**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 1511**

**DATE OF QUESTION: 15 NOVEMBER 2019**

**DATE OF SUBMISSION: 29 NOVEMBER 2019**

**1511. Adv. TE Mulaudzi (EFF) to ask the Minister of Justice and Correctional Services**

What total number of (a) cases were investigated by the Special Investigating Unit in the 2018-19 financial year, (b)(i) the investigated cases led to successful litigation and (ii) amount was recovered and (c)(i) cases are outstanding and (ii) are the reasons that each case is outstanding?

**REPLY:**

1. **Number of proclamations under investigation during 2018/2019 FY**

| **National Departments** | | | | |
| --- | --- | --- | --- | --- |
| **No** | **Proc No** | **Dept/State Institution** | **End date** | **Reason** |
| 1 | R38 of 2010 extended by R27 of 2015 extended by R20 of 2018 | National Department of Public Works | 2020/2021 | 1 final presidential report submitted to the Presidency on 08/06/2018.  Investigation ongoing |
| 2 | R42 of 2010 extended by R73 of 2011 | South African Police Service | 2019/2020 | Final presidential report has been prepared and is currently under internal review |
| 3 | R53 of 2012 | Department of Rural Development and Land Reform (Land Restitution) | 2019/2020 | Final presidential report submitted to Presidency on 27/11/2019 |
| 4 | R54 of 2012 | Department of Water Affairs and Forestry | 2018/2019 | Final presidential report submitted to the Presidency on 26/10/2018 |
| 5 | R7 of 2014 amended by R599 of 2015 amended by R32 of 2017 | Department of Rural Development and Land Reform (formerly known as the Department of Land Affairs) in its national department, its provincial departments, its trading entities and their respective agencies (herein referred to as the DRDLR) and the State Information Technology Agency (PTY) Ltd (herein referred to as SITA) | 2020/2021 | 1 Final presidential report has been prepared and is currently under internal review.  Investigation ongoing |
| 6 | R54 of 2014 amended by R44 of 2015 | Department of Public Works (Prestige Projects Western Cape) | 2019/2020 | Final presidential report has been prepared and is currently under internal review |
| 7 | R55 of 2014 | Department of Labour and Compensation Fund | 2019/2020 | Final presidential report has been prepared and is currently under internal review |
| 8 | R59 of 2014 | National Department of Public Works | 2018/2019 | Final presidential report submitted to Presidency on 14/12/2018 |
| 9 | R18 of 2016 | Department of Correctional Services | 2019/2020 | Final presidential report submitted to Presidency on 27/11/2019 |
| 10 | R19 of 2016 | Construction Industry Development Board | 2020/2021 | Investigation ongoing |
| 11 | R24 of 2017 | Department of Rural Development and Land Reform | 2020/2021 | Investigation ongoing |
| 12 | R28 of 2017 | Department of Correctional Services and Independent Development Trust | 2020/2021 | Investigation ongoing |
| 13 | R37 of 2017 | National Department of Transport | 2020/2021 | Investigation ongoing |
| 14 | R21 of 2018 amended by R33 of 2019 | Department of Justice and Constitutional Development | 2020/2021 | Extended by Proclamation R33 of 2019.  Investigation ongoing |
| 15 | R27 of 2018 amended by R44 of 2019 | National Department of Water and Sanitation | 2020/2021 | Extended by Proclamation R44 of 2019.  Investigation ongoing |
| 16 | R18 of 2019 | National Health Laboratory Services | 2020/2021 | Investigation ongoing |

| **Provincial Departments** | | | | |
| --- | --- | --- | --- | --- |
| **No** | **Proc No** | **Dept/State Institution** | **End date** | **Reason** |
| 1 | R17 of 2016 | Department of Education: EC | 2018/2019 | Final presidential report submitted to Presidency on 20/06/2018 |
| 2 | R22 of 2016 amended by R27 of 2019 | Department of Human Settlements, Gauteng and Lepelle Northern Water |  | 1 final presidential report submitted to Presidency on 21/09/2018. Extended by Proclamation R27 of 2019.  Investigation ongoing |
| 3 | R23 of 2016 | Provincial Department of Transport: KZN | 2019/2020 | Final presidential report has been prepared and is currently under internal review |
| 4 | R32 of 2016 | Independent Development Trust, the Department of Basic Education and the Department of Education for the Free State | 2019/2020 | Final presidential report has been prepared and is currently under internal review |
| 5 | R9 of 2017 | Provincial Department of Agriculture and Rural Development and Mjindi Farming: KZN | 2019/2020 | Investigation ongoing |
| 6 | R17 of 2017 | Department of Social Development: EC | 2019/2020 | Final presidential report submitted to Presidency on 27/11/2019 |
| 7 | R23 of 2017 amended by R6 of 2019 | Gauteng Department of Health: Mental health care facilities | 2019/2020 | Extended by proclamation R6 of 2019.  Investigation ongoing |
| 8 | R30 of 2017 amended by R45 of 2019 | Provincial Treasury: KZN | 2020/2021 | Extended by proclamation R45 of 2019.  Investigation ongoing |
| 9 | R35 of 2017 | PSETA | 2019/2020 | Final presidential report has been prepared and is currently under internal review |
| 10 | R2 of 2018 amended by R31 of 2019 | North West Department of Public Works and Roads and Transport |  | Extended by proclamation R31 of 2019.  Investigation ongoing |
| 11 | R4 of 2018 | AGRISETA | 2019/2020 | Final presidential report has been prepared and is currently under internal review |
| 12 | R5 of 2018 | Tshwane South College | 2019/2020 | Investigation ongoing |
| 13 | R10 of 2018 | Department of Correctional Services: KZN | 2019/2020 | Investigation ongoing |
| 14 | R12 of 2018 | Roads Agency Limpopo Ltd | 2020/2021 | Investigation ongoing |
| 15 | R14 of 2018 | Department of Transport: KZN | 2019/2020 | Final presidential report submitted to Presidency on 10/09/2019 |
| 16 | R16 of 2018 amended by R25 of 2018 | MICT SETA | 2020/2021 | Investigation ongoing |
| 17 | R36 of 2018 | Department of Transport: KZN | 2020/2021 | Investigation ongoing |
| 18 | R4 of 2019 | Umgeni Water | 2020/2021 | Investigation ongoing |

| **Local Government Entities** | | | | |
| --- | --- | --- | --- | --- |
| **No** | **Proc No** | **Dept/State Institution** | **End date** | **Reason** |
| 1 | R62 of 2010 | Tshwane Metropolitan Municipality | 2019/2020 | Final presidential report submitted to Presidency on 17/10/2018 |
| 2 | R52 of 2014 | Greater Tubatse Local Municipality | 2019/2020 | Final presidential report submitted to Presidency on 10/09/2019 |
| 3 | R21 of 2016 | Msunduzi Local Municipality | 2018/2019 | Final presidential report submitted to Presidency on 29/03/2019 |
| 4 | R59 of 2016 amended by R7 of 2018 | Greater Sekhukhune District Municipality and the Elias Motsoaledi Local Municipality ("the municipalities") | 2019/2020 | 1 final presidential report submitted to Presidency on 17/10/2018. Extended by proclamation R7 of 2018.  Investigation ongoing |
| 5 | R8 of 2017 amended by R15 of 2018 amended by R16 of 2019 | Mopani District Municipality | 2020/2021 | Extended by R16 of 2019.  Investigation ongoing |
| 6 | R10 of 2017 | Harry Gwala District Municipality | 2019/2020 | Final presidential report submitted to Presidency 15/10/2019 |
| 7 | R18 of 2017 amended by R43 of 2019 | Thabazimbi Local Municipality | 2020/2021 | Extended by proclamation R43 of 2019.  Investigation ongoing |
| 8 | R19 of 2017 | Alfred Nzo Local Municipality | 2019/2020 | Final presidential report has been prepared and is currently under internal review |
| 9 | R25 of 2017 | Lesedi Local Municipality | 2020/2021 | Investigation ongoing |
| 10 | R36 of 2017 | Alfred Nzo Local Municipality | 2019/2020 | Final presidential report has been prepared and is currently under internal review |
| 11 | R6 of 2018 | Raymond Mhlaba Local Municipality | 2019/2020 | Final presidential report has been prepared and is currently under internal review |
| 12 | R9 of 2018 | Mbhashe Local Municipality | 2019/2020 | Investigation ongoing |
| 13 | R13 of 2018 | EC Institutions (Nelson Mandela Funeral) | 2019/2020 | Investigation ongoing |
| 14 | R26 of 2018 | Ethekwini Metropolitan Municipality | 2019/2020 | Investigation ongoing |
| 15 | R28 of 2018 amended by R5 of 2019 | Ekurhuleni Metropolitan Municipality | 2020/2021 | Extended by proclamation R5 of 2019.  Investigation ongoing |
| 16 | R7 of 2019 | Moretele Local Municipality | 2020/2021 | Investigation ongoing |
| 17 | R17 of 2019 | City of Johannesburg | 2020/2021 | Investigation ongoing |

| **State Owned Entities** | | | | |
| --- | --- | --- | --- | --- |
| **No** | **Proc No** | **Dept/State Institution** | **End date** | **Reason** |
| 1 | R53 of 2014 amended by R15 of 2015 | SITA | 2019/2020 | Final presidential report has been prepared and is currently under internal review |
| 2 | R29 of 2017 amended by R19 of 2018 | South African Broadcasting Corporation | 2019/2020 | Investigation ongoing |
| 3 | R11 of 2018 | Eskom and Transnet | 2020/2021 | Investigation ongoing |

1. **Number and value of civil litigation during the 2018/2019 FY**
2. 19 civil matters were instituted to the value of R7.9 billion. None of the civil matters instituted during the 2018/2019 financial year had yet resulted in recoveries during that financial year. None of the values reflected in (ii) flowed from civil matters instituted during the 2018/2019 financial year.

| **No** | **Proc No** | **Dept/State Institution** | **Total value of civil matters instituted** |
| --- | --- | --- | --- |
| 1 | R7 of 2014 amended by R599 of 2015 amended by R32 of 2017 | Department of Rural Development and Land Reform (formerly known as the Department of Land Affairs) in its national department, its provincial departments, its trading entities and their respective agencies (herein referred to as the DRDLR) and the State Information Technology Agency (PTY) Ltd (herein referred to as SITA) | R208 025 175 |
| 2 | R54 of 2014 amended by R44 of 2015 | Department of Public Works (Prestige Projects Western Cape) | R675 293 |
| 3 | R59 of 2014 | National Department of Public Works | R21 710 374 |
| 4 | R19 of 2016 | Construction Industry Development Board | R1 109 577 173 |
| 5 | R22 of 2016 amended by R27 of 2019 | Department of Human Settlements, Gauteng and Lepelle Northern Water | R2 521 024 500 |
| 6 | R27 of 2015 extended by R20 of 2018 | National Department of Public Works | R12 596 561 |
| 7 | R10 of 2017 | Harry Gwala District Municipality | R2 000 000 |
| 8 | R18 of 2017 | Thabazimbi Local Municipality | R49 848 921 |
| 9 | R23 of 2017 amended by R6 of 2019 | Gauteng Department of Health: Mental health care facilities | R1 344 388 |
| 10 | R29 of 2017 amended by R19 of 2018 | South African Broadcasting Corporation | R329 277 653 |
| 11 | R11 of 2018 | Eskom | R3 700 000 000 |

1. Value of recoveries made during the 2018/2019 FY

Total value of R136.8 million made up as follows:

| **No** | **Proc No** | **Dept/State Institution** | **Value** |
| --- | --- | --- | --- |
| 1 | R40 of 2015 | Buffalo City Metropolitan Municipality | R7 910 305 |
| 2 | R59 of 2014 | National Department of Public Works | R118 480 288 |
| 3 | R23 of 2016 | Provincial Department of Transport: KZN | R1 059 762 |
| 4 | R9 of 2017 | Provincial Department of Agriculture and Rural Development and Mjindi Farming: KZN | R432 000 |
| 5 | R8 of 2017 amended by R15 of 2018 amended by R16 of 2019 | Mopani District Municipality | R1 320 101 |
| 6 | R10 of 2017 | Harry Gwala District Municipality | R851 522 |
| 7 | R23 of 2017 amended by R6 of 2019 | Gauteng Department of Health: Mental health care facilities | R622 178 |
| 8 | R25 of 2017 | Lesedi Local Municipality | R50 000 |
| 9 | R29 of 2017 amended by R19 of 2018 | South African Broadcasting Corporation | R594 926 |
| 10 | R4 of 2018 | AGRISETA | R59 100 |
| 11 |  | SIU Acknowledgement of Debt Enforcement Department | R5 451 928 |

1. **Proclamations still ongoing and reasons why not concluded**
2. List of proclamations still ongoing
3. Please take note that proclamations that are under investigation in a particular financial year will not necessarily be finished in the same financial year. All proclamations have a start date and an end date and the duration of the investigation depends on the nature/complexity of the matters to be investigated.

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| 3 | R53 of 2012 | Department of Rural Development and Land Reform (Land Restitution) | 2019/2020 | Final presidential report submitted to Presidency on 27/11/2019 |
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| 12 | R21 of 2018 amended by R33 of 2019 | Department of Justice and Constitutional Development | 2020/2021 | Extended by Proclamation R33 of 2019.  Investigation ongoing |
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| 4 | R10 of 2017 | Harry Gwala District Municipality | 2019/2020 | Final presidential report submitted to Presidency 15/10/2019 |
| 5 | R18 of 2017 amended by R43 of 2019 | Thabazimbi Local Municipality | 2020/2021 | Extended by proclamation R43 of 2019.  Investigation ongoing |
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