

**MINISTRY**

**PUBLIC WORKS AND INFRASTRUCTURE**

**REPUBLIC OF SOUTH AFRICA**

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**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION NUMBER: 1640 [NO.** **NW1845E]**

**INTERNAL QUESTION PAPER NO.: 16 of 2021**

**DATE OF PUBLICATION: 04 JUNE 2021**

**DATE OF REPLY: 22 JUNE 2021**

**1640. Mr M N Nxumalo (IFP) asked the Minister of Public Works and Infrastructure:**

(a) How far along is the disciplinary process of officials of her department who were involved in the Beitbridge debacle and (b) what consequences have such departmental officials suffered? **NW1845E**

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**REPLY:**

**The Minister of Public Works and Infrastructure:**

1. I have been informed by the Department that the hearing was held on 08 March 2021 wherein parties agreed on the hearing dates of the 21-24 April 2021, and 04-06 May 2021 respectively. A pre-hearing meeting was held on 30th March 2021 between the employer’s party and the employees’ parties.

The hearing for Members of the Bid Adjudication Committee was scheduled for 21 – 24 April 2021 and the hearing proceeded with DPWI leading a witness for three consecutive days on procurement processes. The matter was postponed to 14, 15, 17 & 18 June 2021 for further testimony and cross examination of the witnesses.

The hearing of the Senior Officials was scheduled for 04 – 06 May 2021, however, the hearing was postponed on the first sitting due to the failure one of the official’s legal representative to attend the hearing. The said legal representative indicated that he is launching a court application to review the report and to stop the disciplinary enquiry. However, the Department argued that the matter should proceed and that the legal representative should be advised to attend the hearing on the next day, 05 May 2021, since there is no court order interdicting the disciplinary process and that DPWI has not been cited as a party to the aforementioned intended court application. The hearing was postponed to 05 May 2021 and proceeded accordingly. During the hearing one of the official’s legal representative served the chairperson and the department with the Court application to review the investigation report and also to stop the disciplinary enquiry. As a result thereof the chairperson of the hearing ruled that the disciplinary action is postponed indefinitely pending the finalization of the court application, because the Department will not suffer any prejudice if postponement is granted until finalization of the Court application and that the DPWI may proceed with the disciplinary action if the application is not granted. The Chairperson further ruled that the Court application for the review has a bearing on the current disciplinary action since the directive and the report giving rise to the process is the subject matter of the review and therefore the argument by DPWI that there is no Court Order prohibiting the continuation of disciplinary enquiry is without valid merits

1. In view of the aforesaid statement, no official has suffered any consequences. This is dependent on the outcome of the concluded disciplinary process which has been put on halt pending the outcome of the court application.