

## **DPSA has all but lost the war against corruption, fraud and other forms of misconduct in the public service**

By **Dr Mimmy Gondwe MP** – DA Shadow Deputy Minister of Public Service and Administration

The Department of Public Service and Administration (The Department) has all but lost the war against corruption, fraud, and other forms of misconduct in our country's public service on all fronts.

This is evidenced by the fact that we still have public servants conducting business with the state despite this being expressly prohibited by the Public Administration Management Act and the Public Service Regulations.

Government departments are also bled dry, on an annual basis, by all manner of financial misconduct on the part of public servants, with little or no action being taken against the responsible public servants, thereby promoting a culture of impunity in the public service. Bluntly put, the laws we take the time to pass as legislators are being shunned and spat on by some in the public service.

In March this year, the Public Service Commission informed the Portfolio Committee on Public Service and Administration (Committee) that for the 2019/20 financial year, our national and provincial departments incurred approximately R103 billion in irregular expenditure; approximately R2,7 billion in fruitless and wasteful expenditure; and approximately R1,6 billion in unauthorized expenditure.

The combined expenditure for all these forms of financial misconduct amounts to a staggering R107 billion, which we incurred as a country, in the 2019/20 financial year due to financial misconduct on the part of government departments. As such, it simply cannot be enough for the Department to restrict itself to a monitoring role in respect of financial misconduct. It has to also play an active role in assisting government departments, in this regard, by ensuring that they not only have the proper controls in place to curb such forms of financial misconduct but can subject the responsible public servants to the necessary disciplinary processes.

There is also an alarming number of public servants who are benefitting from social grants at a reported cost of R200 million, for the month of July 2021 to the state, despite some of them not qualifying for these grants. We will never have a stable and fully functional public service if no disciplinary or criminal action, is taken against public servants who unabashedly flout the relevant legislation and regulations and commit rampant acts of corruption, fraud and other forms of misconduct. The fact of the matter is also that consequence management is lacking in the public service.

Even if there is some consequence management, it is always not commensurate with the misconduct committed. It has just become a term that is bandied around for the sake of sounding politically or morally correct, instead of it translating into tangible action being taken against all forms of corruption, fraud and other forms of misconduct in the public service.

We, therefore, urge the Department to urgently adopt and aggressively implement a strategy to deal with the backlog of disciplinary cases which were reported to have cost us an amount of

R4.5 billion for the 2019/20 and 2020/21 financial years. If needs be so, the Department should also look into the possibility of centralising the function of discipline management and allow it to be managed and administered by a single competent unit within the Department that houses specialists in the fields such as dispute resolution, labour and human resource management. Shying away from such a policy shift will not bring a lasting solution to this challenge, which has never been effectively dealt with.

We had honestly hoped that the introduction and subsequent implementation of mandatory lifestyle audits for public servants, in 2021, as a mechanism for preventing, detecting and subsequently uprooting corruption and fraud in the public service would have, by now, yielded results in the fight against corruption and fraud in the public service. However, to date, the Western Cape is the only province to have gone beyond the implementation stage of the lifestyle audit cycle and progressed to the investigations stage, whereas other provinces and national departments are lagging behind in this respect.

The reluctance or inability of other provinces and national departments to conduct these lifestyle audits will only further entrench corruption, fraud and other forms of misconduct in the public service. We, therefore, recommend that the Department firm up and enforce timeframes in relation to the implementation of these lifestyle audits by all government departments and hold government departments accountable if they fail to adhere to these time frames.

If the Public Service Commission (Commission) is to make a meaningful impact in the war against corruption, fraud and other forms of misconduct in the public service, it will require additional funding and more independence. 75% of the Commission's budget, for the 2022/23 financial year, will go towards the compensation of its employees and as such, it is difficult to see how it can effectively discharge its mandate with only 25% of its allocated budget at its disposal. It is for this reason that we support the Bill that it intends to introduce to Parliament, which will see the Commission being supported by an independent Secretariat and acquiring its own stand-alone and fully-fledged budget vote located within the budget vote of Parliament, to guarantee the Commission's independence from the Executive.

It is also worth mentioning that the Private Members' Bill proposed by my colleague, Hon. Leon Schreiber also seeks to strengthen the Commission in a similar manner. Let this Bill not be shot down on account of him being a member of the opposition benches. We cannot build the public service, more so the country without considering the views and inputs of those who can, objectively speaking, add much-needed value.

We take the point that the Commission is presently hamstrung or constrained by the provisions of section 196 of the Constitution in its ability to hold government departments that disregard or ignore its recommendations or fail to act on its findings to account, given that section 196 uses words like "promote", "investigate", "propose" and "give directions" to describe the powers and functions of the Commission. However, in light of the alarming levels of corruption and fraud that we find our public service currently mired in, the time has come for the hand of this, our country's only Chapter 10 institution, to be strengthened, by this House, so that it can play a more impactful role in reshaping the face of our public service.

Let us give the Commission the same teeth that we gave to the Office of the Auditor-General so that everyone in the public service, committing acts of corruption, fraud, and other forms of misconduct can feel and experience its bite.

We also call on this House to allow the Commission to present and table its reports to other Portfolio Committees and not just the Portfolio Committee on Public Service and Administration, as other Portfolio Committees can also assist the Commission in its work by requiring the government departments reporting to them to account for the issues raised by the Commission, including the non-implementation of the Commission's recommendations.

During a recent interaction between the Portfolio Committee and the Commission in Gauteng, the Commission further expressed a wish to see its reports being tabled in the House and the House taking up some of the recommendations in its reports as House resolutions, as this will reinforce their enforceability and invariably promote accountability in the public service.

A primary mission of the National School of Government (NSG) is to empower and capacitate public servants to be responsive to the needs of our citizens and government priorities through education, training, and development interventions. However, some of the courses or programmes that the NSG, presently, has on offer do not necessarily speak to the needs of our citizens and government priorities.

It is on this basis that we recommend that the NSG start playing its part in the fight against corruption, fraud and other forms of misconduct in the public service by offering a wider range of courses or programmes which are intended to entrench and inculcate a culture of accountability, professionalism, ethics and morality in the public service and also capacitate and empower senior managers to effectively address and deal decisively with acts of corruption, fraud and other forms of misconduct in the public service.

I thank you.