



# PARLIAMENT

OF THE REPUBLIC OF SOUTH AFRICA

NATIONAL ASSEMBLY  
MEMBER OF PARLIAMENT

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28 April 2014

Mr C Frolick  
House Chairperson: Committees, Oversight and ICT  
National Assembly of Parliament  
CAPE TOWN

Dear Mr Frolick

## **MODUS OPERANDI OF THE AD HOC COMMITTEE ON PRESIDENT'S SUBMISSIONS IN RESPONSE TO THE PUBLIC PROTECTOR'S REPORT**

We refer to the discussions that occurred during the deliberations of the Ad Hoc Committee on Thursday 24 April 2014. You requested parties to give consideration to the way in which the Committee should approach its mandate. You also undertook to establish whether any persons or institutions had made representations to, or offered to give testimony before, the Committee.

To our knowledge, at least the Council for the Advancement of the South African Constitution (CASAC) has made written representations. It is our view that their representative(s) should be permitted to address the Committee, and speak to the document they drew up.

It may be that other persons, bodies or institutions have submitted representations, or have indicated that they wish to give evidence. Depending on the relevance of the representations, it is suggested that they likewise be given the opportunity to testify.

The President's "submissions" consist of three parts: first, a letter addressed to the Hon Max Sisulu, the Speaker of the National Assembly; secondly, a proclamation establishing a Special Investigating Unit (SIU) to investigate certain aspects of the activities of the national Department of Public Works; and thirdly, the Public Protector's Report on the Nkandla Project, entitled "Secure in Comfort".

In her Report, the Public Protector makes a number of findings (see Chapter 10, p 427 ff). She also refers to a number of unanswered questions (see particularly paragraph 6.94 on p 283 and paragraph 7.31, pp 341 – 350). In his letter to the Speaker, the President refers to the fact that "both the investigation by the Security Cluster Ministers and the Public Protector enquired into substantively the same subject matter", but that "[n]otwithstanding, there are stark differences both in respect of the findings as well as the remedial action proposed in the two reports." The President confesses that he has never in his experience in government "encountered such an anomaly."

Accordingly, in our respectful submission, at very least the author(s) of the "Investigation Report - Prestige Project A: Security Measures - President's Private Residence: Nkandla" as well as the Public Protector herself should explain the nature of this "anomaly" and the basis of the "stark differences" between the two enquiries.

In his letter to the Speaker, the President also refers to the SIU investigation, and states that he has "written to the Head of the SIU requesting a provisional report". The President further states that he was "assured that the provisional report will be ready to hand shortly". Considering the meaning of the word "shortly", and the fact that this letter was dated 2 April 2014 and it is now 28 April 2014, one would be entitled to enquire of the Head of the SIU whether he or she has submitted the provisional report, and if so, to produce it before the Committee.

However, the Department of Public Works is only one of several institutions involved in the security upgrades to the President's private home. By common consent, the Department of Defence was involved in the establishment of a clinic and the South African Police Service and/or Minister Mthethwa was responsible for declaring the home a National Key Point and for advising on the scope of the security upgrades. The then NIA, and now SSA, was also involved to some extent in determining the "threat analysis", which would have impacted on the scope of the security upgrades. Finally a substantial number of private sector contractors and sub-contractors were involved in delivering the work itself (including the President's own architect, Mr Makhanya), and allegations were made about the involvement of the Industrial Development Corporation in relation to one such contractor (see paragraph 6.73 on pp 253 – 258).

Parliament is aware that at very least the Department of Defence has convened a Board of Inquiry, convened by the Chief of the SA National Defence Force to investigate the involvement of the SANDF in general and the SA Military Health Services in particular in the provision of the health facility at Nkandla (see Written Question 353 addressed by Mr D Maynier to the Minister of Defence and Military Veterans, attached hereto). It may very well be that other enquiries have been commissioned by the SAPS and/or the SSA into the subject matter of the Committee's mandate. It would seem appropriate at very least to ask these Departments whether any investigations are underway into the matter insofar as it affects that Department, and what the status of these investigations are.

In order to complete its mandate satisfactorily, the Ad Hoc Committee ought also to enquire into allegations of collusion on the part of some contractors or sub-contractors, either to inflate the prices of goods actually supplied, or to conceal other goods and services provided within the quoted prices. The Public Protector's Report found that there was wide-spread non-compliance with supply chain management policy, and it is entirely possible that goods or services were provided in these circumstances which have not been properly accounted for.

Accordingly, and in summary, we request that the following persons be called to give evidence to the Ad Hoc Committee:

1. The Public Protector
2. The author(s) of the "Security Cluster Report"
3. The Ministers of Police and Defence, or the National Commissioner of the SAPS/Chief of the SANDF

4. The Head of the SIU
5. A spokesperson of CASAC
6. Spokespersons of any other relevant organisation, entity or corporation

We are confident that you, like us, are keen to do justice to the mandate conferred on us by the Speaker, and that you will accede to this request.

Kind regards

A handwritten signature in black ink, appearing to read 'Lindiwe Mazibuko', written in a cursive style.

**LINDIWE MAZIBUKO MP**

The first part of the document discusses the importance of maintaining accurate records of all transactions. This includes not only sales and purchases but also any other financial activities that may occur during the course of the business.

It is essential to ensure that all records are kept in a secure and accessible location. This will allow you to quickly retrieve any information that you may need for tax purposes or for other business-related matters.

In addition, it is important to regularly review your records to ensure that they are up-to-date and accurate. This will help you to identify any potential issues or discrepancies early on, before they become a problem.