

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION 2300**

**DATE OF QUESTION: 21 OCTOBER 2016**

**DATE OF SUBMISSION: 4 NOVEMBER 2016**

**Mr S Mokgalapa (DA) to ask the Minister of Justice and Correctional Services:**

Whether any (a) internal and/or (b) external forensic reports pertaining to (i) his department and/or (ii) each entity reporting to him were completed from 1 January 2009 up to the latest specified date for which information is available; if not, in each case, why not; if so, what is the (aa) name, (bb) subject matter and (cc) date of conclusion of each of the specified forensic reports?

**NW2632E**

**REPLY:**

1. **Department of Justice and Constitutional Development:**

The Department of Justice and Constitutional Development does not have data of the forensic audit cases for the past four (4) financial years. However, the attached spreadsheet, attached as **Annexure A**, provides details of the forensic audit cases registered in the 2013/14, 2014/15, 2015/16 and 2015/16 financial years.

1. **Entities:**
   1. **National Prosecuting Authority (NPA):**

The NPA has informed that there are no forensic reports pertaining to the NPA in the period from 1 January 2009 up to date.

* 1. **Special Investigating Unit (SIU):**

The SIU is not aware of any internal or external forensic reports pertaining to its affairs for the period specified.

* 1. **Legal Aid South Africa:**

1. The Legal Aid SA‘s internal forensic reports completed from 1 January 2009 to September 2016 are tabulated below:

| **aa) Name** | **bb)Subject matter** | **cc) Date of**  **conclusion** |
| --- | --- | --- |
| **(A) 2010/11 financial year** | | |
| 1. Allegation on performing private work and utilising Legal Aid South Africa’s assets and stationery | Allegations against a Justice Centre Executive for performing private work. It was alleged the Executive used Legal Aid SA’s stationery, printers and personnel to run his private business. | 4 October 2010 |
| 1. The alleged use of Ms. Martha Mbhele’s 3G by someone else | Alleged use of a 3G card allocated to Legal Aid SA employee by someone else. | 27 September 2010 |
| 1. Half day leave review at Bloemfontein Justice Centre | Review of half days leave taken at justice centre | 11 July 2011 |
| 1. Complaint by Ms Ntombikhona Emmaculate Dlamini | An investigation of circumstances relating to the legal services rendered by Judicare practitioner to a legal Aid Sa client in an eviction matter | February 2011 |
| 1. Fixed asset disposed off, but is still reflected in the asset Register | Investigation of a suspicious deposit slip submitted as proof of payment for a disposed asset. | 8 October 2010 |
| 1. Break-in at second floor national office Finance Department and the conduct of the corporate services manager. | An investigation of a break-in at National Office Finance Department second floor during the 2010 December year end closure. | 16 February 2011 |
| 1. Allegation on non-adherence to policies, theft, abuse of Power and conflict of interest | 1. An alleged use of Legal Aid SA’s vehicle by an employee without authorisation; 2. the sale/scrapping of assets without proper authorisation by an employee; and 3. a suspected conflict of interest in awarding a contract to install burglar guards at a Justice Centre. | 30 September 2010 |

| **aa) Name** | **bb)Subject matter** | **cc) Date of conclusion** |
| --- | --- | --- |
| **(B) 2011/12 financial year** | | |
| 1. Thembisa Justice Centre receptionist’s cash stolen from her hand bag. | Investigation of circumstances in which cash was stolen from an employee’s hand bag at a Justice Centre. | 23 September 2011 |
| 1. Fraud suspected invoices and quotations at Soweto Justice Centre. | Suspected fraudulent invoice and quotations at Justice Centre. | 3 June 2011 |
| 1. Irregularities relating to the disposal of fixed asset and the management of petty cash at Ermelo Justice Centre. | Suspected irregularities relating to the disposal of fixed asset and the management of petty cash at a Justice Centre. | 11 October 2011 |
| 1. Agency agreement practitioner MB Popo & company | Suspected fraudulent claim by an Agency Agreement practitioner. | 30 November 2011 |
| 1. Stolen cellphones at Procurement department. | Disappearance of two cellphones from Procurement Manager’s office. The cellphones were delivered by Vodacom to be distributed to employees who had ordered the phones under the contract Legal Aid SA had with Vodacom | 12 October 2011 |
| 1. Alleged Soshanguve JCE improper conduct and poor managerial skills | An alleged misconduct by Justice Centre Executive for ill-treating and undermining her subordinates. | 3 October 2011 |
| 1. Legal Aid SA Principal Attorney suspected of trying to pass work of other practitioners as that of his own for quality assessment purposes. | An alleged attempted fraud by a Legal Aid SA Principal Attorney who tried to claim work of other practitioners as his for quality assessment purposes. | 14 July 2011 |
| 1. Mr. Makgape Sophia Rammala received R2,000.00 cash from the client’s sister Ms. Fengie Masha | An allegation against a Legal Aid SA legal practitioner based at a Satellite Office for charging a member of public fees for legal assistance given to Legal Aid SA’s client. | 25 November 2011 |

| **aa) Name** | **bb)Subject matter** | **cc) Date of conclusion** |
| --- | --- | --- |
| **(C) 2012/13 financial year** | | |
| 1. Retrieving evidence on 3 hard drives from Pietermaritzburg Justice Centre | A complaint that alleged that a Legal Aid SA Principal Attorney’s computer hard drives contained pornographic files. | 9 May 2012 |
| 1. Interview questions sent to selected shortlisted job applicants. | A complaint that alleged that a Justice Centre Executive emailed interview questions to the applicant. | 4 December 2012 |
| 1. Cover quoting from Creative Office Furniture and Impilo Lifestyle | A suspected cover quoting by external bidders for Legal Aid SA work or contract. | 14 December 2012 |
| 1. Irregularities relating to the disposal of a Toyota Yaris at Ermelo Justice Centre | An allegation that a Legal Aid SA pool vehicle was disposed at a value below the original reserve price. | 5 March 2013 |
| 1. Description of goods not specified on the invoices for procurement at Nelspruit Justice Centre. | An alleged circumvention and or violation of Legal Aid SA Supply Chain policy and procedures in procuring office grocery. | 25 January 2013 |
| **(D) 2014/15 financial year** | | |
| 1. Financial irregularities and conflict of interest at the Pretoria Justice Centre | A suspected existence of conflict of interest when a contract was awarded. | 29 July 2014 |
| **(E) 2015/16 financial year** | | |
| 1. Forensic investigation on the missing computer at the Kwa-Zulu Natal regional office | Investigation of circumstances in which a laptop computer got missing while it was allocated to and in custody of a Legal Aid  employee, | 26 May 2015 |
| 1. Forensic potential conflict of interest at the Ermelo Justice Centre, Piet Retief satellite office | A suspicion of existence of conflict of interest when a cleaning contract at Justice Centre was awarded. | 23 July 2015 |
| 1. Forensic report suspected irregular expenditure at Modimolle Justice Centre | A suspicion of occurrence of irregularities in awarding a contract for office refurbishment at Justice Centre. | 22 January 2016 |
| 1. Forensic potential conflict of interest at the Soweto Justice Centre | A suspected conflict of interest by a legal practitioner. | 28 September 2015 |
| 1. Alleged conflict of interest at Bloemfontein justice centre | A Legal Aid SA Justice Centre Executive was alleged to owning a company that was doing with Legal Aid SA resulting in conflict of interest. | 29 March 2015 |
| **(F) 2016/17 financial year** | | |
| 1. Alleged abuse of legal Aid resources | A Legal Aid SA employee was accused of abusing Legal Aid SA resources (computer and photocopying facility) for private matters. | 2 June 2016 |
| 1. Alleged payment requested by a justice practitioner for legal representation services | A former Legal Aid SA employee was accused of having requested payment for his services in representing a client on behalf of Legal Aid SA. The employee had retired when the accusations were made. | 6 June 2016 |
| 1. suspected overstatement of claims by a Judicare Practitioner at Vryheid Justice Centre | A Judicare Practitioner was suspected to have submitted fraudulent and overstated claim for work that was done on behalf of Legal Aid SA. | 15 June 2016 |
| 1. Suspected use of pool vehicle without authorization at the Queenstown Justice Centre | A Legal Aid SA employee was alleged to have used a pool vehicle for private business. | 27 June 2016 |
| 1. Client money received by a paralegal and not paid over to the client at Musina satellite office | A Legal Aid SA Paralegal was alleged to have taken money that was meant for the client in the sale of an RDP house. | 15 August 2016 |

1. There were no external forensic reports in the period 2009 to date.
2. **Department of Correctional Services**:

BOSASA contract investigation done by SIU and former CFO was criminally charged and during disciplinary hearing he resigned.

Medical Aid fraud (MEDCOR) investigation against 702 officials done by Special Investigation Unit. Officials were criminally charged and internally they were given final written warnings. The money fraudulently obtained was recovered from the doctors.

Social grant investigation against SASSA beneficiaries against the officials was done by SIU. Officials failed to cancel grant benefits from SASSA when employed by the department or SASSA failed to stop the grant immediately after the employment of the officials. All the money owed to SASSA was paid back and disciplinary steps were taken against the involved officials.

Fraudulent matric certificates. The SIU completed investigations of 22 Department of Correctional Services officials who submitted fraudulent matric certificates. Twenty of the said officials have been dismissed.

Electronic monitoring investigation was done by KPMG. The KPMG investigation report was forwarded to SIU for further investigation. The SIU is still pursuing the matter further.

The Masetlaoka Scott and Wilson (MSW) contract still under investigation. The investigation is in progress. SIU is pursuing the matter. One official is internally charged.