

**MINISTRY FOR HUMAN SETTLEMENTS**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NO.:2033**

**DATE OF PUBLICATION: 30 JUNE 2017**

**Mr M S Malatsi (DA) to ask the Minister of Human Settlements:**

(a) How many (i) black-, (ii) white- and (iii) female-owned contractors initiated legal action against each provincial department of human settlements for non-payment of work within the prescribed 30 days period in the 2016-17 financial year, (b) what was the value of each payment, (c) what are the full details of the work to be conducted in each case and (d) what is the current status of each contract? NW2248E

**REPLY:**

Of the nine Provincial Departments of Human Settlements, only the Eastern Cape and the Gauteng province confirmed that there were contractors who initiated legal action for non-payment within the prescribed 30 days. All other provinces indicated “none” to the question posed by the Honourable member.

The Honourable Member should take note that I cannot provide much detail pertaining to these matters for the following reasons:

1. Some of the matters are before courts the and therefore *sub judice*.
2. The document titled “*Guide to Parliamentary Questions in the National Assembly”* prohibits Members of Parliament, including the Executive, from providing names when responding to parliamentary questions. The document referred to states that:

***“****Questions are to be framed as concisely as possible. All unnecessary adjectives, references and quotations are omitted.* ***Names of persons, bodies and, for example, newspapers are only used in questions if the facts surrounding the case have been proven. As the mere mention of such names could be construed as publicity for or against them, it should be clear that this practice is highly undesirable.*** *If a question will be unintelligible without mentioning such names, the Departments concerned are notified of the name (-s) and this phrase is used:* ***".......a certain person (name furnished)”***

In the tables below, please find information provided by the Eastern Cape and the Gauteng Province:

**Eastern Cape**

|  |  |  |  |
| --- | --- | --- | --- |
| **(a) The number of contractors who initiated legal action:** | | | **(d) current status of each contract (paid or not paid)** |
| **(i) Black** | **(ii) White** | **(iii) Female-owned contractors** |  |
| The cases were mostly with **subcontractors** that have no direct contract with the Department of Human Settlements and therefore we do not have detailed information on them, including their BBEE Codes | | | Matter finalized .Department ordered to pay the claim with interest and costs. The department settled the amount. |
| Department settled the amount as per court order. Contract ended 18 May 2017 and extension of time requested |
| Parties are exchanging pleadings.  Contract ended 23 March 2013 |
| Matter pending before court. Parties are exchanging pleadings. |
| Matter pending before court. Parties are exchanging pleadings. |
| Matter still pending at court.  Contract extended up to 31st March 2018 |
| Matter still pending at court.  The Extended contract ended 11 February 2016 |

**Gauteng Province**

|  |  |  |  |
| --- | --- | --- | --- |
| **(a) How many contractors initiated legal action:** | | | (**d) current status of each contract (paid or not paid)** |
| **(i) Black** | **(ii) White** | **(iii) Female-owned contractors** |
| Black |  | Male | The matter is pending before a court of law |
| Black |  | Male | The matter is pending before a court of law |
| Black |  | Male | The matter is pending before a court of law |
|  | White | Female | The matter is pending before a court of law |
| Black |  | Male | The Department has received a letter from the company concerned informing the Department that it is withdrawing the case against the Department. We have requested it to request his attorneys to file a formal withdrawal notice in court. We will close the file once a formal withdrawal has been served to the Department |
| Black |  | Female | State Attorney was instructed to enter an appearance to defend as there is no contractual relationship between the Plaintiff and the Department. |
| Black |  | Male | The matter is pending before a court of law |
|  | White | Male | The matter is pending before a court of law |
|  | | | The Department has settled the outstanding amount and the Plaintiff has been requested to formally file a withdrawal Notice in court. |
|  | White | Male | The dispute related to the amount of claim for damages as a result of terminating the contract and interest for late payment of the capital amount.  The Department has since effected payment to settle the claim. |