

IN THE NORTH GAUTENG HIGH COURT, PRETORIA
(REPUBLIC OF SOUTH AFRICA)

CASE NO 67574/12

In the matter between:

**MANDG CENTRE FOR
INVESTIGATIVE JOURNALISM**

First Applicant

BHARDWAJ, VINAYAK

Second Applicant

and

MINISTER OF PUBLIC WORKS

**INFORMATION OFFICER:
DEPARTMENT OF PUBLIC WORKS**



First Respondent

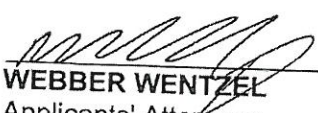
Second Respondent

FILING SHEET

Presented herewith for service and filing:

1. Replying Affidavit of Vinayak Bhardwaj;
2. Confirmatory Affidavit of Stefaans Brummer; and
3. Supporting Affidavit of Christopher John Robinson.

Dated at **JOHANNESBURG** on **8 MARCH 2013**


WEBBER WENTZEL
Applicants' Attorneys
10 Fricker Road, Illovo Boulevard,
Johannesburg, 2196
P O Box 61771, Marshalltown, 2107

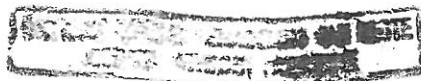
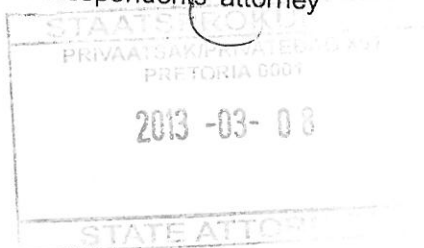
Tel: +27 11 530 5232
Fax: +27 11 530 6232
Email: dario.milo@webberwentzel.com
Ref: Dario Milo / E Sadleir / B Winks
2328295

To:
THE REGISTRAR
Pretoria

And to:
THE STATE ATTORNEY
Respondents' Attorneys
SALU Building
255 Francis Baard Street
Corner Thabo Sehume Street
Private Bag X91, Pretoria 0001
Tel: 012 309 1538
Fax: 086 644 6417
Email: BMinnaar@justice.gov.za
Ref: 7930/12/Z59 B Minnaar

Received copy hereof on this _____ day of
_____ 2013

For: Respondents' attorney



IN THE NORTH GAUTENG HIGH COURT, PRETORIA
(REPUBLIC OF SOUTH AFRICA)

CASE NO: 67574/12

In the matter between:

**MANDG CENTRE FOR
INVESTIGATIVE JOURNALISM NPC**

First Applicant

VINAYAK BHARDWAJ

Second Applicant

and

THE MINISTER OF PUBLIC WORKS

First Respondent

**THE INFORMATION OFFICER:
DEPARTMENT OF PUBLIC WORKS**

Second Respondent

REPLYING AFFIDAVIT

I, the undersigned,

VINAYAK BHARDWAJ

do hereby make oath and swear that:

- 1 I am the second applicant and the advocacy co-ordinator of the first applicant, which has its head office at 13th Floor, Metropolitan Building, 7th Coen Steytler Avenue, Foreshore, Cape Town. I deposed to the founding affidavit in this matter on behalf of the first applicant.

- 2 The facts and allegations herein are, save where the contrary is indicated by the context, all within my personal knowledge and are, to the best of my belief, both true and correct.
- 3 I have read the answering affidavit filed on behalf of the respondents and I respond thereto as contained herein. I am advised that the answering affidavit filed by the respondents raises, for the most part, issues that form the subject of legal argument that will be made before the Court at the hearing of this matter. In an effort to avoid prolixity and to assist the Court, I am advised it is not necessary to reply to each and every paragraph of the answering affidavit but will rather deal with the critical allegations. Any averment contained in the answering affidavit that is not explicitly admitted herein is denied.
- 4 Before dealing with each paragraph of the answering affidavit, I point out that the respondents appear to broadly raise the following issues as a defence of their conduct in refusing the applicants' request for information.
- 4.1 First, the respondents contend that the release of the records requested is not possible or required because they contain security-sensitive information, release of which would jeopardise the President's security. In so doing, the respondents rely on section 10 of the National Key Points Act 102 of 1980 (**"the National Key Points Act"**), sections 3 and 4 of the Protection of Information Act 84 of 1982 (**"the Protection of Information Act"**)

simply not sufficient to meet the obligations on a public body in dealing with a request for access to information under PAIA.

- 7 In the answering affidavit, for the first time, the respondents attempt to rely on sections 38 and 41 of PAIA as justification for their refusal of the records concerned. Sections 38 and 41 of PAIA deal respectively with the mandatory protection of safety of individuals and protection of property, and the defence, security and international relations of the Republic. Neither of these sections provide valid grounds for refusing access to the records requested, since the request explicitly excluded from its ambit any security sensitive information, stating as follows:

"We note that while the Act under certain circumstances allows information to be withheld, among other reasons for the protection of individuals (section 38), the Act also imposes a duty to sever and provide information which can reasonably be severed and does not contain the information which cannot be disclosed. We emphasise that our interest is not in the technical detail of security-sensitive improvements, but in the financial implications of procurement by the State in respect of Nkandla Estate."

- 8 Moreover, the respondents' refusal to engage properly or at all with the provisions of PAIA is unacceptable conduct by a government department which is required to give effect to section 7 and section 32 of the Constitution and to the provisions of PAIA. Yet another indication of this is the fact that, although the applicants were informed in writing that their internal appeal was being considered and that they would receive an answer shortly, the answering affidavit makes clear that the respondents simply chose not to respond to the internal appeal but

rather to let the time periods prescribed in PAIA lapse. This is simply not a response that complies with the requirements of PAIA.

9 The applicants have, throughout these proceedings, and indeed, in the request itself, as quoted above, made clear that they do not seek access to any security sensitive-information but only to information concerning the financial implications of state procurement in the upgrade of the Nkandla Estate ("**the Nkandla upgrade**").

10 At no point did the respondents attempt to sever any security-sensitive information as required by section 28 of PAIA or to indicate why severance under section 28 was not possible. It simply cannot be true that every single item of information related to the building, budgeting and funding of the Nkandla upgrade is security-sensitive. This is borne out by the following:

10.1 First, officials of the Department of Public Works ("**the Department**"), including the first respondent ("**the Minister**") himself, have repeatedly made public statements disclosing information relating to the Nkandla upgrade, which is of such a nature that it cannot be considered security-sensitive. This is apparent from the very fact that the Department has disclosed it. These disclosures include the following:

10.1.1 On 15 May 2012, the Department (represented by Ms Mandisa Fatyela-Lindie, who refused the applicants' request in this matter) presented its Strategic Plan and

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Budget for 2012/2013 to the Select Committee on Public Services in the National Council of Provinces. According to the minutes of the briefing, a copy of which is attached hereto marked "RA1", the Department handed out a spread-sheet recording the budget allocations. Row 648 on the spread-sheet bears the "WCS number" 47455 and the description "Eshowe,,, Inkandla: Installation of security measures and related". Among other things, it records that the "financial tender date" for this item was 1 June 2010, that for 2012/2013 the "contractor allocation" would be R33 797 380, and the "consultant allocation" would be R2 858 603. The printed spread-sheet is 405 A4 pages long, and thus to avoid unduly burdening the papers in this matter, only the row relating to Nkandla is attached hereto, marked "RA2". The applicants accessed the spread-sheet online at www.pmg.org.za/report/20120515-briefing-department-public-works-their-strategic-plan-and-budget-vote, where it remains available. Full copies of the printed spread-sheet will be made available at the hearing of this matter, should this be necessary.

- 10.1.2 On 5 October 2012, the Minister issued a press statement, a copy of which is attached hereto marked "RA3". In this press statement, the Minister revealed that the Nkandla upgrade included, among other things, the


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reinforcing of barriers, high security fences, safe havens, helipads, an air crew pavilion and a clinic.

10.1.3 On 27 January 2013, the Minister issued another press statement, a copy of which is attached hereto marked "RA4". In it, the Minister disclosed various items of information relating to the Nkandla upgrade, such as the number of service providers used and the amounts spent on security upgrades, including consultancy fees, operational needs and the overall amount spent by the State. He also disclosed that the Nkandla upgrade involves the installation of bullet proof windows and security fence construction.

10.1.4 In the answering affidavit itself, the respondents disclose various facts about flaws in the procurement process and budgetary allocation in respect of the Nkandla upgrade.

10.2 Second, I refer to the evidence of Mr Christopher John Robinson, whose supporting affidavit is filed herewith. Mr Robinson is a civil engineer with considerable experience in construction projects undertaken by the South African government, including extensive experience in security-related projects undertaken by the Department. He confirms that, it is factually impossible that all documentation created in the course of such projects, without exception, could be presented in such a way that the security-

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sensitive information cannot be redacted while preserving the remaining information in a meaningful form.

10.3 Third, I refer to three documents attached to this affidavit that have come into the possession of the applicants, which appear to be, and I believe that they are, true copies of documents generated and circulated among officials of the Department in relation to the Nkandla upgrade.

10.4 I make reference to these documents because I believe they clearly demonstrate that the respondents cannot correctly state that all of the records requested by the applicants are so replete with security-sensitive information that they cannot be released in redacted form. In particular, as explained more fully below, these documents are examples of records falling within the scope of the request, which either contain no security-sensitive information or, even if they contain some security-sensitive information, it is presented in such a way that it is capable of being redacted from the records required to be released to the applicants.

10.5 These documents were provided anonymously to the first applicant.

10.6 The document attached as annexure "RA5" hereto is entitled "*Terms of Reference - Durban : Prestige Project A : Security Measures - WCS 047455*", marked with the logo of the Department, and dated 8 September 2010.

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- 10.6.1 This document describes the aim of the project as "*providing security measures and supporting facilities for the current Head of State at his private residence*" in Nkandla. The document sets out the scope works only in broad descriptions, such as "*sewerage installations*", "*groundwork*" and "*new tuck shop and toilets*", without disclosing any of the precise locations, specifications or vulnerabilities of any of these items.
- 10.6.2 It is clear that this document falls within the ambit of the applicants' request, as it includes information concerning the financial implications of state procurement in the Nkandla upgrade. I submit that it is also clear that the document does not contain any information that can be considered security-sensitive, and that even if, for example, the identities of persons involved in the project was considered security-sensitive information, which is denied, such information could clearly be redacted from the record.
- 10.7 The document attached as annexure "**RA6**" hereto is entitled "*Internal Memorandum*", marked with the logo of the Department, addressed from the Regional Manager: Durban to the Honourable Minister, in respect of the project named "*Durban : Prestige Project "A" : Security Measures*", and dated 28 March 2011.

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- 10.7.1 This document records, among other things, that the cost allocation for the project is between a "*Public (State) portion*" amounting to R203 079 677.18 and a "*Private (Owner) portion*" amounting to R10 651 580.64. It records further that work falling under the private portion "*falls outside the scope of security measures*" and cannot be implemented "*without the written instructions from Top management*". Such work includes "*Detailed landscaping*" of "*Zone C Residential dwellings*", and each item bears an indication of cost.
- 10.7.2 It is clear that this document falls within the ambit of the applicants' request. I submit that it is also clear that the document does not contain any information that can be considered security-sensitive. It specifically describes itself as referring only to work that falls outside of security measures, and in any event does not describe such work in any detail that could reveal the precise locations, specifications or vulnerabilities of any of the items listed.
- 10.8 The document attached as annexure "**RA7**" hereto is entitled "*National Department of Public Works - Durban Region: Durban Project A: Additions and Alterations*", and marked with the logo of the Department.
- 10.8.1 I am advised and submit that this document falls within the ambit of the applicants' request. It clearly relates to

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the same project as the two documents described above, namely the Department's upgrade of the Nkandla Estate of the President. Although it is undated, it must have been created after the commencement of the project in May 2009.

- 10.8.2 This document contains a table with columns entitled "*building / cost centre*", "*initial estimate*", "*consolidated estimate*" and "*private*". Under "*building / cost centre*", the document records broad descriptions of works, such as "*Guard House, Bin and Tuck Shop*", "*New Guest + 2 Private Residences*" and "*proposed lifts to 2 new residences*", with figures recorded in one or more of the other columns. The "*building / cost centre*" column also includes entries such as "*Contingencies (15%)*", "*Pre-tender*", "*Post-escalation*" and "*Consultants fees (20%)*".
- 10.8.3 It is clear that this document falls fully within the ambit of the applicants' request. I submit that it is also clear that the document does not contain any information that can be considered security-sensitive, and that even if the logo of a consultant was considered security-sensitive information, which is denied, such information could clearly be redacted from the record released to the applicants.

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10.9 It is clear from the above that the respondents are in possession of records falling within the ambit of the request and which ought to have been disclosed, with the appropriate redactions where necessary.

11 In the circumstances it is difficult to see how the records requested are so replete with security-sensitive information that disclosure of at least appropriately redacted records is not possible.

12 What is clear is that the respondents took a decision not to disclose any information requested. Instead, what they ought properly to have done was to start from the premise that they were obliged to disclose the information requested except for that information which fell within one of the grounds, under PAIA, on which a request may validly be refused.

13 The respondents failed to engage with the request at all. In so doing, they have compelled the applicants to resort to the time-consuming and expensive process of seeking relief from this Court for access to information which could validly have been disclosed when the request was first received.

THE PUBLIC INTEREST IN THE DISCLOSURE OF THE RECORDS

14 The respondents' answering affidavit states that section 46 of PAIA does not apply to the present request. Section 46 of PAIA provides:

"Despite any other provision of this Chapter, the information officer of a public body must grant a request for access to a

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record of the body contemplated in section 34 (1), 36 (1), 37 (1) (a) or (b), 38 (a) or (b), 39 (1) (a) or (b), 40, 41 (1) (a) or (b), 42 (1) or (3), 43 (1) or (2), 44 (1) or (2) or 45, if-

- (a) the disclosure of the record would reveal evidence of-*
 - (i) a substantial contravention of, or failure to comply with, the law; or*
 - (ii) an imminent and serious public safety or environmental risk; and*
- (b) the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question."*

- 15 In the Minister's press statement dated 27 January 2013 (annexure "RA4"), he indicated that the task team investigation into the Nkandla upgrade had revealed that there were significant instances of non-compliance with supply chain management processes, bid adjudication procedures, financial regulations and other controls. Such conduct is in conflict with section 217 of the Constitution, the Public Finance Management Act 1 of 1999 ("**the PFMA**") and the Treasury Regulations.
- 16 On the respondents' own version, therefore, section 46 of PAIA requires disclosure of the records requested as they would clearly reveal evidence of a substantial contravention of, or failure to comply with, the law. I submit that there is an inherent and important public interest in exposing a substantial contravention of the law.
- 17 I submit further that the public interest in the disclosure of the requested records overwhelmingly outweighs any harm contemplated in section 38 or section 41 of PAIA. In addition to the reasons set out in the founding

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affidavit, I submit that the public bears a basic democratic right to know how public money is spent. The applicants' request relates to the public funding of upgrades, not to a state-owned residence such as Tuynhuys or Bryntirion, but to a private residence owned by President Zuma in his private capacity, and which he will continue to own, or be free to sell, well after he has ceased to serve as the President of South Africa. In this context, the public undoubtedly has a right to maximum openness, responsiveness and accountability from the state, in ascertaining why and how over R200 million of public funds - which are already too scarce and stretched to meet the nation's developmental needs - was spent.

- 18 Legal argument in this regard will be addressed at the hearing of this matter.

AD SERIATIM RESPONSES TO THE RELEVANT PARAGRAPHS OF THE ANSWERING AFFIDAVIT

AD PARAGRAPHS 1-4

- 19 The contents of these paragraphs are noted, save to state that the deponent does not state how he has personal knowledge of the facts of this matter, as he only assumed the position of Director-General of the Department only on 16 January 2013, less than two weeks before deposing to the respondents' answering affidavit. Ms Flatela-Lindie's affidavit filed with the answering affidavit confirms only the facts as they relate to her and does not confirm the facts alleged in the remainder of the affidavit. Indeed, the deponent states that "*save where the context*

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clearly indicates otherwise, the facts contained in this affidavit are within my own personal knowledge and belief..." However, the deponent does not state how he has personal knowledge of the events in question, as he was not responsible for the matter at any relevant time.

20 I therefore deny that the facts contained in the answering affidavit are true and correct and I specifically deny that the deponent may validly assert the facts which he does in the answering affidavit.

21 Legal argument in this regard will be addressed at the hearing of this matter.

AD PARAGRAPH 5

22 I admit the contents of this paragraph.

AD PARAGRAPH 6

23 It is denied that the respondents validly rely on the National Key Points Act, the Protection of Information Act or sections 38 and 41 of PAIA. It is further denied that the declaration of the Nkandla Estate as a National Key Point absolves the respondents from engaging and complying with the requirements of PAIA. This is made plain in section 5(a) of PAIA, which states that PAIA "*applies to the exclusion of any provision of other legislation that ... prohibits or restricts the disclosure of a record of a public body...*".

- 24 As I have stated repeatedly since my initial request, none of the information requested in relation to the Nkandla Estate compromises the security measures of a National Key Point.
- 25 Moreover, the respondents have not explained how the National Key Points Act precludes disclosure of the requested records. Section 10(2)(c) of the National Key Points Act provides as follows:

"Any person who furnishes in any manner whatsoever any information relating to the security measures, applicable at or in respect of any National Key Point or in respect of any incident that occurred there, without being legally obliged or entitled to do so, or without the disclosure or publication of the said information being empowered by or on the authority of the Minister, or except as may be strictly necessary for the performance of his functions in regard to his employment in connection with, or his ownership of, or as may be necessary to protect, the place concerned, shall be guilty of an offence and on conviction liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment." (emphasis added)

- 26 It is evident from the emphasised sections of this provision that the National Key Points Act does not prohibit disclosure of any information at all related to a National Key Point. Rather, it prohibits disclosure of information: which relates to security measures; which a person is not legally obliged or entitled to disclose; and of which the Minister of Defence (according to section 1 of the Act) has not authorised disclosure. I am advised that the language of the provision is such that these requirements are cumulative and that all three of them must apply to certain information in order for its disclosure to be prohibited by the National Key Points Act. I am advised and submit that the prohibition

does not apply to the requested records for the following reasons, each independent of the others:

- 26.1 First, the applicants have not requested information related to security measures, but only to the financial implications of the procurement of the Nkandla upgrade, specifically excluding security-sensitive information.
- 26.2 Second, the applicants assert that the Department is not only entitled but obliged under PAIA to release the requested records, for the reasons set out in the founding affidavit and this replying affidavit.
- 26.3 Thirdly, the deponent to the answering affidavit has not stated that the Minister of Defence has forbidden disclosure of information relating to the Nkandla Estate, nor has the Minister of Defence deposed to a confirmatory affidavit to that effect. Accordingly, the respondents have laid no basis at all for the application of the National Key Points Act to the records requested by the applicants.
- 27 In any event, as I have stated above, PAIA applies to the exclusion of any other law prohibiting access to records, as is clear from section 5 of PAIA.

28 The respondents are therefore incorrect when they contend that the information requested is protected from disclosure by the National Key Points Act.

AD PARAGRAPH 7

29 I have no knowledge of the contents of this paragraph.

AD PARAGRAPH 8

30 I have no knowledge of the contents of this paragraph.

AD PARAGRAPH 9

31 It is denied that the task team report contains security-related information and therefore can't be made public. This is clear from the fact that the Minister saw fit to disclose the findings of the task team.

AD PARAGRAPHS 10-16

32 I have no knowledge of the contents of these paragraphs. However, I note that the deponent does not testify to the truth of these alleged facts. He testifies only that these paragraphs represent a summary of the task team findings that were released to the public by the Minister in his press statement dated 27 January 2013 (annexure "RA4"). The deponent does not state that he has personal knowledge of these alleged facts, nor even that he has read the task team's report, but only that they are contained in the press statement.

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- 33 I note further that several of the task team's *"findings"* to which the deponent refers do not appear in the Minister's press statement of 27 January 2013, but rather appear to be copied verbatim from the Minister's press statement dated 5 October 2012 (annexure "RA3"), before the task team was established. These include, for example, that *"the roads to the area were muddy and required good 4x4 driving skills and suitable vehicles"*. Thus, either these statements do not form part of the task team's report, rendering the deponent's statement untrue, or they do form part of that report, revealing that the task team has copied verbatim the Minister's views into their findings.

AD PARAGRAPH 17

- 34 The contents of this paragraph are noted. This is precisely the sort of information that the respondents could and ought to have disclosed in response to the request.

AD PARAGRAPH 18

- 35 The contents of this paragraph are noted. I point out once more that this information could have been released in relation to the request for information. There are clearly no security concerns with releasing the information in this paragraph. Accordingly, the non-disclosure of this information, which is of critical concern to the public, is entirely unjustified and in conflict with the requirements of PAIA.

AD PARAGRAPH 19-24

36 The contents of these paragraphs are noted.

AD PARAGRAPH 25

37 Save to reiterate the lack of personal knowledge of the deponent to the answering affidavit and the fact that Ms Flatela-Lindie's confirmatory affidavit does not cure this flaw in the respondents' affidavit, I note the contents of this paragraph.

AD PARAGRAPHS 26-32.1

38 The contents of these paragraphs are noted.

AD PARAGRAPH 32.2

39 The contents of this paragraph are denied. As I have stated above in this affidavit, none of the requested information is security-sensitive. On the contrary, the applicants have specifically requested that the records be severed from any security-sensitive information. The fact that such severance is possible is clear from the limited disclosures that the respondents have already made to Parliament, the public and this Court in the answering affidavit, as well as from the supporting affidavit of Mr Robinson and the documents attached as annexures "RA5", "RA6" and "RA7".

- 40 In any event, at no point have the respondents even attempted to indicate to the Court how the records are so replete with security-sensitive information that they are incapable of severance. PAIA requires engagement with the grounds of refusal in relation to each and every record requested.
- 41 I submit that it is not sufficient for the deponent to state baldly that all of the records relating to the Nkandla upgrade are so replete with security-sensitive information that they are incapable of severance, without stating how and why this is so, and indeed how and why he knows that this is so. I note that the deponent does not testify that he has examined any, let alone all, of the records relating to the Nkandla upgrade, and thus that this paragraph of the answering affidavit does not constitute evidence of the facts alleged in it.
- 42 Moreover, there is nothing "*internally contradictory*" about the fact that the applicants have stated that they do not seek access to security-sensitive information. As evidenced by the affidavit of Mr Robinson, it is impossible that every record requested is so replete with security sensitive information that it cannot be appropriately severed to deal with any security concerns.
- 43 The mere fact that the respondents have, in their answering affidavit, referred to various facts which would form part of the records requested, is indicative of the fact that the respondents have over-stated the sensitive nature of the records requested.

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AD PARAGRAPH 32.1.1

- 44 It is denied that the records envisaged under the heading "*needs assessments/motivations*" consist only of security assessments by the South African Police Services, the Department of Defence and other security agencies or that they relate only to the security requirements of the President.
- 45 The applicants have repeatedly made clear that this is not the sort of information to which they seek access. The "*needs assessments/motivations*" requested clearly refer to a much broader category of records. When one looks at the wording of the request itself, it is immediately clear that the respondents have mischaracterised the request. The request for access is for information relating to the financial implications of procurement by the State in respect of the Nkandla upgrade. It is not for information about the security arrangements of the President, as alleged by the respondents.
- 46 I therefore deny that the allegations in paragraph 32.1.1 are correct.
- 47 In any event, the deponent to the answering affidavit states only that these records "*contain*" security-sensitive information. He does not state whether, why and how this information is presented in such a way that it is incapable of severance. Accordingly, this paragraph does not support the conclusion that the records cannot be released in redacted form. It is, moreover, clear from the Minister's press statement dated 5 October

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2012 (annexure "RA3"), which discloses details of the "security threat analysis" (such as the lack of waterborne sewerage and the necessity of "good 4x4 driving skills"), that at least this information was considered insufficiently security-sensitive to preclude its public disclosure. Many of the same details of the security threat analysis are repeated verbatim in paragraph 11 of the answering affidavit.

AD PARAGRAPH 32.1.2

- 48 I deny the contents of this paragraph. The facts alleged in this paragraph ought properly to have been disclosed in response to the request for information. Moreover, the fact that no budgets were allocated for the security upgrade of the Nkandla Estate in circumstances where the respondents have indicated that the total amount spent by the Department of Public Works is some R206 million, indicates conduct in conflict with the principles of section 217 of the Constitution, the PFMA and Treasury Regulations.
- 49 It is simply unacceptable that the respondent states that "*there are no records reflecting the budget available for this project.*" The spending of public money requires, at the very minimum, that budgets are allocated for projects of this magnitude. This is in an effort to ensure transparency, accountability and efficiency in how public money is spent.
- 50 The respondents' answers in this paragraph reveal evidence of a violation of procurement laws. The so called "public interest override" in

section 46 of PAIA is therefore clearly applicable to the present proceedings. The answering affidavit discloses evidence of a substantial contravention of the law and the public interest in the disclosure of the evidence clearly outweighs any harm in disclosing the information requested.

- 51 In any event, the spread-sheet handed out at the Department's budget briefing to the National Council of Provinces on 15 May 2012 (annexure "RA2") clearly shows that there was indeed a budget allocated for the Nkandla upgrade for the 2012/2013 financial year.

AD PARAGRAPH 32.1.3

- 52 The deponent to the answering affidavit states only that these records "contain" security-sensitive information. He does not state whether, why and how this information is presented in such a way that it is incapable of severance. Accordingly, this paragraph does not support the conclusion that the records cannot be released in redacted form.
- 53 To the extent that the documents did contain security-sensitive information, the respondents were under an obligation to sever such information and to provide the redacted records to the applicants.
- 54 As the affidavit of Mr Robinson, filed herewith, indicates, it is impossible that all of the records, without exception, are so replete with security-sensitive information that they are incapable of severance.

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AD PARAGRAPH 32.1.4

- 55 It is denied that the contents of this paragraph justify the decision not to disclose the information requested. In view of the supporting affidavit of Mr Robinson, filed herewith, it is clearly not a given that the identities of successful service providers must of necessity be protected. It is incumbent on the respondents to explain why the disclosure of such identities would compromise the security of the Nkandla Estate. The respondents have tendered no such explanation, nor could they correctly do so, as the Department has disclosed the identities of service providers involved in security-sensitive projects. This is evident from the webpage entitled "*Awarded Tenders*" on the Department's website, accessible at <http://www.publicworks.gov.za/proctendersclosed.html>. The screenshot attached as "**RA8**" taken on 5 March 2013 shows clearly that, if the term "*Bryntirion*" is entered into the search field, the results reveal that Kgafela Construction CC has been awarded the tender for "*construction of outer boundary fence and ancillary structures*" at Bryntirion, which is the official presidential residence in Pretoria.
- 56 In any event, yet again, the respondents ought to have applied the provisions of section 28 to justify severing any information that raised specific security concerns. A general and bald assertion that the documents raise security concerns does not meet the requirements of PAIA.

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AD PARAGRAPHS 33-34

57 The contents of these paragraphs are noted.

AD PARAGRAPH 35

58 It is denied that the Minister was entitled to simply disregard the time periods for responding to an internal appeal and in effect to disregard the internal appeal. The Minister is obliged by the provisions of section 77 of PAIA to consider the internal appeal and to make a decision thereon. Specifically, section 77(3) of PAIA states that the relevant authority "*must decide on the internal appeal ... as soon as reasonably possible but in any event within 30 days after the internal appeal is received by the information officer of the body.*" Section 77(4) requires the relevant authority to give notice of the decision on internal appeal, to the requester *immediately* after the decision. There are various other obligations on the relevant authority in giving notice of the decision on internal appeal, including the provision of reasons for the decision and the right to approach a court against the decision on internal appeal.

59 In choosing to ignore the internal appeal and simply "*allow the provisions of section 77(7) of PAIA to take effect*", the Minister intentionally disregarded the requirements of the statute and failed to comply with his legislative obligations. Moreover, despite this decision and I have pointed out in paragraph 35 of my founding affidavit, the Applicants were informed that a decision would be sent to them despite the fact that this was not correct.

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60 This is yet another indication that that Minister has failed to comply with his obligations under PAIA and in fact, on the respondents' own version, has intentionally ignored those obligations.

61 Moreover, the Minister has not deposed to an affidavit confirming the contents of this paragraph, and thus, in the absence of an explanation from the deponent of how he knows what the Minister decided, it cannot constitute evidence of the facts alleged therein.

AD PARAGRAPH 36

62 I deny the contents of this paragraph. In respect of the averment that the records sought are so replete with security-sensitive information that they cannot be disclosed, the reasons for my denial are set out exhaustively above.

63 In respect of the averment that the applicants should be mulcted in costs for proceeding by motion proceedings, I submit that it is preposterous and plainly wrong. The applicants have adhered strictly to the provisions of PAIA in instituting the present proceedings. An application to court on affidavit is the only procedure prescribed by Chapter 2 of PAIA, as well as the Rules of Procedure adopted in terms of section 79 of PAIA. It is frankly alarming that the respondents can allege that the applicants have made a procedural misstep, when the respondents have repeatedly and egregiously failed to comply with PAIA or even to consult its contents.

64 It is necessary to repeat here that the second respondent was required to inform the applicants what provisions of PAIA were relied on to refuse the request, but she did not do so. The first respondent was required, in turn, to do the same when dismissing the appeal, as well as to notify the applicants of the right to approach a court, but did not do so. Indeed, he did not notify the applicants of anything at all, let alone the reasons for his refusal and the appellants right of further recourse.

65 Moreover and in any event, I am advised that it is settled law that private persons legitimately seeking to vindicate constitutional rights against the State are not to be punished for doing so with a costs order, even if they are unsuccessful. Accordingly, the relief sought by the applicants must be granted with costs, including the costs of two counsel. Argument in this respect will be made at the hearing of this application.

AD PARAGRAPH 37

66 The contents of this paragraph are noted.

AD PARAGRAPH 38

67 The contents of this paragraph are denied for the reasons set out above in this affidavit. I point out that at no point in response to the request did the respondents indicate that they were relying on sections 38 and 41, nor on what basis they were relying on them. For the first time, in the answering affidavit, the respondents seek to rely on these provisions.

68 I am advised and submit that the respondents' reliance on these sections is without basis, as PAIA requires in section 28 that any protected information that can be severed, must be severed. The applicants have shown in this affidavit that severance is clearly possible. The respondents were therefore under an obligation to sever any security-sensitive information before disclosing the records requested.

69 The remainder of the contents of this paragraph are denied in so far as they are inconsistent with the contents of this replying affidavit.

AD PARAGRAPH 39

70 I note the bare denial by the respondents.

AD PARAGRAPH 40

71 For all the reasons set out in this affidavit, I deny that the public interest does not outweigh the respondents' reasons for refusing access to the records.

72 I have dealt above in this affidavit with why section 46 of PAIA applies and do not repeat this here, save to deny the contents of this paragraph in so far as they are inconsistent with the contents of this replying affidavit.

AD PARAGRAPH 41

73 It is denied that the actions of the task team have counter-balanced the perceptions created in the public domain and in Parliament. A mere reading of the major newspapers in South Africa evidences that the public interest in the amounts of money spent on the Nkandla upgrade by the State remains active and relevant. A sample of recent newspaper articles reflecting this is attached hereto marked "RA9".

74 I deny the remainder of the contents of this paragraph in so far as they are inconsistent with the contents of this replying affidavit.

AD PARAGRAPH 42


75 I note the contents of this paragraph, save to deny that the Minister has revealed all of the details of the extent of public expenditure on the Nkandla upgrade.

AD PARAGRAPH 43

76 I have no knowledge of whether the motion of no confidence in President Zuma was with or without basis. In any event, the issue is not the correctness of the substance of the motion, but the very fact of it.

AD PARAGRAPH 44

77 I note that the deponent states that President Zuma did not contravene any legislation by disclosing the fact that the Nkandla upgrade included

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fencing, bullet-proofing windows and a bunker. Thus, the deponent to the answering affidavit admits that such information is not security-sensitive and could be disclosed in an appropriately redacted record. Moreover, the deponent admits that the disclosure of such information is not a contravention of the National Key Points Act, the Protection of Information Act or any other law. For this reason, in addition to the more fundamental reasons set out above in this affidavit, the respondents' reliance on those Acts in their answering affidavit cannot be correct.

AD PARAGRAPH 45

78 I note the contents of this paragraph.

AD PARAGRAPH 46

79 I note the contents of this paragraph, save to deny that the Minister's statement of 27 January 2013 "*detailed the true extent of public expenditure*" on the Nkandla upgrade, as well as to deny that the deponent has explained how he knows that what the Minister said is in fact true. I refer this Court to my comments above in this affidavit in respect of the Minister's statement dated 27 January 2013.

AD PARAGRAPH 47

80 I note the contents of this paragraph, save to reassert that the public interest in the disclosure of the record clearly outweighs the harm contemplated by the respondents.

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AD PARAGRAPH 48

81 I note the contents of this paragraph.

AD PARAGRAPH 49

82 The contents of this paragraph are denied for all the reasons set out in this affidavit. Legal argument in this regard will be addressed to the Court at the hearing of this matter.

AD PARAGRAPHS 50-52


83 The contents of these paragraphs are noted, save to deny that the respondents had good reason to refuse to release the requested records. In the circumstances, the relief sought by the applicants should be granted with costs, including the costs of two counsel.

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V. Bhargava

VINAYAK BHARDWAJ

Signed and sworn to before me at *Cape Town* on *7* MARCH 2013, the deponent having acknowledged that he knows and understands the contents of this affidavit and that it is true and correct.



COMMISSIONER OF OATHS

Full names:	Paul Andrew Hedderwick
Business address:	Norton Rose House
	8 Riebeeck Street
Designation:	Cape Town
Capacity:	Commissioner of Oaths - Ex Officio
	Practising Attorney
	Republic of South Africa


More like this

- Minister & Department of Public Works: 2012 Strategic Plan
- Department of Public Works 1st Quarter 2012 Performance Report
- Department of Public Works Turnaround Strategy, 2nd Expanded Public Works Programme Summit resolutions
- Basic Education, Social Development & Public Works spending
- Urban Settlements Development Grant: briefing by Treasury; Devolution of Property Rates Funds Grant: briefing by Public Works

Department of Public Works 2012 Strategic Plan

 » [Printer-friendly version](#)
Public Services
Date of Meeting: 15 May 2012

Chairperson: Mr M Sibande ANC (Mpumalanga)

Documents handed out:

Department of Public Works Allocations

Department of Public Works Strategic Plan and Budget for 2012/13

Audio recording of the meeting:

SC PServices: Briefing by the Department of Public Works on their Strategic Plan and Budget Vote 2012

Summary:

The Department of Public Works (DPW) presented its Strategic Plan and Budget for 2012, and highlighted issues of importance in the current year. DPW was implementing a turnaround strategy, and was aware of the need to audit and improve leases, to formulate a proper asset registry, and to resolve the issues arising from the unfavourable audit outcomes. The DPW would be refurbishing vacant and under-utilised properties, would enter Phase 2 of the Expanded Public Works Programme (EPWP); accelerate efforts on the National Youth Services Programme (NYSP), build on its skills development programmes, develop a green building framework, pay attention to the devolution of client maintenance; as well as introduce the necessary IT infrastructure. Key policy priorities included achieving stability in the department, strengthening the immovable asset register, achieving transformation in the built environment through empowering emerging contractors, working towards efficient client relations management, improving supply chain management, and addressing the challenges of the Property Management Trading Entity (PTME). The State Land Disposals Act of 1961 had to be reviewed and a Facilities Management Policy and Strategy Implemented. The five programmes of the DPW, and their key priorities, were outlined. A detailed budget breakdown was provided. Most of the budget was reserved for Programme 2: Immovable Asset Management, as R5.364 billion of the total R8 billion allocation. Other line item allocations were set out and compared to allocations for the following years, and the allocations for entities was also noted. The Independent Development Trust (IDT) was to receive R9.6 million. The total infrastructure budget allocation for 2012/13 was R1.4 billion, with R1.7 billion in 2013/14 and R1.2 billion in 2014/15.

Members were critical of the fact that, once again, the documents were not forwarded timeously to the Committee, and were also displeased that this appeared to be the same presentation as was given to the Portfolio Committee. Members wanted specific timeframes for auditing of leases and review of lease management systems, as well as more specific indicators of the audit challenges and what was done to address them, as they thought the presentation had given insufficient detail on this. Detailed reports of properties in provinces were also required, and Members enquired whether the DPW had any responsibilities in regard to municipal properties. A Member enquired whether State funerals would be granted for Members of Parliament. Members expressed concerns that numerous departments presented numerous turnaround strategies, but stressed that real results had to be shown. They were concerned about the prevalence of acting posts, and wondered if those responsible for the previous problems were still holding office. They were frustrated at the recurring issues around the Asset Register, asked if the deadline to finalise it would be met, and wondered if the target of creating 4.5 million job opportunities by 2014 could be achieved. They were concerned that rural roads had to be attended to, whenever facilities were built. The Dolomite Risk Management Programme was questioned, as well as controls put in place over spending, the implementation of the White Paper insofar as the Property Management Trading Entity was concerned, and Members called for clarity on the Inner City Regeneration programme, which departments were not in Pretoria CBD, and stressed that risk management was a very important component of controls. The Committee could exercise its prerogative to conduct unannounced visits to the DPW.

Minutes:
Department of Public Works Strategic Plan and Budget for 2012/13

Ms Mandisa Fatyela-Lindie, Acting Director-General, Department of Public Works, presented the strategic plan of the Department of Public Works (DPW or the Department) for 2012/13. She noted that the Strategic Plan was informed by national priorities drawn from the Medium Term Strategic Framework and the ten policy priorities adopted by Government in 2009. The DPW was the single biggest player in the Property and Construction sector.

The DPW had adopted a turnaround strategy that was aimed at addressing poor performance and negative audit outcomes in the Department. She noted upfront that the Department had experienced problems in managing its asset registry, as well as leases. It had now entered into a joint venture with National Treasury to audit and review all leases, in order to identify irregular leases, and to strengthen lease management systems and capacitate the Property Management function.

Some of the particular initiatives of the DPW were described. It would be refurbishing vacant and under-utilised properties. It would enter into Phase 2 of the Expanded Public Works Programme (EPWP); accelerate efforts on the National Youth Services Programme (NYSP), build on its skills development programmes, develop a green building framework, pay attention to the devolution of client maintenance; as well as introduce the necessary IT infrastructure. Details of the Department's mandate, as well as the Minister's Performance Agreement, were outlined in slide 8 (see attached presentation).

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The Department had identified some key policy priorities for the next five years. Firstly, there was a need to stabilise the Department. The State's immovable asset register had to be strengthened, and there would be auditing of leases. There was a need to address the audit challenges. Transformation in the built environment was targeted through empowering emerging contractors, in line with Broad Based Black Economic Empowerment (BBBEE) principles, and the Department had to contribute to addressing the triple challenge of unemployment, poverty and inequality. It would be necessary to work towards efficient client relations management, to improve supply chain management, and to address the challenges of the Property Management Trading Entity (PTME), review the State Land Disposals Act of 1961 and DPW must implement a Facilities Management Policy and Strategy. It would be necessary to finalise draft legislation. Skills would be developed in the built environment, through various programmes (detailed in the attached presentation).

Ms Fatyela-Lindie then identified the four entities that reported to the Department of Public Works, and how they fell into this plan (see attached presentation for details).

The strategic objectives were spread across the five programmes of the DPW. Programme 1: Administration dealt with, the management of the Ministry, under the Office of the Director-General. Other key units incorporated in this office included the offices of the Chief Operating Officer, the Strategic Management Unit, Intergovernmental Relations and Parliamentary Services, Monitoring and Evaluation, Internal Audit and Investigation Services, Finance, Supply Chain Management and Corporate Services.

Programme 2: Immovable Asset Management, provided and managed government's Immovable property portfolio, in support of government's social, economic, functional and political objectives. She noted that there were five sub-programmes: namely, Strategic Asset Investment Analysis, Projects and Professional Services Inner City Regeneration Programme Operations Management and Key Account Management and Prestige. The key priorities for each were listed.

Programme 3: Expanded Public Works Programme, was intended to create work opportunities and to provide training for unskilled, marginalised and unemployed people in South Africa, by coordinating the implementation of the EPWP. The commitment of the programme was to create 4.5 million work opportunities by 2014 (equivalent to 2 million Full-Time Equivalent jobs). She assured the Committee that the DPW was on target with the delivery of these job opportunities.

Programme 4: Property and Construction Industry Policy Regulation, aimed to promote growth and transformation in the construction and property industries, as well as to promote uniformity and best practices. Details were given (see attached presentation) of the initiatives.

Programme 5: Auxiliary and Associated Services programme, was tasked with a number of matters, including the management of State Funerals as well as Inaugurations.

Ms Sue Mosegomi, Acting Chief Financial Officer, DPW, outlined the presentation on the Department's budget. The bulk of the budget allocations were reserved for Programme 2: Immovable Asset Management, and all its sub-programmes, comprising R5.364 billion of the total R8 billion allocation. For 2012/13, the allocation for compensation of employees was R1.2 billion, and in the following year this would rise to R1.3 billion. Goods and services were expected to rise from R596 million to R621 million, office accommodation from R469 million to R504 million, transfers and subsidies from R4 billion to R4.5 billion, buildings and other fixed structures from R1.4 billion to R1.7 billion, Machinery and Equipment from R91 million to R101 million, and software and other Intangible assets from R5.6 million to R5.9 million.

The EPWP Non-state Sector allocation was expected to rise from R279 million in 2012/13 to R354 million in 2013/14. She set out the allocations for the current financial year, for the Construction Industry Development Board, the Council for the Built Environment, Infrastructure budgets and the allocation for the Border Control Committee, and border post infrastructure (see attached presentation for full details). Details were also provided for augmentation of the PMTE, the Parliamentary Village Management Board, an the EPWP Incentive grants for municipalities (R599 million), provinces' Infrastructure grant (R292 million), social sector EPWP (R217 million) and devolution of the Property Rates Fund to Provinces. The Independent Development Trust (IDT) was to receive R9.6 million.

The total infrastructure budget allocation for 2012/13 was R1.4 billion, rising to R1.7 billion in 2013/14 and R1.2 billion in 2014/15. Further details were provided on all allocations (see attached presentation).

Discussion


The Chairperson requested that in the future, the Department should ensure that the documents arrived timeously. Some had arrived only on this morning. He also appealed to officials in the Ministry to ensure that requested documents arrived in the appropriate timeframe. He further asked that the use of acronyms in presentations should be limited, to ensure greater clarity.

Ms M Themba (Mpumalanga, ANC) voiced her dissatisfaction with the fact that this presentation had already been made to the National Assembly (NA) Portfolio Committee. She urged that different presentations should be made in the two different Houses.

Ms Themba sought timeframes for the auditing of leases and the reviewing of lease management systems, as well as an indication of what audit challenges were, and the measures to be implemented to address them.

Ms Themba wanted a detailed reporting from provinces as to what was happening with regard to the houses and the properties owned by the state in those provinces.

Ms Fatyela-Lindie responded that the lease review would be undertaken within twelve months and iterated the collaboration with the Ministry of Finance and National Treasury, to implement measures and apply fundamental principles. She then noted that the Asset Register was a robust and living document that needed

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constant updating. She conceded that there were various mistakes in the Asset Register, in terms of the way information was captured. She then noted that there was often a need for physical verification of physical assets. The DPW had a working relationship with the accounting firm of Ernst and Young for the correction of the mistakes in the Asset Register. She said she would be willing to return to the Committee at a later stage to report on progress.

Ms Themba noted that there was mention of funerals for Ministers, but asked about the policy for funerals of ordinary Members of Parliament.

Ms Fatyela-Lindie noted that the decision to accord an official funeral was one that was made by the President, and when Cabinet Ministers passed on, it was the obligation of the DPW to conduct a State Funeral.

Ms Themba noted that mention was only made of two regional offices in the Eastern Cape, and requested details of any other regional offices. She also asked where the 100 buildings mentioned in the presentation would be, and how far the construction had proceeded.

Ms Fatyela-Lindie said that there were two regional offices in the Eastern Cape, due to the rural nature of the province, whereas other provinces had one office each.

Mr H Groenewald (North West, DA) commented, with regard to the turnaround strategy, that there had been numerous departments presenting turnaround strategies. He said that the Department needed to be implementing and showing real results.

Mr Groenewald voiced his concern on the prevalence of acting officials, and the lack of permanent appointments in the Department, and stressed that permanent appointments were needed for key positions.

Mr Groenewald expressed his frustration with the recurring issue of the Asset Register. There had been promises to resolve this issue in the past, yet it was still not resolved. He also wanted to know if there was information as to the number of movable assets in the various provinces, and whether these were being managed accordingly. He also enquired if the Department had a deadline for the Asset Register to become effectively managed.

Ms Fatyela-Lindie gave a general response in regard to the Department's turnaround strategy, lease management and posts. She conceded that the term "Turnaround Strategy" had become a buzz word of late, but there were definite projects identified for the DPW's attention, which included the Immovable Asset Register and addressing the audit outcomes. She agreed that the issue of leases needed attention and conceded that in the past, very expensive leases were negotiated by junior and not senior officials, which had perhaps resulted in leases being concluded on unfavourable terms. This Department did work of a technical nature, and in recent years had lost various essential technicians. Steps were taken to increase the Department's internal capacity. There were so many Acting positions in the Department due to various suspensions of officials holding key positions. The permanent filling of these positions was certainly a priority, to eliminate a negative domino effect on other positions and functions.

Mr Groenewald noted the five year target for the creation of 4.5 million job opportunities in 2014, but was not confident that this target would be reached. Millions of rands were being allocated to provinces, but were not being used. He asked what controls were in place to manage the funds allocated, as any controls were not obvious to him.

Ms Themba asked which municipalities were being engaged in the various projects. She indicated that the Committee needed detailed information as to the employment opportunities created, in the categories of youth and women in particular.

Mr Stanley Henderson, Deputy Director General: EPWP, DPW, said that EPWP programmes had a component of 48% for youth, 61% for women, and 0.2% for people with disabilities. The EPWP programmes were detailed in a quarterly report, which was placed on the Departmental website, and this contained the details of the projects. This report also made specific reference made to the controls used, as well as incentives given. The EPWP performance target was to create 868 000 work opportunities, and currently, the opportunities created were at 686 900, which was 80% of the target. He noted that once all the data had been consolidated, he was confident that the target would have been met. With regard to the provincial roads programme, he assured the Committee that a detailed report on this would be presented, to put to rest the questions raised.

Ms Fatyela-Lindie also answered the question on the 4.5 million work opportunities by 2014, noting that the specific figures as to the current position were not readily available, but, judging from the progress made, she was confident that the figure was going to be met and even exceeded. She noted and shared concerns on the issue of transfers and grants. In many cases, public bodies did not claim the allocation from the Department. There had been a concerted effort to assist municipalities in this regard.

Mr Groenewald asked if the DPW was aware of the actual costs incurred for hiring of buildings in the provinces. He asked how many schools were being built in each region, as well as details on the building of other state buildings, hospitals, and other premises. He then wanted to know what projects were in the various municipalities, where they were situated, and what was being done. He noted the need to ensure that roads were being built in rural areas to uplift those communities.

Ms Fatyela-Lindie noted that DPW was not responsible for immovable assets in municipalities, nor was it responsible for the building of hospitals and schools. However, there was an agreement for the refurbishment of hospitals and schools. The building of rural roads was the responsibility of the Department of Transport, but DPW had been involved in assisting municipalities in creating business plans.

Mr Mfizeko Gwazube, Acting Chief Operating Officer, DPW, said that the building of an extension to Parliament was still being discussed with Cabinet. He noted that in previous engagements, issues had been raised, and

V.B

DPW was considering these issues.

Mr Groenewald wanted more clarity on the Dolomite Risk Management programme, and why huge sums of money were being allocated to this programme.

Mr Gwazube responded that the dolomite risk management was a process where the Department was tasked with identifying areas where there were possibly sinkholes. This was to ensure the safeguarding of state facilities and for the building of houses. He noted that most sinkholes had been identified in Gauteng. Where areas were found to be dolomitic, then people had to be removed from those areas.

Mr Groenewald enquired, in respect of the Devolution of Property Rates Fund, what control measures had been put in place, also for under spending and over spending.

Mr Gwazube added that there had been a Ministerial brief on the establishment of Strategic Initiative Projects (SIPs) where specific areas had been identified for development and intervention. One aspect was the eradication of unsuitable structures for schools, and another was to ensure that all schools had the requisite facilities to be able to conduct various functions. A draft document had been presented to deal with the eradication of such problems, as well as setting out the timelines that were appropriate for this purpose. This had warranted collaboration with the Department of Education.

The Chairperson raised questions on the Property Management Trading Entity. He made reference to the White Paper of 1996, and noted that the concerns that were outlined there were still present today, so he enquired how far the DPW had gone in implementing the White Paper.

Mr Aaron Mazibuko, Director: Finance, DPW, said, in regard to the PMTE and the White Paper Recommendations of 1996, that the Department would like to acknowledge that it had deferred on implementation. He noted that the Department had, owing to the Constitutional implications, been slow in creating an agency within the DPW to manage property, and this infringed on the direct mandate of the DPW itself. He agreed that there had been defaulting on the targets set by the PMTE.

The Chairperson wanted clarity on the Inner City Regeneration programme and on the reference to the Cabinet decision to have various departments housed in the Pretoria CBD. He then wanted to know details as to the defaulters on this requirement and sought details as to how these defaulting departments were being handled.

Mr Mazibuko said that the motivation behind the Inner City Regeneration was to ensure that Pretoria CBD was developed so that it looked like a capital city. The only department that had been allowed to move out of the CBD, and "defaulted" was the Department of Science Technology, and this had been for functional and legitimate reasons.

The Chairperson echoed the concerns of other Members as to whether the 31 March 2014 deadline for correcting the Asset Registry would be met, and when the Register would be available.

The Chairperson noted that there were still problems with the financial statements and pointed to various concerns reported by the Auditor-General.

Ms Mosegomi, said, in regard to the findings of the Auditor-General, that there was an issue with the limitation of scope. When the Special Investigating Unit (SIU) was conducting its investigations, it had seized "truckloads of documents" that the Department had not yet been able to get back. As a result, some original documents were not presented to the Auditor-General, which resulted in a majority of the findings being unfavourable. She also noted that various other findings could only be rectified over a period longer than a single financial year, but assured the Committee that work was being done to address these concerns.

Mr Mazibuko spoke on the devolution of budget, and noted that there was a framework being signed between the Department and the provinces. He noted that the provinces reported to the Department on their expenditure and utilisation of the allocation.

The Chairperson drew attention to section 39 of the Public Finance Management Act (PFMA) and warned that the NCOP would be having regard to this when it conducted its oversight visits. He was concerned as to why the recommendations of the Auditor-General were not being followed, and said that the responsibility fell on the Department to ensure that recommendations were being implemented. He voiced his concern on the fact that the Department had addressed spending irregularities only very briefly. He noted that there were people remaining in the Department who were possibly part of the problem, and this would lead to the situation persisting. Risk management was part and parcel of internal controls. He noted that the large rollover amounts had been a contentious issue, as there should not be a need for them. He then urged the Committee to conduct unannounced visits to the DPW, pointing out that this was well within the rights of the Committee.


Ms Themba commented that she had posed her questions to ensure that the Committee could respond to questions from the public about the work of the DPW. She also echoed the need for a clear distinction between presentations made to the Select Committee and the Portfolio Committee, saying that information had to be presented to both Houses of Parliament, and there should not be a preference to just one.

The Chairperson commended the steps taken by the Minister to resolve the various issues that had been identified, but noted that the DPW was responsible for effecting the relevant changes.

Other business

The Chairperson deferred the consideration and adoption of minutes of the Committee to another date when there were more Members present.

The meeting was adjourned.

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Capital Works: Public Works: Allocation 2012/2013

FINANCIAL YEAR	CLIENT DEPT	OFFICE TYPE	CATEGORY TYPE	PROVINCE	TYPE	OFFICE	CATEGORY	WCS NO	DESCRIPTION	STATUS	STATUS TYPE	FINANCIAL TENDER DATE	FIRST DELIVERY DATE	CONTRACT PERIOD	RETENSION	CONTRACTOR ORIGINAL ALLOCATION
2011	PUBLIC WORKS	REGION	CAPITAL WORKS	KWA-ZULU NATA	SPECIAL & MAJOR PROJECTS	DURBAN	PUBLIC WORKS	047455	ESHOWE, INKANDLA: INSTALLATION OF SECURITY MEASURES AND RELATED SB		1 - COMMITMENTS	20100601	20111201	9	0	0

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CONTRACTOR LATEST ALLOCATION	CONTRACTOR ALLOCATION 2012/2013	CONTRACTOR EXPENDITURE PREVIOUS YEARS	CONTRACTOR EXPENDITURE CURRENT YEAR	CONTRACTOR CASH FLOW AMOUNT	CONTRACTOR CASH FLOW YEAR 0	CONTRACTOR CASH FLOW YEAR 1	CONTRACTOR CASH FLOW YEAR 2	CONTRACTOR CASH FLOW YEAR 3	CONTRACTOR AUTHORISATION	CONTRACTOR ORIGINAL ALLOCATION	CONTRACTOR LATEST ALLOCATION	CONTRACTOR ALLOCATION 2012/2013	CONSULTANT EXPENDITURE PREVIOUS YEARS	CONSULTANT EXPENDITURE CURRENT YEAR	CONSULTANT CASH FLOW AMOUNT	CONSULTANT CASH FLOW YEAR 0
123 958 972	123 958 972	36 136 364	100 358 704	193 892 716	123 958 972	0	0	0	44 053 541	0	8 641 525	0	26 192 413	12 783 787	44 053 541	14 320 313

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CONSULTANT CASH FLOW YEAR 2012/2013	CONSULTANT CASH FLOW YEAR 2	CONSULTANT CASH FLOW YEAR 3	PROJECT MANAGER	R A M P
7 958 645	9 283	0	RINDEL DJ	IN

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**PRESS STATEMENT ON SECURITY PROJECT NKANDLA FROM THE
MINISTRY OF PUBLIC WORKS**

IMMEDIATE RELEASE

05 OCTOBER 2012

The Security Project at Nkandla has raised enormous public interest. Although it is not the standard practice to comment on the security arrangements of dignitaries, it is now clear that certain parties will continue to make allegations about this project unless these serious misperceptions are refuted with facts. We are cognizant of the fact that by discussing some of these security arrangements openly, we endanger the very same security.

The Government has decided to give as many details as the maintenance of sound security arrangements allows.

At the outset we would like to state that the developments at Nkandla are by no means unique and are part of works undertaken and being undertaken at various security sites like Houghton, Qunu, Union Buildings, Tuynhuis, Parliament and King's House.

When President Zuma was elected President, it was a requirement understood by all that the security would have to be beefed up at places of high security risk. An expert team representing the Departments of Police Service, Defence (and Military Veterans) and State Security reviewed the circumstances surrounding our principal and addressed all shortcomings. As part of meeting international standards for the security of dignitaries, plans were drawn up and implemented. As part of this process, new capacity was requested for Nkandla, in and surrounding the private residence of President Zuma.

The approach to providing security at the Nkandla high risk area was based on a frank assessment of the security threat there and the requirements of the security forces. The security threat analysis pointed to a deep rural area in which there was basically none of the services we all take for granted in an urban area. The water supply was erratic with it being available for hours at a time and only for a few days of the week. There was no waterborne sewage. The Eskom pylons and the mountainous area made access by air (helicopter) hazardous. The steep terrain and the surrounding cliffs and mountains make any form of transport difficult in bad weather. The roads to the area were muddy and required good 4 x 4 driving skills and suitable vehicles.

Given that the area is on the leeward side of the surrounding escarpment and is generally dryer than surrounding areas, the threat of fire was high.

The security forces would need to be accommodated locally as a 24/7/365 service was required with force levels varying based on the current threat. The poor or non-existent roads would need to be improved.

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It was noted that the venue was the location of many diverse type of functions. There were meetings of heads of state, cabinet ministers, other high risk dignitaries, local communities, provincial and national government and many foreign and local other categories of dignitaries.

It was decided that the following principles would be adhered:

1. The residence of the President is a private residence which has been declared as a National Key Point (as are all other presidential residences). Our responsibility to protect should not unduly interfere in the privacy of the principal's household.
2. The security forces and other government employees would have to be accommodated locally. To base them themselves at the nearest town, Eshowe, was impractical. Parking for security vehicles would also be needed.
3. The security provision should be able to deal with any level of threat and be able to escalate to the level required.
4. Clear separation must be made of expenses that are for the private account of the principal and that which arose from the state's duty to provide appropriate security.
5. Instead of continuing to land in local veld, there should be proper helipads to allow for day and night landings with statutory approval for the safety features.
6. The health care provision should allow for proper health care to all government officials deployed on site (President and approved dependants, military, security) and the constitutional imperative to not turn away any health emergency by health care workers. Given the threat level, there should be adequate capacity to maximize medical interventions in the "golden first hour" of trauma management.
7. Occupational and environmental health requirements such as working conditions, food and water safety, proper refuse management were to be provided for relevant government employees.
8. Sufficient garaging was to be provided for.
9. Aircrew pavilion was to be provided for air force personnel to allow for standard inter flight rest areas.
10. Military and police assets were to be properly safeguarded.
11. Any new capacity should benefit the local community in the short term to the extent possible and then maximized when the principal was no longer President, for example, the clinic and security compound.

12. The President would continue to receive state support when no longer President and this must be factored in as with other retired Presidents.

These principles, among others, resulted in the following measures to satisfy the requirements of the security forces.

1. The reinforcing of barriers
2. The erection of high security fences
3. The provision of local fire fighting capability for the helipads
4. The creation of safe havens as with other sites all over the country
5. The relocation of pylons to allow a clear access flight path
6. Roads constructions in and around the precincts
7. The building of a security compound to house security and support staff
8. Improving and rendering the water safe
9. The provision of waterborne sewage systems
10. The provision of an air crew pavilion
11. The provision of a clinic in a lower security area to allow for both dignitary care and later conversion to part of the community health service in the area
12. Security guard houses and stations
13. Security systems for all areas
14. The provisions of interim accommodation arrangements with Park homes etc. while the construction was on-going.
15. Earthworks and barriers erection

We are pleased to announce that, although there were a few hiccups, as would be expected with this high security project and the difficult local circumstances, that most of the state requirements have been met. We have taken special care to allocate expenses to private and public entities, as appropriate.

Lastly, this government required changes were effected whilst the President was himself effecting, a major upgrade to his residence on his own private account.

Issued by the Departments of Public Works, in consultation with Safety and Security, Defence and Military Veterans and South African Police Service

PRESS STATEMENT ON THE SECURITY UPGRADE IN NKANDLA

PRETORIA 27 January 2013.

A year ago, I as Minister of Public Works, announced a turnaround strategy to improve the department's governance systems and delivery models. Part of this was to deal with corruption and maladministration in the department.

Since the commencement of this process, various malpractices around non-adherence to supply chain, financial regulations and controls were uncovered. When reports surfaced around the security upgrade at President Jacob Zuma's private residence at Nkandla, this propelled the department to launch a probe. It is not a standard practice to comment on the security arrangements of members of the executive; however we deemed it necessary to inform the public about this upgrade without compromising any security arrangements.

Let us upfront state that, the private Nkandla residence of President Zuma, like the residences of former Presidents and former Deputy Presidents have been declared national key points in terms of the National Key Point Act, 1980. Therefore any information relating to security measures undertaken at a national key point is protected from disclosure in terms of this Act.

In November last year, I announced the establishment of a task team to investigate the matter. The team has concluded its investigation and we are here, to report on the findings as well as the way-forward.

Task Team Terms of Reference

The task team's terms of reference are summarised as follows:

- 1.1. to establish whether President Zuma's Nkandla residence was declared a national key point and, if so, the process followed thereof;
- 1.2. to ascertain in detail the security assessments and recommendations made by the state security agencies, like the South African Police Services (SAPS), South African National Defence Force (SANDF) and other statutory role players in respect of the provision of security measures at the Nkandla Residence;
- 1.3. to determine in detail any other recommendation(s) made by statutory entities on the security upgrades of the Nkandla residence on non-security aspects (i.e. improvements proposed that were not related to the securing of the residence);
- 1.4. ascertain whether supply chain prescripts were followed in the procurement of services in this project;
- 1.5. ascertain whether there were any deviations from the above; and
- 1.6. determine whether deviations from the above were in accordance with the legal and procedural prescripts.
- 1.7. was further required to make any recommendations it deems necessary to assist the Department to consider appropriate action.

The scope of the investigation

- In May 2009 after the inauguration of President Zuma, the Department of Public Works in line with its obligation to effect security measures at the President's private residence which is regularly used by the President, became involved in the Nkandla residence.
- The responsibility of Public Works, in this regard is contained in the Ministerial Handbook and the Cabinet Decision of 20 August 2003 which is now known as the Policy on Security Measures at Private Residences of the President, Deputy President and former Presidents and Deputy Presidents.
- The Ministerial Handbook requires the Minister of Public Works to implement, in conjunction with the SAPS the recommended security arrangement at privately owned residences of various public officials. The Cabinet decision or Policy of 20 August 2003 referred to above, deals with the process according to which the SAPS and the Department of Public Works would investigate, fund and maintain security measures at the private residences of the President, Deputy President, former Presidents and former Deputy Presidents.
- Furthermore in terms of the policy, the main consideration shall be to ascertain to what extent the safety of the President, Deputy President, former Presidents or Deputy Presidents or their immediate families including their personal property, is compromised as a direct result of the public position or

previously held. An evaluation by the security cluster must be done and be based on the findings of that analysis.

- After the assessment, a proposal on appropriate security measures that should be put in place by the State shall be submitted to Public Works which shall then prepare cost estimates of the proposed structural security measures and implement such measures as recommended. Public Works' obligation is to implement recommendations by the security cluster

The task team confirmed that the President's residence, like other residences of former Heads of State, was duly declared a National Key Point on 8 April 2010.

It is important to note that the investigation found that in 2008, before President Zuma became the President of the Republic of South Africa his residence was already undergoing renovations, including construction of other buildings. The security assessment by the security agencies, amongst others, included measures such as:

- Physical security system
- Evacuation mechanism
- Fire-fighting capabilities
- In addition to the above, the security assessment dealt with the operational needs of national departments which included amongst others, medical facilities and accommodation.



Task Team findings

Below are the findings of the task team:

- that there is no evidence that public money was spent to build the private residence of the President or that any house belonging to the President was built with public money.
- The investigation has further revealed that 15 service providers including consultants were contracted by the Department of Public Works to render various services ranging from bullet proof windows, security fence construction and many other services.
- The Supply Chain Management Policy of the Department of Public Works requires compliance with the principles of fair, equitable, transparent, competitive and cost effective process throughout acquisitions of goods and services. Without dealing in detail with each and every specific appointment, the investigation has found that the Supply Chain Management policy and prescripts were not fully complied with in procurement of goods and services in the project. As an example, the Treasury Regulations allow for a variation from an initial procurement order only up to 20%. However, in this case this was not observed.
- The investigation revealed that an approval was granted to the regional Bid Adjudication Committee (BAC) to adopt a negotiated and nomination procedure in appointing contractors despite this being a national project.
- It is very clear that there were a number of irregularities with regards to appointment of service providers and procurement of goods and services.



- The security upgrades done at the Nkandla residence amount to R71 212 621.79, including consultancy fees.
- The operational needs for state departments amounted to R 135 208 022. 58, including consultancy fees.
- The investigation have found that the amount paid by the state to date is R206 420 644.37.
- Included in the total cost is the amount of R26 677 240.46 which constitute variation orders for the whole project.

Way-forward

We took this unprecedented approach to inform the public about this specific project, to quell some of the misconceptions which have been falsely peddled in the public space. As we mentioned at the beginning, we do not disclose any security measures pertaining to the National Key Points as required by law.

As a way forward, we have decided on the following actions:

- In view of the irregularities found by the task team, the report will be referred to the law enforcement agencies, including Special Investigation Unit (SIU), Auditor General (AG) and South African Police Service (SAPS), with a view to investigate any possible acts of criminality.
- If there are any professionals who are found to have acted unethically will be reported to their respective professional bodies.



- to institute immediate disciplinary measures on implicated government officials where policies and procurement procedures have been flouted.
- Department of Public Works review as a matter of urgency the financial delegation of the Bid Adjudication Committee for any National Key Points.

Thank you.

Enquiries

Ms Nickelwa Tengimfene

Chief Director: GCIS

Cellphone: 0825745495

Date: 27 January, 2013

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TOP SECRET

DURBAN REGIONAL OFFICE



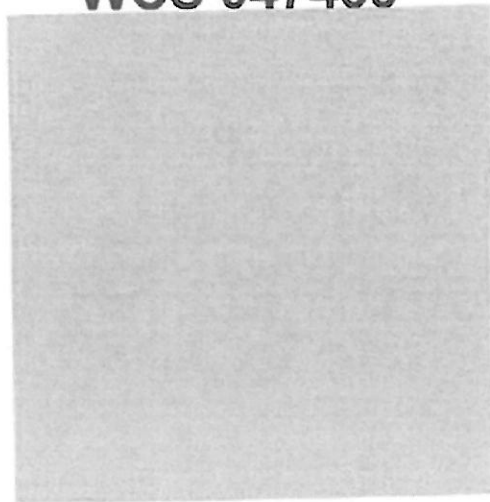
public works

Department:
Public Works
REPUBLIC OF SOUTH AFRICA

TERMS OF REFERENCE

DURBAN : PRESTIGE PROJECT A : SECURITY MEASURES

WCS 047455



DATED : 8 SEPTEMBER 2010.

DURBAN : PRESTIGE PROJECT A : SECURITY MEASURES

WCS 047455

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TOP SECRET

DURBAN REGIONAL OFFICE

1. AIM OF PROJECT :

The project is aimed at providing security measures and supporting facilities for the current Head of State at his private residence.

2. BACKGROUND:

The site is situated in Nkandla, rural area.

The site is privately owned and consists of original buildings and new residences on newly obtained tribal land.

The project is divided into building works carried out by the Owner and that carried out by the State.

Works on the Owner's side had progressed far and are now being held up by the State's progress, thus necessitating high level intervention.

3. PROJECT TEAM

The following professional persons are involved in the project:

Architect :	Minihle Makhanya Architects.
Landscape Architects:	Uys and White architects.
Quantity surveyor:	R&G Consultants
Electrical Engineers:	Igoda Projects
Mechanical Engineers:	Mustapha and Cachalia Engineers.
Security Engineers:	CA Du Toit Consulting Engineers.
Civil Engineers:	Ibongo Consulting
Structural Engineers:	Ibongo Consulting.

4. PROJECT STRUCTURE

The project is divided into the following 3 x contracts.

Contract 0001 : Main contract – Building works
 Nominated sub contact A – Civil works
 Nominated sub contact B – Electrical works

This contract is in design stage.

Contract 0002 : Emergency works.


Contract awarded to Messrs Bonelena Construction CC. Construction is in process.

Contract 0003 : Negotiated contract :
 This contract had been awarded to Messrs Moneymine Investments. Construction is in process.

DURBAN : PRESTIGE PROJECT A : SECURITY MEASURES

WCS 047455

Page 2 of 5

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TOP SECRET

DURBAN REGIONAL OFFICE

5. SCOPE OF WORKS:

The scope of works are divided into the following contracts (1, 2, and 3) and covers the following works:

No.	Contract	Scope of works
0001	Main contract – Building works Nominated sub contact A – Civil works Nominated sub contact B – Electrical works	The scope of this contract includes the following: <ul style="list-style-type: none"> • Most groundwork. • All sewerage installations. • All storm water installations. • Construction of new DOD clinic. • SAPS Staff residential units. • DOD Helicopter crew room • Visitor's center. • Fire pool, and parking. • SAPS Security bunker / Control center. • High security fence and detection systems. • Electrical upgrade • ESCOM relocation.
0002	Emergency works.	The scope of works are as follows: <ul style="list-style-type: none"> • Applicable groundwork • Applicable water reticulation • Applicable storm water drainage. • Guard house, refuge room, new tuck shop and toilets (part of parameter fence.) • Inner core parameter walling. • Relocation of 2 x families • Upgrading of safe havens in existing residences. • Parameter fence (not electrified)
0003	Negotiated contract – Messrs Moneymine Investments <input type="checkbox"/>	The scope of works are as follows: <ul style="list-style-type: none"> • Construction of security installations in new residences. • Relocation of 1 x family. • Construction of safe haven between new residences, complete with protected walkway.

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DURBAN REGIONAL OFFICE

6. TIME MANAGEMENT

The construction program for the works is summarised as follows:

Contract 0001:

- Scope of works approval to be completed by Friday 17 September 2010.
- Project to enter pricing phase, to be completed by 30 October 2010.
- Project adjudication to be completed by 26 November 2010.
- Project to be awarded, guarantees to be arranged by 10 December 2010.
- Site to be handed over by 2 January 2011.

Contract 0002:

- This is emergency works and considered to be critical.
- Site had been handed over, construction is in process.
- All works to be completed by 30 November 2010.
- Current construction program is attached for detail implementation.

Contract 0003:

- This is emergency works and considered to be critical.
- Site had been handed over, construction is in process.
- All works to be completed by 30 November 2010.
- Current construction program is attached for detail implementation.


7. FINANCIAL MANAGEMENT

The project construction cost is estimated to be above R100,000,000.00.

The contracts awarded to date is as follows:

Contract /0002 (Bonelena Construction) : R19,000,000.00

Contract / 0003 (Moneymine Investments): R 5,000,000.00

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DURBAN REGIONAL OFFICE

ANNEXURE A
CONSTRUCTION PROGRAM FOR PROJECT.

DURBAN : PRESTIGE PROJECT A : SECURITY MEASURES

WCS 047455

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V.B




public works

Department
Public Works
REPUBLIC OF SOUTH AFRICA

INTERNAL MEMORANDUM

To:	Honourable Minister	Ref:	PP A
From:	BK KHANYILE	Office:	REGIONAL MANAGER DURBAN
Tel:	(031) 314 7000	Fax:	(031) 368 7056

**Subject: DISCUSSION OF APPORTIONMENT OF COSTS
BETWEEN STATE AND PRINCIPAL**

**Project: DURBAN : PRESTIGE PROJECT "A" : SECURITY
MEASURES**

WCS: 047455

1. AIM :

The aim of this submission is to provide the all applicable information to Top Management in line with the apportionment of cost between State's responsibility and Private (cost to the owner).

2. BACKGROUND.

- 2.1 The Planning instruction received and instructing this office to proceed with the project indicated that the National Department of Public Works must provide "Security Measures in line with Cabinet Regulations".

2.2 The works had been designed and partly implemented over since 2010. This office requested assistance from HO Professional services to assist with the apportionment of the costs of the works between the State and the Owner, especially in shared services and new installations.

2.3 This exercise is now completed and provided in the attached document entitled "**MOTIVATIONS AND COST ALLOCATIONS PROPOSAL No. 3**" for your information.

3. DISCUSSION

3.1 The document indicates that the scope of the works is divided into the following categories:

3.1.1 Public (State) portion:	R203,079,677.18
3.1.2 Private (Owner) portion:	R 10,651,580,64

3.2 The scope of works included in the Public is approved and agreed in the meeting held in HO on 10 March 2011 and is in the process of being implemented and shall be concluded in line with the Mandate given to the NDPW.

3.3 The portion included under "Private" required additional attention before this can be implemented as it falls outside the scope of security measures. Please note that the implementation of some of these issues was unavoidable and some had already been completed. The completed items includes the following (references taken from the summary pages)

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- Item 18. Electrical reticulation (phase I) R45,000.00
- Item 18. Electrical reticulation (phase II) R10,000.00
- Item 18. Lightning protection R150,000.00

3.4 The following items had been designed in line with the comprehensive site design as required from the Professional team, but fall outside the scope of security measures:

- Item 11. Fire Pool and parking (decorations) R260,000.00
- Item 18. Civil works R10,000.00
(associated builders works)
- Item 19 Detailed landscaping
 - Zone A arrival node R42,900.00
 - Control room and visitors lounge R80,000.00
 - Social node R1,178,685.00
 - Residential arrival R562,720.00
 - Zone C Residential dwellings R167,000.00
 - Rehabilitation R500,000.00

3.5 It was agreed at that meeting that the Department cannot implement any of the works included in the indicated above without the written instructions from Top management to do the same. This is a precaution that must be taken as the works falls outside the mandate given to the Department.

3.6 It is proposed that the works included herein be discussed between Top Management and Ministry and guidance be given to the way forward with these issues. It may be necessary to



discuss these issues with the Principal as the financial implication directly affects him(He may want to implement these issues himself without the interference of the Department or else he may want to opt to reimburse the Department after we complete the same)

4. RECOMMENDATION

It is recommended that the Top Management and Ministry approve the following:

- That the scope of works falling within the mandate of the Department continues as previously instructed.
- That the scope of works apportioned to the Principal be discussed and guidance be given to the Team pertaining on the implementation thereof before construction will continue. Please note that any member of the Project Team will be available for any discussion that may be needed.

BK Khanyile
Regional Manager

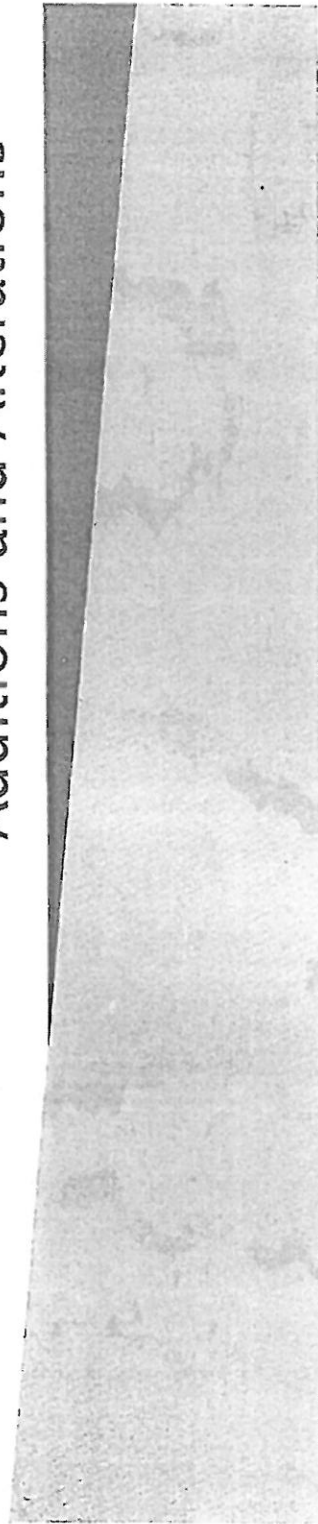
Date: 28/08/2011



Department:
Public Works
REPUBLIC OF SOUTH AFRICA

NATIONAL DEPARTMENT OF PUBLIC WORKS - DURBAN REGION

DURBAN PROJECT A Additions and Alterations



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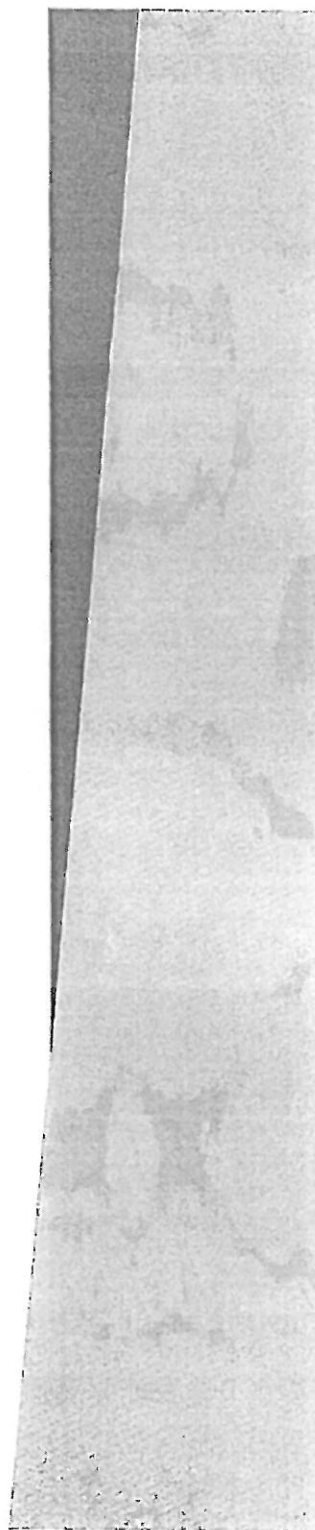
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Department:
Public Works
REPUBLIC OF SOUTH AFRICA



Preliminary Cost Estimate No. 3



V. B



DEPARTMENT OF WATER AND SANITATION
REPUBLIC OF SOUTH AFRICA

NO	BUILDING / COST CENTRE	INITIAL ESTIMATE		CONSOLIDATED ESTIMATE		PRIVATE
		PHASE 1	PHASE 2	PHASE 1	PHASE 2	
1	2.4m High Concrete Perimeter Fencing - Inner Core	2,729,929	0	2,775,000	0	DPW
2	Guard House, Bin and Tuck Shop	586,467	0	586,467	0	DPW
3	Parking and Control Point at Entrance	129,030	0	129,030	1,300,000	DPW
4	Study Expansion	0	101,200	0	101,200	DPW
5	Shade Parking for V.I.P	0	102,350	0	1,080,000	?
6	Clinic Building	0	4,947,300	6,494,000	0	DPW
7	Shade parking for clinic	0	104,938	0	104,938	DPW
8	Helipad	0	540,500	402,000	402,000	DPW
9	Landscaping and Stormwater Control	0	201,000	201,000	900,000	DPW - STORM WATER
10	Mechanical					
10.1	Water Supply - Municipal	207,237	0	207,237	0	DPW
10.2	Water Supply - Standby Borehole	205,700	0	205,700	0	DPW
10.3	Fire Protection (Pool)	0	309,184	0	309,184	DPW
10.4	Air-conditioning	152,500	0	152,500	647,500	DPW - ONLY BOILER ROOMS AREAS
11	Electrical					

Durban Project A

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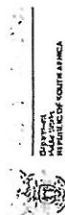
REPUBLIC OF SOUTH AFRICA
DEPARTMENT OF PUBLIC WORKS AND ENGINEERING



NO	BUILDING / COST CENTRE	INITIAL ESTIMATE		CONSOLIDATED ESTIMATE		PRIVATE
		PHASE 1	PHASE 2	PHASE 1	PHASE 2	
11.1	Eskom Fee supply upgrade to 200/250 KVA	200,000	0	500,000	0	DPW
11.2	Installation and material for 200KVA	250,000	0	0	0	DPW
11.3	New Meter Room	100,000	0	150,000	0	DPW
11.4	Generator : Pumps and Switch Gear	650,000	0	650,000	0	DPW
11.5	11.5 V Reticulation	0	625,000	625,000	0	DPW
11.6	UPS Support	400,000	0	250,000	0	DPW
11.7	D/B's existing Building Upgrade	40,000	0	40,000	0	DPW
11.8	D/B's New Buildings	0	15,000	20,000	21,000	DPW
11.9	Upgrade and Additional lighting Conductor	35,000	0	35,000	7,000	DPW
11.10	Security Perimeter lighting	250,000	0	250,000	250,000	DPW
11.11	Security Systems SAPS to verify	500,000	0	500,000	0	DPW
11.12	New Installations - SPLIT RES. FROM DPW	55,000	0	55,000	1,824,500	DPW

Durban Project A

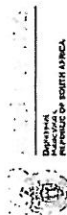
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NO	BUILDING / COST CENTRE	INITIAL ESTIMATE		CONSOLIDATED ESTIMATE		PRIVATE
		PHASE 1	PHASE 2	PHASE 1	PHASE 2	
12.00	Provision :					
12.1	Upgrade pathway	0	98,550	0	225,000	DPW
12.2	New Trafficable pathway surround perimeter concrete wall	360,000	0	360,000	840,000	DPW
12.3	Sewer Disposal - Calcamite septic tank	82,900	0	82,900	1,117,100	DPW
12.4	Internal Access Road	30,000	0	0	0	
12.5	Upgrade existing buildings	52,183	0	52,183	52,183	DPW
12.6	Safe Heaven	457,971	0	457,971	0	DPW
12.70	Upgrade Sewer Drainage	5,600	0	5,600	0	
13	Main Access Road to Premises	0	1,101,250	0	1,101,250	DPW
14	Visitors Parking External	0	204,700	0	204,700	

Durban Project A

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Department of Public Works and Engineering
REPUBLIC OF SOUTH AFRICA

NO	BUILDING / COST CENTRE	INITIAL ESTIMATE		CONSOLIDATED ESTIMATE		PRIVATE
		PHASE 1	PHASE 2	PHASE 1	PHASE 2	
	2.4m High Bonnox fence - outer core	0	0	0	542,520	0
	Bulk Earthworks for New residences	0	0	120,000	0	38,000
	Bulk earthworks for SANDF platform	0	0	0	360,000	0
	New Guest + 2 Private Residences	0	0	0	6,471,360	12,942,720
	Stormwater management around bldgs	0	0	0	20,000	13,000
	Security component of new residences	0	0	0	3,892,816	0
	Proposed lifts to 2 new residences	0	0	0	760,000	0
	Support staff accommodation Units (8)	0	0	0	4,400,000	0
	Visitors Centre and Lounge	0	0	0	3,072,000	0
	Public Ablutions	0	0	0	550,000	0
	Allowance for relocation of 3 families	0	0	0	3,500,000	0
	Estom Network relocation	0	0	0	480,000	0
	2.5m Trafficable gravel road along fence	0	0	0	950,000	0
	Helicopter crew room	0	0	0	550,000	0

DPW

DPW
IN FUTURE
DPW

DPW

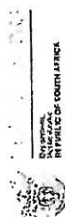
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Durban Project A

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REPUBLIC OF SOUTH AFRICA

NO	BUILDING / COST CENTRE	INITIAL ESTIMATE		CONSOLIDATED ESTIMATE		PRIVATE
		PHASE 1	PHASE 2	PHASE 1	PHASE 2	
	SUB-TOTAL	7,479,517	8,350,972	15,306,588	35,826,251	12,993,720
15	Contingencies (15%)	1,121,928	1,252,646	2,295,988	5,373,938	1,949,058
	SUB-TOTAL	8,601,445	9,603,618	17,602,576	41,200,189	14,942,778
16	ESCALATION					
16.1	Pre-tender	258,043	288,109	501,673	1,174,205	425,869
16.2	Post Escalation	774,130	864,326	1,315,726	3,079,559	1,116,916
	SUB-TOTAL	9,633,618	10,756,052	19,419,976	45,453,953	16,485,564
16.3	Consultants fees (20%)	1,926,724	2,151,210	3,883,995	9,090,791	3,297,113
	SUB-TOTAL	11,560,341	12,907,262	23,303,971	54,544,744	19,782,676
17	Add : 14% VAT	1,618,448	1,807,017	3,262,556	7,636,264	2,769,575
	GRAND TOTAL	13,178,789	14,714,279	26,566,527	62,181,008	22,552,251

Durban Project A

50k

27m

88
2.4 x 70.

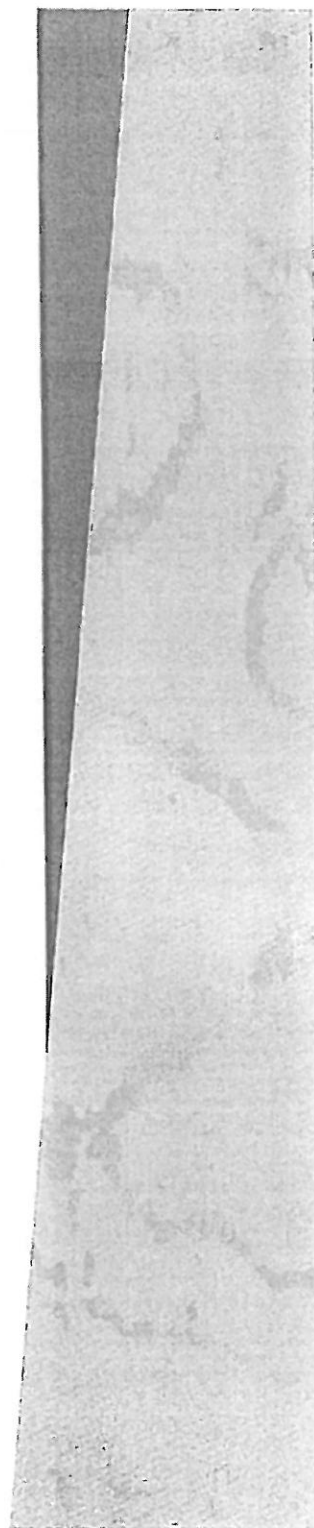
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Department:
Public Works
REPUBLIC OF SOUTH AFRICA



THANK YOU



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The screenshot shows the official website of the Department of Public Works, Republic of South Africa. The header includes the department's name, address (256 MADIBA STREET, PRETORIA), and contact numbers (012 406 1000 / 012 406 2000). A navigation bar contains links for Home, About Us, Ministry, Programmes, Documents, **Tenders**, News Room, and Forms. The main content area is titled 'AWARDED TENDERS' and features a search filter set to 'Bryntirion'. A list of three tenders is displayed, each with a bid number, project description, and contractor name. A vertical banner on the left side of the page reads 'SOUTH AFRICA WORKS BECAUSE OF PUBLIC WORKS'. The footer contains a list of regional offices: Botswana, Lesotho, Swaziland, and various South African provinces.

Bid#	Service or Contractor to filter:	Bid#	Service or Contractor to filter:
H11/052	PRETORIA: BRYNTIRION: CONSTRUCTION OF OUTER BOUNDARY FENCE AND ANCILLARY STRUCTURES	H11/052	PRETORIA: BRYNTIRION: CONSTRUCTION OF OUTER BOUNDARY FENCE AND ANCILLARY STRUCTURES.
H10/016	Bryntirion: Heritage Refurbishment of Maroela House for VIP Medical Tram		

Contractors listed in the tenders table:

- KGAFELA CONSTRUCTION CC
- Keren Kula Construction
- KGAFELA CONSTRUCTION CC

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Print this page

Questions remain over Zuma's Nkandla spending

28-Jan-2013 | Wyndham Hartley and Ernest Mabuza

Task team report on funds used for President Jacob Zuma's private residence may not be the last word on homestead upgrade

THE government has admitted to errors in tendering at the private residence of President Jacob Zuma at his family homestead in Nkandla, in KwaZulu-Natal, but on Sunday appeared to sweep the rest of the dirt under the carpet.

Public Works Minister Thulas Nxesi launched a task team in November last year and its report, released on Sunday, said there was no evidence that public money was spent to build the private residence of Mr Zuma, or that any house belonging to Mr Zuma was built with public money.

The official government line is that Mr Zuma knew nothing about the more than R200m security upgrades at his private residence and was not even consulted on the fence that surrounds his home.

However, the opposition Democratic Alliance (DA) labelled the report a poor attempt to shield President Zuma from being held accountable for this "exorbitant waste of public money". A political commentator said the report created more questions than answers, especially when it came to the sources of the money spent.

Mr Nxesi insisted at a news conference that only R71m had been spent on the security upgrade and a further R135m on the operational requirements of the various departments tasked with securing the safety of the president.

In total, R206m had been spent, but the task team found no public money had been spent on upgrading the actual residence of Mr Zuma. He said the renovations of Mr Zuma's home began in 2008 before he was elected president.

DA parliamentary leader Lindiwe Mazibuko said the task team seemed more determined to "nail" low-ranking officials for the scandal than to answer legitimate concerns about how Mr Zuma could have allowed this to happen without taking action.

Political analyst Daniel Silke said the findings raised additional questions. "While the findings protect President Zuma from direct involvement, they raise questions about the source of money to build the houses," he said.

It was not clear whether the report was enough to exonerate the president because there were other investigations, including one from the public protector, that were still under way.

The work of the task team was done entirely separately from the public protector's investigation. Previous reports said costs amounted to R240m-R250m, but these figures have not been officially audited. The auditor-general has not pronounced on the task team's findings either, which would depend on the audit of public works books.

Mr Silke said there is clearly a "mood" in the government to shield Mr Zuma from excesses that may be associated with him.

"Mr Zuma is being ring-fenced from having to face the music. This is not an unusual move to keep serious officials out of trouble," Mr Silke said.

The African National Congress (ANC) welcomed the outcome of the investigation and said the report would bring to closure to an issue that had generated speculative public opinion and had been used to attack Mr Zuma, the ANC and its government.

"We believe that with this report, our government has proven it is financially responsive and accountable as it has responded to the public opinion on the need for investigation," spokesman Jackson Mthembu said.

Reporters listened with disbelief as Mr Nxesi, Justice Minister Jeff Radebe, State Security Minister Siyabonga Cwele and Police Minister Nathi Mthethwa insisted that Mr Zuma never approved, or was aware of, the details of the work being done as a result of a security threat assessment.

Responding to questions, Mr Radebe said the president had no authority over the security upgrades, while Mr Cwele said Mr Zuma would not have been aware of the design details of what was being done to secure his private residence. Mr Nxesi said the president might have been informed that work was going to be done, but he would not have been aware of the details.

Mr Nxesi took aim at media reports. "We took this unprecedented approach to inform the public about this specific project, to quell some of the misconceptions which have been falsely peddled in the public space. As we mentioned at the beginning, we do not disclose any security measures pertaining to the national key points, as required by law."

The report will not be made public, but Mr Nxesi did reveal there were irregularities in the handling of the contracts for the security work. Agencies such as the Special Investigating Unit, the auditor-general and the police would be sent the report "with a view to investigate possible acts of criminality".

"Without dealing in detail with each and every specific appointment, the investigation has found that the supply chain management policy and prescripts were not fully complied with in procurement of goods and services As an example, the Treasury regulations allow for a variation from an initial procurement order only up to 20%. However, (in one) case this was not observed.

"It is very clear that there were a number of irregularities with regards to appointment of service providers and procurement of goods and services," he said.

"The press briefing left more questions unanswered than it shed light on the scandal," said Ms Mazibuko. These included:

- How the president could not have known about the costs of the upgrade to his own private residence? Media reports said such a briefing was given to him in 2010. And if he still claims to not know, how can he argue he has served the best interests of the public, as he is required by oath to do?
- If the expenditure was justified in terms of the Ministerial Handbook, as Mr Nxesi declared, how is the R206m lawful, given the R100,000 limit on upgrades to residences belonging to members of the executive?
- If the expenditure was justified by the National Key Points Act, why was Mr Zuma not given notice of this and asked to pay for the upgrade or a section thereof, as stipulated in section 3A?

Furthermore, why then did the minister of public works himself admit in a reply to my parliamentary question that no money was used from the special account provided for in the National Key Points Act?

- How is it justified to spend money on clearly nonsecurity requirements on a private home, including air-conditioning, an AstroTurf, a visitors' centre, a private clinic, a helipad, state-of-the-art elevators and accommodation for staff?
- What will happen when Mr Zuma ceases to be president of the Republic of South Africa? "Will he get to keep the palace?" Ms Mazibuko asked.

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first time since 1994 that South Africa has not made the top 50. Reporters Without Borders attributes that to the threat posed by the Protection of State Information Bill, but it may as well have mentioned the National Key Points Act. The real problem is not the laws, but the fact that South Africa has a government that does not want the public to know what it gets up to.

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Presidency denies receiving letter from academic Barney Pityana

26-Feb-2013 | Karl Gernetzky

Presidency says it did not receive letter from academic Barney Pityana seeking President Jacob Zuma's resignation, says criticism unbalanced and unconstructive

THE Presidency on Tuesday denied that it had received a letter from prominent academic Barney Pityana appealing for the resignation of President Jacob Zuma, and said Professor Pityana's criticisms published in the media were unbalanced and offered no solutions to challenges facing the country.

In a letter published by the Sunday Independent on Sunday, Prof Pityana had called for Mr Zuma's resignation, saying the African National Congress (ANC) was governed by "mob rule".

Prof Pityana said that "since he (Mr Zuma) assumed office in 2009, the fortunes of our country have hit their lowest ebb on every possible indicator".

"I reasoned (in the letter) that as chief executive of South Africa Plc, he must take responsibility and step aside. By so doing he will allow another leader to take over and guide the country to new heights," said Prof Pityana.

Prof Pityana had further warned that reports of "indiscretions" or "irregular use of state resources", such as the scandal over state spending at Nkandla, had become weekly occurrences under Mr Zuma, and that "on civil liberties we have reached a stage where freedom of expression is at risk".

"There is reason to believe the president had no appreciation of the constitutional democracy over which was elected to preside," he said.

In a statement on Tuesday, the Presidency said no such letter had been received, and "Prof Pityana's article deliberately ignores the gains our country is making under this administration and leadership of President Zuma".

"Government appreciates constructive criticism which should assist in the governance and improving of the lives of the people of this country. However, Prof Pityana's article deliberately ignores the gains our country is making under this administration," read the statement.

The statement pointed, among other things, to average life expectancy having climbed from 56 years in 2009 to 60 years in 2011; to a significant decrease in infant mortality; to improving matric results, and to a drop in violent crime.

"There is a lot that this government has done, which Prof Pityana will never see or acknowledge," read the statement.

The ANC on Monday accused Prof Pityana of "playing politics". ANC spokesman Keith Khoza said Prof Pityana was driven by a personal dislike of Mr Zuma, and was in danger of making himself politically irrelevant.

With Paul Vecchiatto

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Cosatu: Nothing new in Nkandla report

2013-01-28 16:50

Johannesburg - A report detailing the costs for President Jacob Zuma's Nkandla home, in KwaZulu-Natal, has revealed nothing new, Congress of SA Trade Unions (Cosatu) said on Monday.

"In relation to... the Nkandla saga, there is nothing new that has come up, in our view, from that particular report," Gauteng Cosatu secretary Dumisani Dakile told journalists in Johannesburg.

"In fact, some of these issues are ones we have been raising for some time - the fact that government has no capacity to do anything. Everything is outsourced."

On Sunday, Public Works Minister Thulas Nxesi said the government spent R206m on security upgrades and consultants for the home.

Included in this amount was R135m for the "operational needs" of various government departments, and R71m for consultants and security features such as bullet proof windows, security fencing, evacuation mechanisms and fire-fighting equipment, he told reporters in Pretoria.

Also included in the total was R26m to make changes to the project (variation orders).

State Security Minister Siyabonga Cwele said neither Zuma nor his family had any input on the security upgrade.

"They were not involved with the design and installation of security measures."

Nxesi said Zuma was informed of the security upgrades, but did not know any of the details.

Dakile said it was "not surprising" that corrupt officials benefited unfairly by outsourcing work on the home.

"People in government must choose whether they want to serve the people, or they want to be in business," he said.



Cosatu (Picture: Supplied)

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"We know for a fact that there are people who are charging the state R200 for a loaf of bread."

He said the national office of Cosatu was studying the report and would release a detailed statement on it at a later stage.

- SAPA

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Nkandla spending grotesque - Cosatu

2013-01-29 18:06

Johannesburg - The R206m security upgrade to President Jacob Zuma's Nkandla home, in KwaZulu-Natal, is "grotesque", Cosatu said on Tuesday.

"Cosatu does not question the need for the state to take adequate measures to secure the president and other public office bearers. This is a norm everywhere in the world," Congress of SA Trade Unions spokesman Patrick Craven said in a statement.

"[However]... for the government to spend such a grotesque amount of public money on any one person is shocking and grossly insensitive to the workers, the poor and the homeless."

On Sunday, Public Works Minister Thulas Nxesi said the government spent R206m on security upgrades and consultants for Nkandla.

Included in this amount was R135m for the "operational needs" of various government departments, R71m for consultants, and security features such as bullet-proof windows, security fencing, evacuation mechanisms, and fire-fighting equipment, he told reporters in Pretoria.

Also included in the total was R26m to make changes to the project (variation orders).

Craven said office bearers who approved the use of money for the project needed to be held accountable.

"The amounts that the minister now concedes were spent vindicate our decision to ask the public protector and the auditor general to investigate them to check if each of them can be morally justified."

He said Cosatu was concerned about the fact that Nxesi's Nkandla team uncovered evidence of irregularities in the appointment of service providers.

"We call for the publication of all the names of all the service providers, including the names of their directors and shareholders," Craven said.



(Picture: City Press)

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"In particular we want to be assured no government official, including political leadership, is conflicted and or has benefited from what appears to be massive inflation of prices."

He said rural development was still an important issue and needed to be implemented regardless of who would benefit.

"Nkandla should not be prioritised, but treated just like every other rural community," Craven said.

- SAPA

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Nkandla tuck shock

2013-02-03 11:08

Adriaan Basson, City Press

Durban - Included in the government's R206m splurge on President Jacob Zuma's Nkandla compound is a tuck shop built for First Lady Sizakele Khumalo's use.

City Press can reveal that the department of public works paid a contractor to build a brand-new tuck shop for MaKhumalo.

This challenges Public Works Minister Thulas Nxesi's contention that government only spent money on security upgrades and operational measures at Nkandla.

MaKhumalo is Zuma's first wife and has been running a tuck shop and vegetable garden at Nkandla for years.

The website of her Mashobane Foundation states that she "presides over the homestead in Nkandla, where she is often seen among ordinary rural South Africans".

"She is active in the community, and her interest is agriculture and food security. She runs a vegetable garden and a tuck shop in Nkandla."

Open secret

A high-level source with knowledge of the Nkandlagate splurge told City Press it was an open secret that the new tuck shop built at the president's homestead was for the private use of his first wife.

At last week's press conference on the scandal, Nxesi was at pains to defend Zuma's hands-off role in the process and said there was "no evidence" that public money was spent to build the "private residence" of the president. But Nxesi said nothing about the new tuck shop.

In an official public works progress report, dated 5 November 2010, the cost for the construction of a "guard house, bin and tuck shop" was estimated to be R5867467.



(Picture: City Press)

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Neither of Zuma's spokespersons responded to questions this week.

Nxesi's legal adviser, Phillip Masilo, said disclosing information about a National Key Point was "outside the normal standard".

He didn't respond to specific questions on why the state was paying for a building upgrade that clearly benefits Zuma's family.

Masilo said: "After the security assessments and threat analysis by the security agents, the department of public works was required to implement the recommendations in line with the assessment.

No comment

"We cannot comment on the allegations as we do not have knowledge of the documents to which you are referring."

Nxesi has refused to release his full report.

Companies contracted on the project this week denied any wrongdoing. Nxesi announced his task team discovered irregularities in the appointment of service providers and in procurement processes.

These were referred to the Special Investigating Unit, Auditor-General and the police to investigate.

- City Press

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February 20 2013 at 09:15am
By Babalo Ndenze

Pretoria - Opposition parties hammered President Jacob Zuma on Tuesday, casting him as the weakest link who had failed to provide leadership and who would one day be removed from office at the ballot box.

Responding to Zuma's State of the Nation address, delivered last week, opposition parties seemed to sing from the same hymn book in their criticism of the speech and Zuma's leadership, or lack thereof, saying he had missed an opportunity to address some of the country's concerns, like the abuse of women and children and publicly-funded upgrades to his Nkandla residence.

Leader of the opposition in Parliament Lindiwe Mazibuko had the first go at Zuma, saying the South African people had lost confidence in him "and his State of the Nation address showed why".

"With the pressure of re-election lifted, this was an opportunity for the president to show leadership after he received a new mandate from his party at Mangaung.

She said Zuma had promised 5 million new jobs by 2020, but unemployment had risen again during his third year in office.

Zuma had missed an opportunity to address the youth unemployment plaguing the country.

She said the worst betrayal of all was his abandonment of the youth wage subsidy.

"Most presidents' characters are revealed over time.

"This president was compromised from the beginning, because there were simply too many unanswered questions about his actions before he assumed high office.

"Our message is clear: South Africa is a great country being let down by a weak president."

"He is the wrong man for these times," said Mazibuko.

"There will be a day; a day when this president and government will be removed from office at the ballot box," she said.

Cope leader Mosiuoa Lekota said the R200 million that went to security upgrades at Nkandla could have been used to produce several thousand matriculants.

"Why was Madiba also not given R200m?" asked Lekota.

He said there was also a need to review the public service and identify positions that were redundant which could save the country billions.

"The president said nothing about that."

Instead, Zuma had emphasised the need to review the tax system.

"Before asking citizens to fork out more money to the state, the state should thoroughly clean up its own act."

"It must stop corruption and put an end to futile and fruitless expenditure," he said.

IFP leader Mangosuthu Buthelezi said Zuma had done nothing to inspire the country.

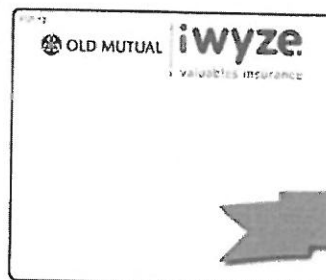
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Democratic Alliance's Parliamentary leader Lindiwe Mazibuko delivers her reply of the President's State of the Nation address in Parliament. Photo: GCIS

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"I'd like to speak with a sense of utter distress.

"As hard as I try to hear something in our president's State of the Nation address that will restore my confidence in the current leadership of our nation, I found nothing on which to pin my hopes.

He had heard only "aspirations and dreams".

"What I did not hear are timeframes, strategies or anything for which we can hold our present administration accountable," said Buthelezi.

He said nothing announced last week would come to fruition during Zuma's time in office, and possibly his lifetime.

Resources had been frittered away at every level of government. In national government, provincial administrations, and municipalities, performance was so poor and delivery so slow that "I have lost hope of us ever coming close to addressing South Africa's problems successfully".

"Let us open now, with the rising voice of a nation at odds with its government, the better, second republic our people deserve.

"Let us set this country on the right course, by doing what is needed - by unseating a leadership not fit to rule," Buthelezi said.

UDM president Bantu Holomisa said the unprecedented increase in service delivery protests and the use of violence were cause for concern.

"Not only are the poor unhappy with the levels of corruption, maladministration and poor service delivery at the various government levels, but they are so desperate for government's attention that they resort to violent civil disobedience," said Holomisa.

He called for a probe into the government's reliance on consultants, reported by the auditor-general's office to have cost a total of R102 billion in three years.

"This is a damning indictment of a modern public administration.

"It is also clear that there are serious structural and organisational deficiencies which cause departments to procure the services of consultants, to do that which the taxpayers pay them to do," he said.

He said the goals of the National Development Plan would not be realised if the government continued to appoint incompetent people to senior public service positions.

ANC chief whip Mathole Motshekga had earlier launched a pre-emptive strike when he took to the podium first.

He praised Zuma and his administration for introducing the National Development Plan, "a broad strategic framework which sets out a coherent and holistic approach to uniting South Africa around a common programme".

He slammed the opposition's "opportunistic" use of the courts to score political goals when they tried to force Parliament to have a debate on a motion of no confidence against Zuma in November.

He said this had "tarnished the image of this great institution".

He said "what we will hear during this debate today and tomorrow will mostly be the views of the Democratic Alliance".

"This is because, except for the few opposition political parties, who should be commended for staying, the rest have surrendered their independence to their new political master in the form of the Democratic Alliance," said Motshekga, referring to a meeting last week at which opposition parties agreed to co-ordinate their responses to Zuma's speech.

Justice Minister Jeff Radebe also came to Zuma's country had confidence in him.

"This is evident in the overwhelming majority that the ANC amassed at the 2009 general elections," said Radebe.

The debate continues on Wednesday.

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NDP does not address inequality: Habib

February 25 2013 at 08:26pm
By SAPA

Cape Town - It is a fallacy that the National Development Plan addresses inequality and that failure to do so will guarantee more social and labour unrest, political analyst Adam Habib said on Monday.

"The National Development Plan does not go after inequality... what it wants to do is drive poverty alleviation," Habib said in a dialogue with fellow academic Stephen Friedman at the Centre for Conflict Resolution in Cape Town.

He said the NDP sought to create growth and employment through a range of unobjectionable measures, but ignored the fact that growth accrued to the middle classes faster, thanks to their investments, than to those at the bottom of the scale.

"So as growth happens and as income grows at the base of society, what you also have is that people at the top are growing faster and therefore inequality levels are growing faster."

Habib said this phenomenon had played itself out in India and China over the past 15 years.

He warned it posed a bigger risk in South Africa because the country had the highest levels of inequality in the world.

"If you don't bring inequality levels down we are going to have a repeat of Marikana, we are going to have a repeat of De Doorns, we are going to have a repeat of the violent service delivery protests that are happening.

"Essentially what we are confronted with today is a rage building at the base of society, and that rage is built at the base of society because of the levels of inequality in our society."

Habib said the outrage of the poor was steadily fed by executives who owned millions, politicians who drove luxury cars, and a president who spent millions on his homestead at Nkandla while telling workers, who demanded better increases and citizens who demanded better services, to be patient.

"We can deal with poverty alleviation as much as we like. As long as we don't deal with inequality this society will burn. It might not burn today, it might not burn tomorrow, but it will if we allow inequality levels to increase as they have," he added. - Sapa

Adam Habib. Photograph: TJ Lemon.

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Lots more national key points declared

March 1 2013 at 11:32am
By LOUISE FLANAGAN

Johannesburg - The government is planning to add another 15 sites to the national key points.

The Budget refers to 182 key points for 2012/13, and increases this to 197 for 2013/14.

That's more than twice as many new key points as were added the year before, when they increased from 175 to 182.

There are also 248 "strategic installations".

Although the Budget gives the numbers - In the police budget - don't expect to find out what or where they are, or how much the government is spending on looking after them.

The secretive funding for national key points became a political hot potato after it emerged that the massive expansion of President Jacob Zuma's personal home at Nkandla was funded by the state as a key point.

The state won't identify the key points or explain the funding. The Budget gives a few clues in vote 25 - the police budget.

"Percentage of national key points evaluated in compliance with the National Key Points Act (1980) per year," notes a section in a table on performance in the police budget. For 2012/13, police evaluated "100% (182)".

"Plans for 2013/14 are to evaluate "100% (197)". That indicates that the state plans to list another 15 sites as national key points in the next year.

No expansion is indicated for the two years after that.

The table records that in 2009/10, the police evaluated "83.3% (130)"; The Star calculated that this indicates there were 156 key points that year, which matches information in other police documents.

In 2010/11, "99.4% (164)" were evaluated, which indicates 165 key points existed.

In 2011/12, "98% (171)" were evaluated, indicating a total of 174 or 175. By 2012/13, all 197 were evaluated. The key points are not identified, and no information is provided on the addition of new points.

The job of overseeing the national key points moved from Defence to Police in 2004.

The key points are still run under a 1980 law. A new law was drafted - but never passed - which adds the category of "strategic installations".

Although that law hasn't been passed, the police budget includes strategic installations.

The police's objectives include "auditing 50 percent (124) of a total of 248 strategic installations and evaluating 100 percent (197) national key points in 2015/16", states the Budget.

Just how much it costs to secure these key points and strategic installations is unclear.

The SAPS will spend about R92m this year on the government security regulator sub-programme, which is the sub-programme for the key points. But this is primarily for paying personnel - two years ago, the police budget noted that 92 percent of that sub-programme's funding went to paying the 288 staff.

In 2012/12 there were 271 staff, notes this year's Budget. These are probably staff who oversee the key points, not guard them, as it's not enough people.

The spending on maintaining and securing those sites is not in the police budget.

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President Jacob Zuma's private Nkandla residence.

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IN THE NORTH GAUTENG HIGH COURT, PRETORIA
(REPUBLIC OF SOUTH AFRICA)

CASE NO: 67574/12

In the matter between:

**MANDG CENTRE FOR
INVESTIGATIVE JOURNALISM NPC**

First Applicant

VINAYAK BHARDWAJ

Second Applicant

and

THE MINISTER OF PUBLIC WORKS

First Respondent

**THE INFORMATION OFFICER:
DEPARTMENT OF PUBLIC WORKS**

Second Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned:


STEFAANS BRÜMMER

do hereby make oath and swear that

1. I am an adult male managing partner of the applicant, MandG Centre for Investigative Journalism NPC t/a M&G Centre for Investigative Journalism, a Non-Profit Company incorporated under registration no 2009/024323/08, operating from 13th Floor, Metropolitan Building, 7 Coen Steytler Avenue, Foreshore, Cape Town.
2. The facts herein contained are true and correct and, unless the context indicates otherwise, are within my personal knowledge.

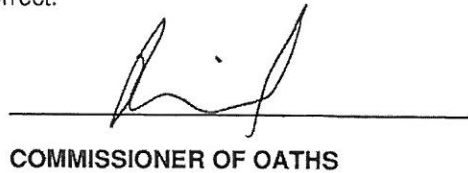
SCB
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3. I have read the replying affidavit deposed to by the second applicant **VINAYAK BHARDWAJ** and I confirm the contents thereof insofar as they relate to the first applicant.



STEFAANS BRÜMMER

Signed and sworn to before me at *Cape Town* on **7** MARCH 2013, the deponent having acknowledged that he knows and understands the contents of this affidavit and that it is true and correct.



COMMISSIONER OF OATHS

Full names:	Paul Andrew Modderwick
Business address:	Norton Rose House 8 Riebeeck Street Cape Town
Designation:	Commissioner of Oaths - Ex Officio Practising Attorney
Capacity:	Republic of South Africa

IN THE NORTH GAUTENG HIGH COURT, PRETORIA
(REPUBLIC OF SOUTH AFRICA)

CASE NO: 67574/12

In the matter between:

**MANDG CENTRE FOR
INVESTIGATIVE JOURNALISM NPC**

First Applicant

VINAYAK BHARDWAJ

Second Applicant

and

MINISTER OF PUBLIC WORKS

First Respondent

**INFORMATION OFFICER:
DEPARTMENT OF PUBLIC WORKS**

Second Respondent

SUPPORTING AFFIDAVIT

I, the undersigned,

CHRISTOPHER JOHN ROBINSON

do hereby make oath and swear that:

1. I am an adult male civil engineer currently serving as managing director of Jeffares & Green (Pty) Limited ("**Jeffares & Green**"), at its Pretoria office, which is situated at Crestway Office Park: Block A, Polmed Building: 2nd Floor, 20 Hotel Street, Persequor Park, Pretoria.
2. Jeffares & Green is a consulting engineering firm focusing on the provision of consulting services in all fields of civil and structural engineering, as well as geotechnical and environmental services.

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3. The facts and allegations herein, save where the contrary is indicated by the context, are all within my personal knowledge and are, to the best of my belief, both true and correct.
4. During my career, I have attained considerable experience in construction projects undertaken by the South African government, which has included extensive experience in security-related projects undertaken by the Department of Public Works ("**the Department**").
5. My detailed and current curriculum vitae is attached hereto marked "**CJR1**". It records, among other things, the following:
 - 5.1 I obtained a Bachelor of Sciences degree in Civil Engineering from the University of Pretoria in 1971;
 - 5.2 I was employed from 1972 to 1981 by the Department as Assistant Engineer, then Principal Engineer and then Assistant Chief Engineer (later retitled as Deputy Director of Civil Engineering Services); and
 - 5.3 I have been appointed from 1981 to date by Jeffares & Green, first as an Associate, then Director and then Managing Director, which is my current position.
6. During the nine years that I was employed by the Department, I was given direct responsibility for numerous major construction projects concerning state security utilising the services of consulting engineers. These projects included:
 - 6.1 construction of an ammunition depot at De Aar;

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- 6.2 construction of the Grootfontein military base;
 - 6.3 upgrading of the Grootfontein airport;
 - 6.4 construction of the Donkin jetty at Port Elizabeth;
 - 6.5 construction of civil engineering services, including earthworks, roads, storm water drainage, water supply and sewerage at Grootvlei prison (Bloemfontein), Westville prison (Durban) and Helderstroom prison (Caledon); and
 - 6.6 construction of radar stations around the borders of South Africa:
7. In addition to my experience at the Department, during the 32 years of my service at Jeffares & Green, I have been regularly engaged in procurement processes and project management in respect of numerous construction projects undertaken by the South African government, from which I have maintained a detailed and up-to-date understanding of the documentation involved in such projects.
8. During my service at Jeffares & Green, I was involved in the following major projects concerning state security:
- 8.1 construction of an ammunition depot at Crecy (as project manager for certain aspects);
 - 8.2 upgrading of an ammunition depot at Jan Kempdorp (as project director);

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- 8.3 railway siding for the offloading of ammunition and fuel for the air force base at Louis Trichardt (as project director); and
- 8.4 development and implementation of railway maintenance management programmes at the ammunition depots at De Aar and Crecy and the rail siding at Louis Trichardt (as project director).
9. In each of the projects listed under paragraphs 6 and 8 above, despite the strict law, policy and culture of state secrecy that prevailed at the time, the financial implications of the projects, as well as the identities of consultants and contractors involved, were disclosed to the public, as disclosure of this information was not deemed to endanger the security of the state or of the sites concerned.
10. In my experience, in the course of a government construction project, the following documents containing information about the financial implications of the project are typically created:
- 10.1 a needs analysis or project motivation;
- 10.2 an initial budget, which would be updated when design parameters were finalised and again upon finalisation of the tender documentation;
- 10.3 a record of the procedure followed in the appointment of professional service providers;
- 10.4 agreements concluded with the professional service providers;

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- 10.5 a preliminary (feasibility) report submitted by the professional service provider setting out the proposed work to be executed and the estimated cost thereof;
- 10.6 a set of tender documents including drawings, specifications, conditions of contract and a schedule of quantities;
- 10.7 an estimate of costs for tender purposes;
- 10.8 permission to proceed with tender;
- 10.9 records of tender briefing session, generally including a compulsory site visit;
- 10.10 tender evaluation reports;
- 10.11 tender adjudication reports;
- 10.12 tender awards;
- 10.13 performance guarantees or sureties;
- 10.14 minutes of site handover meeting;
- 10.15 minutes of monthly progress meetings;
- 10.16 site instructions;
- 10.17 variation orders;
- 10.18 payment certificates;
- 10.19 taking-over certificates;

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- 10.20 a final payment certificate;
- 10.21 defects lists; and
- 10.22 records of release of final retention once the defects have been rectified.

11. In security-related government projects, any of the above documents may contain information of a security-sensitive nature, in that the disclosure of such information might endanger the security of the sites concerned. However, the information in each of these documents is presented in such a way that it would always be possible to redact any security-sensitive information while preserving the remaining information in a meaningful form. It would be possible, for example, to redact any references to the specifications of personnel or material employed at the site, while preserving references to financial implications and other non-security-sensitive information.
12. In my professional opinion, it is factually impossible that all documentation created in a government construction project, without exception, could be presented in such a way that the security-sensitive information cannot be redacted while preserving the remaining information in a meaningful form.

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CHRISTOPHER JOHN ROBINSON

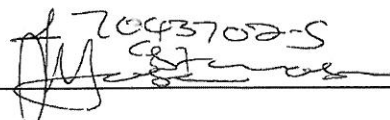
Signed and sworn to before me at

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FEBRUARY 2013,

the deponent having acknowledged that he knows and understands the contents of this affidavit and that it is true and correct.



COMMISSIONER OF OATHS

Full names:

J. Mosema

Business address:

277 Johnny Clashes

Designation:

Police Officer

Capacity: