orientation, have drawn laws and norms standards and have rationalized laws in compliance with the Constitution . Served as the first Deputy Public Protector of this country and the first woman to bravely enter the office of the Public Protector. Indeed the office needed the hand of a woman, for my achievements in that office spells the natural touch of a mother: I cleaned the surface, improved the foundation, brought equality and transformation, paved the smooth running of the office by creating policies , rectifying policies, became an internal ombudsman and resolved internal complaints, maximized the potential of that office by applying the sections of the Public Protector Act that were not yet applied , resolving disputes by negotiations, mediations, and settlement conferences and increased production with positive results, entered remote rural areas to educate the public on their right to access justice through the PPSA, Brought transformation and empowerment, improved the participation of women in Senior Management, appointed chief administrator, trained and produced Public Protector rules, manuals for investigation, remedial action, protocol and ensured every policy or rule is aligned to the Constitution. Introduced speedy case management system and strategies to clear and prevent backlog, Assisted with negotiation and establishment of research center for Africa Ombudsman and mediation to ensure training and research and have introduced road shows to state organs to ensure education is provided to both the public and the state organs. Introduced self- inspection mechanisms and quality assurance systems, personally looking into every complaint file in every provincial office of the Public Protector correcting records and studying the methods used in compliant handling and providing reports for the Public Protector to ensure institutional development, have created institutional memory through research and

knowledge management, the governance structures and information system management, simply that is creation of the clean foundation for the running of the Public Protector Office and operations. I brought collaborative mechanisms with fellow institutions, and have led integrity and governance committees while a Deputy Public Protector. Through dispute resolution and other mechanisms I managed to reconcile the citizens and government which is necessary and priority element for a strong democracy.

Lastly, am a Public Protector, conscious about the reality that South Africa is a multiparty democracy, a jewel of benchmark for many in the African Continent and the world? This beloved country is anchored on a people's contract: the Constitution, which has more of great principles and pillars than flaws. Furthermore South Africa is a country which has a vibrant party political livelihood. The executive and its organs are in constant and watchful oversight of pressure and interest groups as well established Chapter 9 Institutions. At the center of this is poverty, inequality, unemployment as well as the ever surfacing prejudices and racism.

People, especially the poor, are in a constant search for justice and service. These realities and several other aspects are reasons enough to justify that South Africa needs a Public Protector with firm roots in the experiences of South Africa whilst carrying a broad African and global understanding of socio political, economic human rights dynamics. A public Protector with a heart of a nurturing and protecting, independent, objective, insightful, level headed, diligent, loyal to the country and its laws, a wise vessel, who will be able to stomach and mother this rainbow society with boldness, courage and integrity. A trained Public Protector both in knowledge and experience.

What is facing South Africa is a need to inculcate the theoretical and practical knowledge of economic freedom and active participation in the economy into our people, through education empowerment and intentional activism, and to bring about brotherly love, enabling all of us to live side by side without life threats and greed.

We need to inspire all and sundry to participate in the production value chain as one of the many ways of curbing poverty.

We have to point the nation to the long term vision of the country whilst we care for them through social pockets, we simultaneously teach them to produce and be self-sufficient...

We are a country which has a host of multi -talented youth and young people. Technology aided industries and job providing. Corporates have to be inspired to partner with the State to provide employment and yes, it is a responsibility of the Public Protector to see that government keeps its word on the socio economic policies and laws already undertaken to transform the South African society.

I am presenting myself to the Ad Hoc Selection Committee and to the fellow citizens as a readymade and well-groomed incumbent for holding the position.

I undertake to serve and be a model for all who will be beneficiaries of my performance during my tenure.

I undertake to create, preserve and present a progressive and prosperous South Africa to my nation in areas of justice and creation of a harmonious platform for the public administration to operate as well as on aspects for which the Public Protector as a person, as a team and as an organization is responsible.

- 2.1.1.1. Having been trained as an Ombudsman (Public Protector) together with other ombudsman around the world, I gained perspective of the global understanding of the role of the Public Protector in public administration, in transformation of the Society, development of people's thoughts about a common vision of the society within a country, a continent and the world.

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?*

- 2.2.1. **Inequality** –Because equality destroys social fabric, undermines social cohesion, prevent nation building , prevents, solidarity and unity, wastes human potential and human capital and prevents the country from flourishing. Through Remedial action, recommendation, stakeholder orientation and public education –Public Protector facilitate collaborative engagement for economic democracy, balancing power, increasing social capital, social hierarchy, status and class and closing gap between poor and rich by example :redistribution of tax and benefits. The Public Protector through advice, recommendations, remedial action ensure that the state marks progress on redress by monitoring inequality and committing to realistic targets to reduce inequality and enters into agreement with the public (beneficiaries) on developmental goals (This can reduce misunderstanding and service delivery riots).In my opinion if the inequality can be resolved all other

- challenges will automatically go away. Eradicating Inequality through the parameters of its mandate, should be the focus of the Public Protector.
- 2.2.2. **Slow societal transformation** –Donations to any government institutions should be accepted with conditions that supports government mission, vision and transformational goals. Public Protector with power of initiating investigations can advise on strategic planning to ensure transformational goals are included in state organs. Some Institutions such as Public Service Commission used to invite the Public Protector to advice during strategic planning and this idea should be promoted as Public Protector will assist in ensuring that the state organs’ strategic plans are within the mandate, encourage collaboration, prevent duplication of activities or misinterpretation of statutory functions, creative way of dealing with overlapping mandates and plan to refer to specialized institutions. In collaboration with the Human Rights Commission and others, The Public Protector can orientate stakeholder about the Constitution, democratic principles and the application of fundamental rights and access to justice as well as the public role in fighting corruption, abuse of power , maladministration and mismanagement of resources and people
- 2.2.3. **Youth unemployment** (High unemployment rate in general)-Through advice/recommendation/education: The Public Protector to ensure that State complies with its commitments on National Development priorities and that the state continually monitors progress by departments.
- 2.2.4. **Distrust and insecurities on the part of the public** –Through remedial action, recommendation, advice or public education and orientation, the Public Protector can design mechanisms to close social divisions, status insecurities, and competition., income distribution, etc. to decrease life expectancy and mortality rate.
- 2.2.5. **Perception/possible real abuse of power** –Serve as Change agent and Provide remedies that involve working together with management to effect change in policies, procedures, systems, structures that are problematic or destructive to inefficiency and effectiveness.
- 2.2.6. **Perception or possible of state capture:** To prevent private businesses or firms to shape the country’s laws, policies, regulations, legal advice and consultant’s services and the direction of tender awards, Public Protector designs mechanisms and pass them through advice, remedial action or recommendation as well as education : that transforms the government policies, risk and quality assurance

mechanisms to identify and prevents real or perceived conflicts of interest, promote ethical preservations and promote efficient probity investigations in government dealings.

- 2.2.7. **Slow economic growth or no growth, crime and corruption:** Poor economy may mean retrenchment, no jobs, lack of resources for survival : which position may contribute to crime and corruption as there is competition for resources Public Protector to promote social participation and work in collaboration with other institutions such as the National Prosecuting Authority, relevant government Departments and NGO's to promote innovative ideas to constructively occupy the unemployed persons , improve training on skills , education, preventing corruption through policies, stakeholder awareness and education and promote the non-dependency on government and facilitate self-restoration.
- 2.2.8. **Land claims:** Public Protector is expected to have diversity of thought and ensure that all stakeholders are represented fairly in land issues. The land issue is tied to natural /mineral resources. In the 1950's the previously disadvantaged communities were sold land with a condition that other companies especially international ones, have the right to prospect and without the seller 's ownership of mineral resources. This condition may be one of the causes of conflicts and the Public Protector must consolidate all complaints and generate a general solution with inputs from all stakeholders in what is called inclusive conflict transformation and management and ensure all outstanding claims are finalized.
- 2.2.9. **Unemployment** –Public Protector to innovate remedies that can improve employment through advice, remedial action and recommendation.(what prevents government from owning manufacturing companies in rural areas and employ inhabitants of the said rural areas rather than turn the public into beggars by giving grants to people who are capable to work? What prevents government from giving land to people so they can develop their own economies? What prevents government from passing policies that provides incentive tax rebate to private businesses that hires youth directly from universities and those that are unemployed?) .The Public Protector must facilitate a series of conversations among stakeholders for the common good and what is in the best interest of South Africa in this regard.
- 2.2.10. **Internal conflicts** – Using alternative dispute resolution such as mediation and other creative conflict resolution mechanisms and compliant handling and

coaching leadership the Public Protector provides alternatives to complainants including whistleblowers, who wish to bring their concerns safely and effectively.

2.2.11. **Poor cohesion, societal division and lack of common vision:** Public Protector to instill in all people an acknowledgement that Everyone: citizens and multiparty government are equally accountable for the success of democracy, socio - economic development of the country and if South Africa fail, both the government and citizens has failed. To instill in all people that he South African government is a multiparty government and there is no single political party governing the country irrespective of a number of seats in Parliament. The phrase:”Governing or ruling party” when referring to government and state are in my opinion dividing the country more and is not appropriate. The vision of the country should be promoted widely and the Public Protector must play a role.

2.2.12. **Racism:** South Africa needs legislative reform preventing racism coupled with policies of integration and making history a compulsory subject at primary schools for children to understand their true identity as human beings and how racism was created earlier in life. Public Protector to introduce thematic approach with prioritization of challenges mentioned herein.

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		NO	x
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If so, please furnish particulars.

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

YES		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		NO	x
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If so, please furnish particulars.

- 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		NO	x
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If so, please furnish particulars.

- 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		NO	x
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If so, please furnish particulars.

SIGNATURE



DATE 08.07.2016