

DRAFT REPORT OF THE JOINT COMMITTEE ON ETHICS AND MEMBERS' INTERESTS ON THE MEDIA ALLEGATIONS AGAINST MINISTER NKOANA-MASHABANE

Allegation

The Mail and Guardian of the 25 November 2012 alleged that Minister Nkoana-Mashabane did not declare the payments of R103 856.88 made by Premier Fishing for around the clock private security at her private residence. The payments were made from September 2010 to August 2011.

The Minister in her response to the Mail and Guardian referred all queries to her brother who was caretaker of the property.

The Minister's brother in his response said that he took a loan from Dr Surve (Premier Fishing) without the Minister's knowledge.

In the same article the spokesperson for Sekunjalo, the holding company of Premier Fishing, Mr Kaveer Bharath allegedly told the Mail and Guardian that Mr Nkoana (Minister's brother) had solicited payments on behalf of his sister.

Requirements of the Code of Conduct

The Code of Conduct paragraph 8(g) requires that a Member must disclose Benefits

- (i) The nature and source of a benefit of a material nature; and
- (ii) the value of the benefit.

Minister's response

The Minister indicated that after her appointment she was allocated two residential properties and vacated her residential premises. The Minister appointed her brother Mr Harry Nkoana as caretaker of the property and gave him full responsibility for maintaining the property.

In her response the Minister submitted a declaration under oath denying any knowledge of the benefit accrued.

The Minister also submitted a signed affidavit from Mr Kaveer Bharath in which he denies telling the journalist that Mr Nkoana solicited the services on behalf of the Minister.

The Minister also provided a letter from Urban Security the company which provides the security services to the residence; they state that the Minister's brother signed the contract and was responsible for payment of the services. They had no interaction with the Minister.

Consideration of the response

1. The Minister does not deny that her brother received the loan/benefit.
2. She has stated under oath that she was not aware of the benefit.
3. The letter from the security company corroborates the Minister's response.
4. There is no evidence that the Minister received the benefit
5. The benefit relates to her property and therefore she benefits indirectly.

Recommendation

1. There is no evidence that the Member was unduly influenced or that there was any improper conduct.
2. The Code states that where any doubt exists as to the scope, application or meaning of any aspect of the Code, the good faith of the Member must be the guiding principle.
3. The Minister is now aware of the benefit accrued in respect of the security to her property, she is required to update her disclosure to reflect the benefit.