

NATIONAL ASSEMBLY

**QUESTION FOR WRITTEN REPLY**

# QUESTION NO. 4086

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## INTERNAL QUESTION PAPER 50 OF 2015

**4086. Mr D Bergman (DA) to ask the Minister of Home Affairs:**

(1) Why has the matter of the irregular expenditure related to the Riverside Office Park in Centurion, Gauteng, not been finalised, in view of the application to the High Court in July 2014 and the National Treasury report on the matter in December 2014;

(2) what is the progress on the disciplinary action that was recommended for officials indicated as involved in the flawed lease agreement at the specified Office Park;

(3) what alternative accommodation is being planned for the Independent Electoral Commission’s Head Office if the courts set aside the lease for the specified Office Park? NW4957E

**REPLY:**

1. The Riverside Office Park lease contract was determined to be irregular in the year ended 31 March 2011 and the rental and operating costs relating to the lease for the year then ended were disclosed in the annual financial statements for that year. In terms of the rules relating to irregular expenditure however, the expenditure needs to be incurred before it can be determined to be irregular, and as the lease is a 10 year agreement further irregular expenditure will be incurred and disclosed in each year until such time as the lease expires or is set aside. Each year, as is required, National Treasury is notified of the irregular expenditure incurred.
2. In line with the recommendations as contained in the Public Protector’s Report, a disciplinary process was instituted against the implicated officials. The respective officials sought to review the rulings of the Chairperson of the disciplinary committee made at the commencement of the disciplinary enquiry.

The review was heard in the Labour Court on 15 September 2015 and on 1 October 2015. The officials’ application was dismissed with no order as to costs. The disciplinary proceeding was then scheduled to be continued from 9-13 November 2015. However, the officials filed an application for leave to appeal the judgment of 1 October 2015. Lawyers have been instructed to oppose the application for leave to appeal and have done so.

The officials’ lawyer in the appeal papers requested the judge to consider the matter in chambers, but prior thereto, furnish the parties with dates by when the parties’ heads of arguments must be filed. The parties now wait for directions from judge.

1. The Commission seeks relief for review and set aside of the lease agreement and addenda thereto. The Commission also seeks to institute a new procurement process to conclude a new lease for the premises and to suspend the existing one (assuming the court finds the procurement process was flawed) upon finalisation of a new procurement process.

The Commission is further addressing this matter through its Risk Management Committee.