

Proposed Constitutional Amendments to Chapter 9 of the Constitution

Public Protector

182. Functions of Public Protector:

- (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.
- (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.
- (6) The Public Protector will house the Directorate of National Integrity:
 - (a) The functions of the Directorate of National Integrity:
 - (i) The Directorate of National Integrity must, and as regulated by national legislation has the power to, monitor, investigate, research, educate, lobby, advise and report on issues concerning corruption in the Republic of South Africa.
 - (ii) The Directorate of National Integrity must be accessible to all persons and communities.
 - (iii) The Directorate of National Integrity must submit its reports to any entity that has direct interest in the audit, and to any other authority prescribed by national legislation.
 - (iv) Any report issued by the Directorate of National Integrity shall be open to the public.
 - (v) Each year, the Directorate of National Integrity must require all organs of state to provide the Directorate with information on the measures that they have taken towards the eradication of corruption.
 - (vi) The Directorate of National Integrity has the additional powers and functions prescribed by national legislation.

197 Appointments.

- (1) The Public Protector, Director of National Integrity and the members of any Commission established by this Chapter must be people who-

- (a) are South African citizens;
- (b) are fit and proper persons to hold the particular office; and
- (c) comply with any other requirements prescribed by national legislation...