

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO.: 3151**

**DATE OF QUESTION: 21 AUGUST 2015**

**DATE OF REPLY: 4 SEPTEMBER 2015**

**3151. Mr S C Motau (DA) to ask the Minister of Justice and Correctional Services:**

(a) What cases are currently being investigated by the Special Investigating Unit and (b) which of the specified cases are before the courts? NW3694E

**REPLY:**

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| (a) **The SIU has informed me that the following cases are currently being investigated:**(1) National and all Provincial Departments of Social Development;(2) North-West Province Municipalities: (aa) Madibeng Local Municipality; (bb) Greater Taung Local Municipality; (cc) Mafikeng Local Municipality; (dd) Ventersdorp Local Municipality; (ee) Dr Kenneth Kaunda District Municipality; (ff) Matlosana Local Municipality; (gg) Maquassi Hills Local Municipality; (hh) Tlokwe Local Municipality;  (ii) Ngaka Modiri Molema District Municipality; (jj) Ditsobotla Local Municipality; (kk) Tswaing Local Municipality; (ll) Ramotshere Moiloa Local Municipality; (mm) Ratlou Local Municipality; (nn) Moses Kotane Local Municipality; (oo) Ketlengrivier Local Municipality; (pp) Dr Ruth Mompati District Municipality; (qq) Rustenburg Local Municipality; (rr) Naledi Local Municipality; (ss) Kagisano Local Municipality; (tt) Molopo Local Municipality; (uu) Mamusa Local Municipality; (vv) Lekwa-Teemane Local Municipality; (ww) Bojanala Platinum District Municipality; and (xx) Moretele Local Municipality. (3) Department of Health: Gauteng Province;(4) South African Social Security Agency (SASSA);(5) Department of Public Works;(6) South African Police Service (SAPS);(7) Department of Public Works for the KwaZulu-Natal Province;(8) Tshwane Metropolitan Municipality (TMM): Gauteng Province;(9) Ekhurhuleni Metropolitan Municipality (EMM): Gauteng Province;(10) National Department of Rural Development and Land Reform and its agents;(11) Midvaal Local Municipality: Gauteng Province;(12) Eskom Holdings Ltd;(13) Limpopo Province intervention: (aa) Provincial Treasury; (bb) Department of Health and Social Development; (cc) Department of Roads and Transport; (dd) Department of Education; (ee) Department of Public Works, Limpopo Province.(14) Department of Public Works (Security upgrade at Nkandla);(15) Department of Water Affairs (formerly the Department of Water Affairs  and Forestry);(16) National Department of Co-operative Governance and Traditional Affairs (COGTA);(17) 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);(18) Bushbuckridge Local Municipality: Mpumalanga Province;(19) Department of Communications;(20) USAASA (Universal Service and Access Agency of South Africa);(21) KwaZulu-Natal Provincial Treasury;(22) Vhembe District Municipality;(23) Greater Tubatse Local Municipality;(24) State Information Technology Agency (Pty) Ltd (“SITA”);(25) National Department of Public Works: Prestige Directorate: Western Cape;(26) Department of Labour and the Compensation Fund;(27) National Department of Transport;(28) National Department of Public Works (Leases investigation);(29) Department of Communications; and(30) Eastern Cape Department of Education.  (b) **The SIU has informed me that the following civil matters are currently before court:****(1) The Department of Public Works:** The SIU caused summons to be issued out of the High Court at the KwaZulu-Natal local division under case number 6428/2015. The SIU (1st plaintiff) together with the Department of Public Works (2nd plaintiff) is pursuing an action for the recovery of approximately R2.3 million from the contractor as a consequence of an overcharge. The Plaintiffs are also seeking to recover the fees paid to the consultants (approximately R7 million) arising from their failure to carry out their mandate in terms of the contract concluded between the parties. The matter is currently being defended.**(2) Department of Public Works (Security upgrade at Nkandla):** The SIU instituted civil proceedings against Minenhle Makhanya and another in the High Court (KwaZulu-Natal Division – Pietermaritzburg) under case number 11107/14 in which the SIU is asking the court to order Mr Makhanya to pay approximately R155 million to the Department. This case is defended and on-going.**(3) 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):** The SIU instituted civil proceedings against Gijima AST (Pty) Ltd and others in the High Court (Gauteng Division) under case number 88170/14 in which the SIU is asking the court to declare the tender and resulting contract unlawful and void *ab initio.* This case is defended and on-going. **(4) Department of Communications:** The Department of Telecommunications and Postal Services and the SIU instituted civil proceedings against Media Corner (Pty) Ltd and others in the High Court (Gauteng Division) under case number 66037/14 in which the Department and the SIU are asking the court to declare the tender and resulting contract unlawful and void *ab initio*, while also claiming approximately R12.7 million from Media Corner and asking for a type of debating of accounts in respect of the remaining approximately R32.7 million. This case is defended and on-going.**(5) USAASA (Universal Service and Access Agency of South Africa):** The SIU instituted civil proceedings against Mr Zami Nkosi, USAASA and others in the High Court (Gauteng Division) under case number 43250/14 in which the SIU is asking the court to declare the appointment of Mr Zami Nkosi as the Chief Executive Officer of the USAASA unlawful. This case is defended and on-going. |
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