

**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. SurnameMalunga.....

1.1.2. Full namesKevin...Sifiso.....

1.2. What is your date and place of birth?

1.2.1. Date of birth22 April 1974.....

1.2.2. Place of birthBulawayo.....

1.2.3. CitizenshipSouth African.....

1.2.4. Identity Number~~700422298015~~.....

~~1.3.~~ Please indicate your genderMale

1.4. Please furnish particulars of your tertiary education:

Qualification	Institution	Year
BA in Law	University of Swaziland	1998(Graduated)
LLB(Bachelor of Laws)	University of Natal	Completed 2000 Graduated 2001
LLM(Masters in International Law)	Georgetown University, Washington D.C	2002 (Graduated)
Doctor of Juridical Science candidate	University of Wisconsin-Madison	2006/7 Academic Year(Incomplete/Current)

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

AD HOC COMMITTEE TO NOMINATE A PUBLIC PROTECTOR – QUESTIONNAIRE TO CANDIDATES

Name of employer	Position	Period
Coopers and Lybrand	Audit Clerk	Jan 1993-Dec 1993
Save the Children Fund	Researcher-Analysis of laws protecting children affected/infected by HIV in SA	Dec 2000-Feb 2001
Georgetown University Law Centre, Washington D.C	Fellow	Sept 2001-May 2002
University of Natal	Lecturer-in –Law	Jan 2001-Dec 2003(including study leave)
UNAIDS	Researcher: Domestic laws affecting HIV vaccine trialists:Country Assigned:Ethiopia	Dec 2003-Feb 2004
University of the Witwatersrand	Lecturer-in-Law	Jan 2004-Dec 2009
High Court of South Africa	Advocate	Nov 2005-Present
University of Wisconsin-Madison,USA	Visiting Scholar	Aug 2006-May 2007
South African Institute of Chartered Accountants(SAICA)	Examiner for Company Law and Mercantile Law	Jan 2007-Dec 2010
Black Lawyers Association Legal Education Centre	Trustee Member,Finance Committee Instructor	Nov 2009-Feb 2011
Ntsebeza Legal Team	Member	Dec 2009-Jan 2010
Mbube Consulting CC	Executive Director	Aug 2009-Nov 2010
Association of Personnel Service Organisations	Manager-Legal, Ethics and Compliance	Nov 2010-May 2011
South African Qualifications Authority(SAQA)	Board Member Chairperson: Foreign Qualifications Committee Member: Audit Committee Member: Career Advice Services Committee	Dec 2010-Dec 2015

AD HOC COMMITTEE TO NOMINATE A PUBLIC PROTECTOR – QUESTIONNAIRE TO CANDIDATES

Name of employer	Position	Period
	Other board responsibilities as allocated	
Office of the Chief Justice (Then a part of the Department of Justice and Constitutional Development)	Aide and Researcher to the Committee on Institutional Models, Acting Chief of Staff	Jun 2011-Mar 2012
Department of Justice and Constitutional Development	State Law Adviser-Policy Coordination and Monitoring Spokesperson:Marikana Judicial Commission of Inquiry	May 2012-Oct 2012 Oct 2012-Dec 2012
Public Protector South Africa	Deputy Public Protector of the Republic of South Africa	Dec 2012-Present

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

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1.7. Please provide details of your language proficiency:

Language proficiency (state 'good', 'fair' or 'poor')	
	Language

AD HOC COMMITTEE TO NOMINATE A PUBLIC PROTECTOR – QUESTIONNAIRE TO CANDIDATES

Language proficiency (state 'good', 'fair' or 'poor')							
	Zulu	SiSwati	Ndebele	Xhosa	English	Sotho	Tswana
Speak	Good	Good	Good	Fair	Good	Fair	Fair
Read	Good	Good	Good	Fair	Good	Poor	Poor
Write	Good	Good	Good	Fair	Good	Poor	Poor

SECTION 2: MOTIVATIONAL

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

I consider myself to be the best person to take over as Public Protector of the Republic because I know exactly what the job entails. I have done every facet of the job having acted as Public Protector no less than 30 times in the past 3 and a half years. As Deputy Public Protector I have also led all the high impact teams of the Public Protector. My appointment will ensure continuity and that the institutional memory of how WE have been able to create one of the most trusted, credible state institutions in South Africa and the world is not lost. The success of the Public Protector is NOT the product of one person as the media and some NGOs have wrongly suggested. I have done my work swearing allegiance only to the Constitution of the Republic of South Africa. I promise to take the work of the Public Protector to the next level in the next 7 years. It would be tragic if we would have to start from zero when we have already got the formula right. I will ensure that all conduct and service failure which the Public Protector identifies in organs of state is addressed impartially, fairly and within the ambit of the law.

I also understand the needs of all the different stakeholders which are affected by the work of the Public Protector regardless of class, political affiliation, race etc. I have been able to work credibly with all South Africans and complainants. I have worked with everyone fairly without fear or prejudice and shall continue to do so.

I am been the point man at the Public Protector in ensuring cooperation (including referrals) with other institutions supporting Constitutional Democracy along with the Office of the Speaker in dealing with complaints against the Public Protector. I will continue to enhance these productive relationships.

I will ensure that just like the Auditor-General our work is effective, firm, robust and has a high impact without the acrimony that characterized the past few years. A Public Protector must be able to engage with the poor with ease sometimes in their own languages. Very often we engage with complainants in vernacular languages. I have that strength of being fluent in a number of official languages. I have worked with the most vulnerable people in South Africa and will continue to ensure that their rights to administrative justice and desire to live without maladministration and/or corruption are realised.

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

In my experience and opinion the key challenges facing South Africa are as follows;

Firstly, Service Delivery challenges manifest themselves in various ways. From defective service delivery to no service delivery this is a challenge that recurs in government be it national, provincial and local government. The state has a huge budget to deliver services to the people but there continues to be a host of challenges which ultimately show through instability such as service delivery protests and destruction of property. The Public Protector receives thousands of complaints in this regard (currently 26 000) from people who want to abide by the Constitution. We are often able to amicably resolve many of these complaints before they flare up.

Secondly, State procurement is a multi-billion rand sector with a budget which is inextricably linked to service delivery. Whether it is the delivery of low cost housing e.g RDP housing or roads etc there are often disputes concerning the award of contracts/tenders or allegations of impropriety and maladministration. Improper procurement of goods and services is actually unconstitutional. As the Public Protector we have jurisdiction to investigate, report and take remedial action on abuse of public funds through improper procurement. I have already led such investigations and will ensure that the Public Protector conducts them fairly, impartially and without fear, favour or prejudice. Earlier this year, ratings agencies mentioned the Public Protector as one of the anchors of economic stability. When state procurement is flawed there is a risk of economic stability.

Thirdly, State Owned Enterprises (SOES) are a critical player in the political and economic stability of the country. They are currently going through enormous governance and ethical challenges. We also have jurisdiction over these entities in regard to service and conduct failure. I will ensure that we do our work objectively in righting the wrongs occurring in these entities.

The Public Protector is therefore an inalienable force in supporting constitutional democracy.

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”)

YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
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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.

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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	X	NO	
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If so, please furnish particulars.

I had a dispute in 2009 with the then Wits Head of School resulting from publications and my position on the Judge President John Hlophe matter wherein I said that he must be given a fair hearing and not pre-judged. Academics ought to be able to exercise academic freedom and freedom of speech. I still believe that principle which I held then today. I have an excellent relationship with Wits University and Wits Law School where I was the keynote speaker at the Prize giving Ceremony in 2015. As such my dispute then is now inconsequential

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AD HOC COMMITTEE TO NOMINATE A PUBLIC PROTECTOR – QUESTIONNAIRE TO CANDIDATES

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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	X
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If so, please furnish particulars.

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SIGNATURE

DATE