**PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION NO: 3548**

**DATE OF PUBLICATION: 16 November 2018**

**QUESTION PAPER NO: 41**

**Mr C Mackenzie (DA) to ask the Minister of Telecommunications and Postal Services:**

1. With reference to his reply to question 685 on 27 March 2018, what is the current status of the dispute between his department and the Department of Communications relating to the payment of Media Corner;
2. What is the current status of the disciplinary proceedings instituted against the employees who served as members of the Departmental Bid Evaluation Committee and the Departmental Bid Adjudictaion Committee;
3. Whether any criminal charges have been laid agains any employee or consultant involved in the Media Corner matter since 27 March 2018; if not, why not, if so, what are the relevant details?

**NW41249E**

**REPLY:**

I have been advised by the Department as follows:

1. Judgement was obtained against Media Corner on 20 September 2016. The High Court held that the decision of the Department, taken on 14 August 2012 and 22 October 2012 to award the tender to Media Corner, is reviewed and set aside, further ordering that the two remaining prayers, namely:
2. to have the contract declared null and void *ab initio*; and
3. repayment of retainer fees, in the amount of R12 783 368.00 were not granted but postponed for further argument *sine die*

The matter resumed on 17 October 2017 for the remaining prayers to be heard. The High Court declared the agreement concluded between the Department and Media Corner invalid and null and void *ab initio*. The court further ordered that the Minister and SIU, deliver a declaration setting out the relief sought associated with the two remaining prayers, reformulated as may be advised, within 30 days of the order, where after the normal rules applicable relating to action proceedings will apply. On 18 October 2017, whilst the matter was in court, the State Attorney was informed that Media Corner was placed in voluntary liquidation.

Pursuant to the judgement, Media Corner was placed in liquidation. The department is currently assessing whether it will be able to recover the judgement amount through the liquidation procedures.

1. The disciplinary hearing relating to the DBEC members was finalised. The Department is awaiting the outcome from the chairperson.

The Director-General made a decision to withdraw legal representation dealing with the hearing of the DBAC members and requested the DPSA to provide an employee to continue with the hearing. This was in line with the recommendation of the Public Service Commission (PSC) and accepted by the Minister. The PSC report stated that the Department cannot use legal representation against employees without legal qualifications. The Department received the nomination from the DPSA and is in the process of appointing an employee within the Public Service to represent the employer at the disciplinary hearing. As soon as the employee is appointed the disciplinary hearing will be scheduled to continue.

1. No criminal charges have been laid against any of the employees who were implicated in the Media Corner matter as the hearings have not been finalised. The charges levelled by the Department does not relate to criminal action.

**Approved / not approved**

**Ms S Ndabeni - Abrahams**

**MINISTER OF TELECOMMUNICATIONS & POSTAL SERVICES**

**DATE: 03/12/2018**