

**IN THE NORTH GAUTENG HIGH COURT, PRETORIA:
POLOKWANE CIRCUIT COURT
(REPUBLIC OF SOUTH AFRICA)**

CASE NO: 206/2013

In the matter between:

**MANDG CENTRE FOR
INVESTIGATIVE JOURNALISM NPC** Applicant

and

**MUNICIPAL MANAGER:
POLOKWANE LOCAL MUNICIPALITY** First Respondent

**EXECUTIVE MAYOR:
POLOKWANE LOCAL MUNICIPALITY** Second Respondent

POLOKWANE LOCAL MUNICIPALITY Third Respondent

NOTICE OF MOTION

TAKE NOTICE THAT the applicant intends to make application to the above Honourable Court for an order:

1. Condoning the late lodging of this application, if any;
2. Setting aside the first and second respondents' decision to refuse the applicant's request for access to information (as described more fully in the founding affidavit attached hereto), in terms of section 82(a) of the Promotion of Access to Information Act 2 of 2000 ("**the Act**");
3. Declaring that the applicant is entitled to access the requested records, in terms of section 82(c) of the Act;

REGISTRAR
POLOKWANE CIRCUIT COURT OF THE NORTH GAUTENG HIGH COURT, PRETORIA
2013 -03- 14
PRIVATE BAG X9693 POLOKWANE 0700
REGISTRAR

4. Requiring the respondents to provide the applicant with a copy of the requested records within 15 days of the granting of this order, in terms of section 82(b) of the Act;
5. Requiring the respondents to bear the costs of this application; and
6. Granting the applicant further and/or alternative relief.

TAKE NOTICE FURTHER THAT the founding affidavit of **CRAIG MCKUNE** and the confirmatory affidavits of **STEFAANS CONRAD BRÜMMER, VINAYAK BHARDWAJ, GLENDA DANIELS, FIONA FORDE** and **OKYEREBEA AMPOFO-ANTI** will be used in support hereof.

TAKE NOTICE FURTHER THAT the applicant has appointed the address of the applicant's attorneys, **WEBBER WENTZEL c/o VERVEEN ATTORNEYS**, as set out fully below, at which the applicant will accept notice and service of all process in these proceedings.

TAKE NOTICE FURTHER THAT:

- (i) Notice of intention to oppose this application must be given within 15 days after receipt hereof and must contain an address within eight kilometres of the above Honourable Court, where notice and service of documents will be accepted.
- (ii) Answering affidavits, if any, must be filed within 15 days after service of the notice of intention to oppose the application.
- (iii) In default of your complying with Rule 3(5) of the Promotion of Access to Information Rules, the applicant may request the Registrar to place the

application before the above Honourable Court for an order in terms of section 82(b) of the Act.

- (iv) In default of your delivering a notice of intention to oppose, the matter will, without further notice, be placed on the roll for hearing after the expiry of the period mentioned in paragraph (i) above, on a date to be fixed by the Registrar.

Dated at **ILLOVO** on **12 MARCH 2013**

WEBBER WENTZEL
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Ref: Mr Solly Mmakola

To:

THE REGISTRAR

North Gauteng High Court, Pretoria: Polokwane Circuit Court

34 Landros Mare Street

Polokwane 0700

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And to:
MUNICIPAL MANAGER:
POLOKWANE LOCAL MUNICIPALITY
First Respondent
Cnr Landros Marais and Bodenstein Streets
Polokwane
Tel: 015 290 2102

SERVICE BY SHERIFF

And to:
EXECUTIVE MAYOR:
POLOKWANE LOCAL MUNICIPALITY
Second Respondent
Cnr Landros Marais and Bodenstein Streets
Polokwane
Tel: 015 290 2103

SERVICE BY SHERIFF

And to:
POLOKWANE LOCAL MUNICIPALITY
Third Respondent
Cnr Landros Marais and Bodenstein Streets
Polokwane
Tel: 015 290 2103

SERVICE BY SHERIFF

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Second Respondent

POLOKWANE LOCAL MUNICIPALITY

Third Respondent

FOUNDING AFFIDAVIT

I, the undersigned,

CRAIG MCKUNE

do hereby make oath and say that:

1. I am an adult male employed by the applicant as an investigative journalist at 13th Floor, Metropolitan Building, 7 Coen Steytler Avenue, Foreshore, Cape Town.
2. I am duly authorised to depose to this affidavit and to make this application on behalf of the applicant. This is confirmed in the confirmatory affidavit of

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STEFAANS CONRAD BRÜMMER, a managing partner of the applicant, which will be filed with this application.

3. 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.
4. Where I make submissions of law, I do so on the basis of advice received from the applicant's legal representatives.

THE PARTIES

5. The applicant is the MandG Centre for Investigative Journalism NPC t/a M&G Centre for Investigative Journalism, a Non-Profit Company duly incorporated under Registration No 2009/024323/08, with its head office at 13th Floor, Metropolitan Building, 7 Coen Steytler Avenue, Foreshore, Cape Town.
6. The applicant's object is to promote open, accountable and just democracy, and a free press capable and worthy of performing this duty. To do so, it develops investigative journalism in the public interest, inter alia by engaging in its best practice, by transferring investigative skills to other journalists, and by helping to secure the information rights investigative journalists need to do their work.
7. The *Mail & Guardian* newspaper is the primary publisher of the applicant's work.



8. The first respondent is the Municipal Manager of the Polokwane Local Municipality and is cited in his official capacity as the information officer of the Municipality, to whom any requests for access to information held by the Municipality in terms of the Promotion of Access to Information Act 2 of 2000 ("**PAIA**") are to be directed.
9. The second respondent is the Executive Mayor of the Municipality, cited in his official capacity as the relevant authority of the Polokwane Local Municipality, with whom internal appeals against decisions of the first respondent are to be lodged ("**the Mayor**").
10. The third respondent is the Polokwane Local Municipality ("**the Municipality**"), a municipality established as such in accordance with the provisions of section 155 of the Constitution read with the Municipal Structures Act 117 of 1998. The records that constitute the subject matter of this application are held by the third respondent.

NATURE OF THE APPLICATION

11. This is an application in terms of section 78 of PAIA for access to records held by the third respondent. The respondents have refused access to the records without any justification. There is also a compelling public interest in the disclosure of the records requested.



BACKGROUND TO THIS APPLICATION

The allegations

12. The facts that follow emerged from interviews, conducted by me and Ms Fiona Forde, a freelance journalist, with confidential sources who were well-placed to witness the events they described. I consider myself ethically bound to keep their identities strictly confidential and I am advised that I am legally entitled to do so.
13. Between June and August 2011, Ms Forde and I spoke to confidential sources, and from those conversations the following allegations emerged:
 - 13.1 In 2009, shortly after Cassel Mathale assumed office as the Premier of Limpopo Province ("**the Premier**"), the Municipality advertised a public sale of several properties it owned in the suburb of Bendor in Polokwane.
 - 13.2 It is typical of such sales of municipal land that there is considerable demand among prospective purchasers, as the properties are priced at significantly less than their market value, owing to delay between the date of valuation and the date of the sale.
 - 13.3 Such sales are publicly announced, and usually advertised in local newspapers. The properties are all sold on a 'first-come, first-served' basis and each purchaser is permitted to purchase only one property. Prospective purchasers form a queue, which is typically very long, and occasionally the local stadium is used to accommodate this.

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- 13.4 Contrary to the procedure described above, the Bendor properties advertised in 2009 had been offered to persons within the Premier's "*inner circle*" before they were offered to the public. The Premier had pre-selected four properties for himself, and most of the Members of the Executive Council of Limpopo Province ("**MECs**") had been offered an opportunity to purchase properties, although some did not accept this offer.
- 13.5 Properties had also been pre-selected by Julius Malema (then President of the African National Congress Youth League ("**ANCYL**"), Lesiba Gwangwa (CEO of On-Point Engineering and a business associate of Mr Malema), Jacob Lebogo (ANCYL Limpopo Secretary), Selbie Manthata (a business associate of the Premier), and Sam Mabotja (at that time the Municipality's Director of Planning and Development), among others.
- 13.6 As the Municipality was permitted to sell only one property to each purchaser, several properties were purchased through so-called "*double transfers*", where an intermediary would purchase a property from the Municipality and shortly thereafter sell the same property for the same price to a person who had already purchased another property in the same public sale. Through this scheme, a number of politically connected individuals were able to acquire several of the Bendor properties.
- 13.7 In the eventual sale, six properties were purchased by or on behalf of the Premier in Bendor. It was indicated that these included Erf 682,


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purchased in the Premier's own name, and surrounding properties purchased in other persons' names, including that of his wife, Mokgadi Dolly Kgholoane. Such surrounding properties possibly included Erfs 667, 668, 669, 670, 679, 680 or 681.

13.8 Julius Malema purchased Erf 662, and other "*heavyweights*" bought several properties around nearby Parkview Street and Hannie Street, pointed out as possibly including Erfs 615, 616, 617, 618, 619, 620, 621, 622, 623, 624 or 683.

14. In August 2011, I verified that the Municipality had advertised a public sale of properties in Bendor during 2009. A copy of the relevant advertisement, which was published in local newspapers between 15 to 17 April 2009, is attached as "**FA1**" ("**the advertisement**"). The advertisement gave notice that the Municipality would "*compile a database for potential purchasers to register their names on the Municipality's database for the purchase of 115 residential erven in Bendor, Polokwane*".

15. The registration was due to take place on 16 April 2009 at Peter Mokaba Stadium and from 17 April to 29 May 2009 at the Polokwane Civic Centre. The advertisement also stated as follows:

"First come first served. Only one erf will be sold to a person or body corporate whose name appears on the database."

16. I also verified that this sale took place shortly after the Premier assumed office. According to the South African government information website www.info.gov.za, Mathale became Limpopo Premier on 6 May 2009 but



was "acting premier of Limpopo" from 3 to 23 March 2009 and "interim premier of Limpopo" from 24 March to 5 May 2009. In addition, the website states he became the ANC Limpopo chairperson on 17 July 2008.

17. Also in August 2011, I searched the deeds records for the 115 properties offered in the 2009 public sale. These records revealed that only 38 of the 115 properties had been transferred from the Municipality to purchasers by that time, and that at least 15 of these properties had been transferred (whether directly or indirectly through apparent double transfers) to politicians, officials or business people who I understood to be connected to powerful political figures in Limpopo.
18. The search results for these 15 properties, attached as "FA2", showed the following:
 - 18.1 Erf 538 was transferred to Dickson Masemola, MEC for Education.
 - 18.2 Erf 563 was transferred, initially, to Jooned Ismail Nagdee and Aisha Mohamed Nagdee, and then, for the same purchase price, to Mpho Olive Batsebe Nkuna, who I understood to be a business associate of Thulani Nkuna, in turn a business associate of Lesiba Gwangwa.
 - 18.3 Erf 601 was transferred, initially, to Selbie Manthata, a business associate of the Premier, and then, on the same day and for the same amount, to the Solani Mokgotho Family Trust, the beneficiaries of which I have been unable to ascertain.
 - 18.4 Erf 608 was transferred to Jack Maifala, an employee of the Mopani District Municipality, which is a neighbouring municipality.



- 18.5 Erf 614 was transferred, apparently through a double transfer, to the then Mayor of Capricorn District Municipality, Motalane Monakedi. It is important to note that Capricorn District Municipality is the District within which the Polokwane Local Municipality falls.
- 18.6 Erf 623 was transferred directly to Lesiba Gwangwa, the CEO of On-Point Engineering (Pty) Ltd, a business associate of Mr Malema and his co-accused in respect of pending charges of corruption, fraud, money laundering and other offences.
- 18.7 Erf 624 was transferred, initially, to Floyd Mamabolo, an employee of On-Point Engineering, and then, on the same day and for the same amount, to the Gwangwa Family Trust, of which Lesiba Gwangwa is listed as both trustee and beneficiary.
- 18.8 Erf 625 was transferred, initially, to ANCYL Limpopo Secretary Jacob Lebogo, and then, on the same day and for the same amount, to the Gwangwa Family Trust.
- 18.9 Erf 628 was transferred to David Mabilu, who I understand to be an associate of Mr Malema.
- 18.10 Erf 650 was transferred, initially, to the Chueu Trust (represented by influential businessman David Mogale, who I also understand to be an associate of Mr Malema), and then, on the same day and for the same amount, to the Mogale Trust, the beneficiaries of which I have been unable to ascertain.

- 18.11 Erf 653 was transferred directly to Thulani Nkuna, who I understand to be a business associate of Mr Gwangwa.
- 18.12 Erf 675 was transferred, for R393 000, directly to Thabo Makunyane, the Mayor of the Municipality at the time of the sale and the transfer. My subsequent search of the records on 22 November 2012 showed that Mr Makunyane sold the same property to a third party, two years after the transfer, for R1.2 million, over three times the price at which he had bought it. I have been unable to ascertain the reason for the increase in the property's value.
- 18.13 Erf 678 was transferred directly to Moroamokopane Jack Matsaung, a councillor of Capricorn District Municipality.
- 18.14 Erf 679 was transferred to Ernest Setati, former spokesperson of the South African Police Service in Lebowa, through an apparent double transfer.
- 18.15 Erf 682 was transferred directly to the Premier and his wife, Mokgadi Dolly Kgholoane.
19. Based on the above information, I co-wrote with Ms Forde an article that was published in the *Mail & Guardian* on 19 August 2011 under the title "*Polokwane's landed gentry*", a copy of which is attached as "FA3".

The request for access to information

20. During the course of researching the above article, I requested access to the Municipality's database of potential purchasers for the 2009 sale of the

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115 Bendor properties, which had been described in the advertisement. On or about 18 August 2011, I was telephonically informed by the Municipality's spokesperson, Simon Mokoatedi, that a formal request for such access would have to be lodged in terms of PAIA.

21. On 24 August 2011, Glenda Daniels ("**Ms Daniels**"), who was at that time responsible for handling requests for access to information on behalf of the applicant, submitted a request, on the prescribed form in terms of PAIA, to the first respondent, a copy of which is attached as "**FA4**" ("**the request**"), for access to the following records ("**the records**"):

- The database of potential buyers – including the order in which they were registered in terms of the Municipality's 'first-come, first-served' stipulation – who registered to purchase one of 115 properties from the Municipality in Bendor in 2009, in terms of a public notice issued by the Municipality in local newspapers from 15 to 17 April 2009; and
- The list of those who entered into agreements with the Municipality to buy these 115 properties, including the numbers of the erven they applied to buy.

22. On 29 September 2011, the applicant received a fax from the Municipality, comprising a letter dated 20 September 2009, a copy of which is attached as "**FA5**", in which the Municipality refused the request "*on the basis that [the records] disclosure would constitute an action of breach of a duty of confidence owed to third parties*" ("**the refusal**"). The letter did not explain any factual basis for the claim that the disclosure would breach a duty of



confidence owed to a third party. Indeed the letter appears to be a “cut and paste” from the provisions of section 37(1)(a) of PAIA.

23. On 21 November 2011, Ms Daniels lodged an internal appeal against the refusal with the office of the Mayor, a copy of which is attached as “**FA6**” (“**the appeal**”). The grounds for the appeal included:

- 23.1 the Municipality had not identified any agreement requiring the records to be treated confidentially;
- 23.2 the Municipality had failed to establish that the disclosure of the requested information would expose the Municipality to an action for breach of confidence;
- 23.3 the Municipality had therefore failed to provide adequate reasons for the refusal;
- 23.4 the release of the records was in the public interest, as the land in question was public land; and
- 23.5 the records could not be confidential, as the purchasers’ details would, in any event, be available for public access through the deeds records after the properties had been transferred.

24. Despite the appeal being lodged on 21 November 2011, the Municipality only acknowledged actual receipt on 25 November 2011. However, the Municipality failed to sign the prescribed internal appeal form confirming its receipt of the internal appeal.

25. It is evident from the correspondence between Ms Daniels and Ms Suzan Phogole ("**Ms Phogole**"), who is employed at the Mayor's office, from 21 November 2011 to 14 February 2012 (a copy of which is attached as "**FA7**"), that, although the Mayor's office acknowledged receipt of the appeal on 25 November 2011, the applicant encountered difficulty in ascertaining the status of the appeal. As a result of this difficulty, the Municipality never informed the applicant in categorical terms that its appeal had been refused.
26. In the above respect, the correspondence and communication between Ms Daniels and the office of the Mayor is relevant. During the week of 13 to 17 February 2012, Ms Daniels was informed by Ms Phogole that the information requested had "*been printed*" and the Mayor had received it. Consequently, on 21 February 2012, Ms Daniels enquired from Ms Phogole as to when the information would be delivered to the applicant. I attach a copy of the e-mail correspondence to this effect marked "**FA8**".
27. On 22 February 2012, Ms Phogole again telephonically informed Ms Daniels that the information had been printed, but the relevant officials were involved in meetings. Although no explanation was given as to the purpose of the meetings, in the context of the conversation, Ms Daniels took this to mean the officials were discussing the information. The information was, however, not made available. No explanation was given in this regard.
28. On or about 12 March 2012, Ms Daniels spoke to the Mayor regarding the records requested. She was informed that a letter had been sent to the



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applicant regarding the request. Ms Daniels advised the Mayor that she had not received a letter and he informed her that the letter would be resent. In addition, Ms Daniels was informed that the Mayor was happy to disclose the information, but only if directed to do so by a court order. The reason for this was that he wanted to avoid being sued by any interested party. The letter was never resent. Accordingly, the official position of the Municipality was never made clear and/or communicated to the applicant.

29. Ms Daniels subsequently left the employ of the applicant and was succeeded by Vinayak Bhardwaj. Mr Bhardwaj attempted to follow up with Ms Phogole to ascertain the status of the appeal. It is evident from the correspondence between Mr Bhardwaj and Ms Phogole between 18 and 20 June 2012, a copy of which is attached as "FA9", that the applicant was informed by the Mayor's office that a decision on the appeal was still being considered.
30. By August 2012, when no decision on the appeal had been received from the Mayor's office, the applicant instructed its attorneys, Webber Wentzel, to address a letter to the Mayor. A copy of the letter addressed by Webber Wentzel to the Mayor on 7 August 2012 is attached as "FA10" (without its attachment, which is already attached to this affidavit as FA6). In the letter the applicant requested a decision on the appeal by 15 August 2012, failing which the appeal would be deemed to have been dismissed.
31. On 21 August 2012, the Mayor responded by letter (incorrectly dated 21 August 2011), a copy of which is attached as "FA11". The letter stated that the appeal was receiving attention, and that "*all the relevant third*

parties affected" by the request would be informed within 30 days and given a further 21 days to make representations on whether the request should be granted.

32. On 26 October 2012, Webber Wentzel addressed a further letter to the Mayor, a copy of which is attached as "FA12", stating that any affected third parties should have been notified within 30 days of the appeal being lodged, not of Webber Wentzel's letter, and that, even from that date, the relevant time periods had elapsed without a decision. Webber Wentzel again requested a decision on the appeal, by 31 October 2012, failing which the appeal would be deemed to have been dismissed.
33. To date, the applicant has not received a decision on the appeal, nor any response to the letter attached as FA12. The applicant accordingly regards the request as having been refused.

THE RIGHT OF ACCESS TO INFORMATION

34. Section 32 of the Constitution entrenches the right of access to information in the following terms:

"(1) Everyone has the right of access to -

(a) any information held by the state; and

(b) any information that is held by another person and that is required for the exercise or protection of any rights.

(2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state."

35. PAIA is the national legislation envisaged in section 32(2). According to its preamble, it was enacted, among other things, to "*foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information*". Its objects include "*to promote transparency, accountability and effective governance of all public and private bodies*" (section 9(e) of PAIA).
36. The right of access to information is also linked to the basic values that must be embodied in the public administration set out in section 195 of the Constitution. Section 195(1)(g) of the Constitution states that
- "Transparency must be fostered by providing the public with timely, accessible and accurate information."*
37. Indeed the right of access to information underpins the values of "*accountability, responsiveness and openness*" set out in section 1(d) of the Constitution which are foundational to our democratic government.
38. Further argument regarding the above will be advanced at the hearing of this matter.

ABSENCE OF GROUNDS FOR THE REFUSAL

39. I am advised that in terms of the both the Constitution and PAIA, the applicant is entitled to access the records requested which are being held by the Municipality, unless there is a lawful reason for refusing access. Specifically, section 11 of PAIA provides that a requester "*must*" be granted access to a record if she or he has complied with the relevant


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procedural requirements and none of the enumerated grounds for refusal are applicable.

40. The grounds on which access may lawfully be refused are enumerated in sections 34 to 45 of PAIA. The only ground relied on by the Municipality for the refusal was that releasing the records "*would constitute an action of breach of a duty of confidence owed to third parties*". This appears to be a reference to section 37(1)(a) of PAIA, which states that a request must be refused if "*disclosure of the record would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement*".
41. I am advised, however, that the first respondent's reliance on this provision is misplaced:
- 41.1 It is not enough for a party to simply assert the provisions of a statute without backing it up with the necessary facts, as the Municipality has done. In order for the claim of the alleged confidentiality to be considered, it must be justified by reference to specific facts. None are alleged in this case and accordingly the section does not even come into consideration.
- 41.2 If the section has been properly invoked by the Municipality, its invocation is not justified in light of the nature of the information requested. The applicant has requested a database whose compilation was publicly announced. There can be no expectation of confidentiality on the part of individuals that placed their names on the list of interested parties. They know that the compilation of the database was a public process.



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- 41.3 Equally, the list of individuals that bought properties in a public sale of land cannot be confidential. Nor can there be any expectation on the part of the individuals that bought municipal land in a public sale that their names will be kept confidential. As such, the claim of confidentiality is unfounded.
42. In any event, in terms of section 81(3) of PAIA, in the present proceedings, the burden of establishing that the refusal complies with section 37(1)(a), or any other provision of PAIA, rests on the respondents.
43. The courts have made it clear that in order to discharge this burden, evidence must be provided that the record falls within the exemption that the state seeks to apply and that mere recitation of the relevant section of PAIA is not sufficient. Further argument in this regard will be advanced at the hearing of this matter.

PUBLIC INTEREST IN ACCESS TO THE RECORDS

44. To the extent that section 37(1)(a) of PAIA applies (which is denied) I wish to make reference to section 46 of PAIA. Section 46 of PAIA provides that an information officer must grant access to a record, which could otherwise be refused under one of the grounds of refusal (including section 37(1)(a)), 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."*
45. Accordingly, even if it were to be accepted that the ground of refusal in section 37(1)(a) is applicable on the facts of this matter the records should still be made available for the reasons set out below.
46. According to section 14(5) of the Local Government: Municipal Finance Management Act 56 of 2003 ("**the MFMA**"), any sale of capital assets (e.g. land) by the Municipality "*must be fair, equitable, transparent, competitive and consistent with the [Municipality's] supply chain management policy*".
47. In terms of section 63(1)(a) of the MFMA, the management of the assets of the Municipality is the responsibility of the accounting officer, who is, in terms of section 60, the municipal manager *ex officio*, who is also the first respondent in these proceedings. The municipal manager was moreover specifically indicated in the advertisement as the official responsible for the registration of prospective purchasers in the 2009 sale.
48. The accounting officer, under section 61(1)(a) of the MFMA, must "*act with fidelity, honesty, integrity and in the best interests of the municipality*", and particularly, under section 61(2)(b), may not "*use the position or privileges of, or confidential information obtained as, accounting officer for personal gain or to improperly benefit another person*".

49. In terms of section 173(1)(a) of the MFMA, the accounting officer is guilty of an offence (punishable by a fine or imprisonment for up to five years) if she or he "*deliberately or in a grossly negligent way ... contravenes or fails to comply with a provision of section 61(2)(b) [which I have quoted above] ... or fails to take all reasonable steps to prevent corruptive practices in the management of the municipality's assets or receipt of money*".
50. Accordingly, if the allegations are true that politically connected individuals were given privileged access to the sale of Bendor properties in 2009, the municipal manager contravened several provisions of the MFMA, most notably section 61(2)(b), as he used his position as accounting officer "*to improperly benefit another person*". If so, he is guilty of a serious criminal offence.
51. If the allegations are true, the individuals involved may also be guilty of contravening the Prevention and Combating of Corrupt Activities Act 12 of 2004 ("**the Corruption Act**"), specifically section 12(1), which prohibits the receiving or giving of any gratification (which is widely defined) "*in order to improperly influence ... the promotion, execution or procurement of any contract with a public body*".
52. Given that the allegations communicated to me by my sources were substantially corroborated by the results of my search of the deeds records of the 115 Bendor properties, I submit that there is a strong probability that politically connected persons were given priority in the 2009 sale, in that they were effectively exempted from both the "*first come, first served*" rule and the "*only one property per purchaser*" restriction. I



am advised that, in terms of section 81 of PAIA, the standard of proof applicable in these proceedings is a balance of probabilities.

53. In light of the above, I submit that the records requested by the applicant, namely the database of potential purchasers, reflecting the order in which they registered, the erven for which they applied, the names of the buyers and the properties bought would indeed reveal "*evidence of a substantial contravention of, or failure to comply with, the law*", as required by section 46 of PAIA, satisfying the first condition for the application of the public interest override.
54. The pressing need to combat corruption in a democratic society has been given prominent expression and emphasis by Parliament in the Corruption Act, the preamble of which provides, among other things, that:
- "corruption and related corrupt activities undermine [human] rights, endanger the stability and security of societies, undermine the institutions and values of democracy and ethical values and morality, jeopardise sustainable development, the rule of law and the credibility of governments, and provide a breeding ground for organised crime; [and]*
- ... the illicit acquisition of personal wealth can be particularly damaging to democratic institutions, national economies, ethical values and the rule of law".*
55. The detection and deterrence of corruption and maladministration in public bodies is a matter of inherent and pressing public interest and importance.



This interest and importance is no less valid and vivid in respect of local and provincial government than in respect of the highest offices of national government. The duty of the state to serve its citizens faithfully and fairly applies in all spheres of government, and the discharge of that duty is invariably of profound interest and importance to all citizens.

56. The particular public interest in the release of the records is highlighted by the Municipality's dire record of maladministration. In the General Report on the Audit Outcomes of the Limpopo Local Government for 2010-2011, presented to Parliament by the Auditor-General of South Africa on 23 July 2012 (copies of the relevant pages of which are attached as "FA13"), it is recorded that the Municipality received a qualified audit for the 2009-2010 and 2010-2011 financial years (on page 88).
57. In the audit of supply chain management in 2010-2011, it was found that the Municipality had awarded contracts worth R84 000 to four of its own officials and contracts worth R2 996 000 to 28 other government officials, none of whom had declared their interests (pages 47-48). It was further found that three contracts worth R10 608 000 had been awarded by the Municipality in "*uncompetitive or unfair procurement processes*" (page 49). Furthermore, the Municipality's supply chain management controls (for the prevention of abuse) were found to be inadequate (page 51).
58. Against this background, the truth about the sale of publicly-owned land in Bendor in 2009 - which the requested records will reveal - must be brought to public knowledge, in the interests of transparency and accountability to

the country's citizens, from whose ownership the land in question was transferred.

59. The legitimate and profound public interest in the release of the records overwhelmingly outweighs any harm that could conceivably be suffered by any prospective purchaser. As title deeds are public documents, the identity of a purchaser, as well as the price for which a property was purchased, will be made public eventually. Thus, no harm at all can be suffered by any party as a result of the release of this information. There cannot conceivably be any legitimate reason for the records to be kept confidential.
60. In light of the above, even if the records fell within section 37(1)(a) of PAIA (that is, even if the Municipality had concluded confidentiality agreements with all prospective purchasers), the overwhelming public interest in access to the records trumps that confidentiality, in accordance with section 46 of PAIA.

JURISDICTION OVER THIS APPLICATION

61. Section 77(7) of PAIA provides that an internal appeal is deemed to have been dismissed if the relevant authority fails to give notice of the decision on that appeal within 30 days of it having been lodged or, if affected third parties have been notified, within 30 days of that notification.
62. In terms of section 78(2) of PAIA read with the Constitutional Court's order in *Brümmer v Minister for Social Development and Others* 2009 (6) SA



323 (CC) ("**Brümmer**"), a requester may apply to a court within 180 days of a dismissal (or deemed dismissal).

63. Although the appeal was lodged on 21 November 2011, and thus would ordinarily be deemed dismissed on 21 December 2011, the Mayor's office was in continuous correspondence with the applicant for several months after the appeal was lodged. Even after the Mayor indicated informally that he was inclined to dismiss the appeal, his office continued to create the impression that the matter was still under consideration. In particular, the letter of 21 August 2012 (already attached as **FA13**) sought to create the impression that the Mayor was still considering the appeal and had even issued third party notices, albeit several months late. The effect of the correspondence between the applicant and/or their attorneys and the Mayor's office was that the applicant assumed that it would receive a decision eventually and reasonably relied on the information communicated to it by the Mayor's office to give the Mayor an opportunity to make a decision before resorting to costly and lengthy litigation.
64. When the applicant did not receive a decision on the appeal even after the letter from the Mayor of 21 August 2012, it became apparent that the Municipality was engaging in delay tactics, and possibly had no intention of providing the applicant with a response to the appeal. For this reason our attorneys imposed a further deadline of 31 October 2012 after which the appeal would be deemed by us to have been refused. When the applicant did not receive a response by this date, it became clear that no



response would ever be forthcoming unless court proceedings were launched.

65. In light of the above, I submit that this application is lodged well within the timeframe set by section 78(2) of PAIA read with *Brümmer*.
66. The respondents are both public bodies whose offices are permanently situated within this Honourable Court's territorial jurisdiction.

CONDONATION

67. In the event that the court takes the view that this application has been served outside of the time frame set by section 78(2) of PAIA read with *Brümmer*, the applicant requests condonation for the late filing.
68. As is evident from the lengthy correspondence between the applicant and the Municipality, the applicant acted reasonably in seeking to receive a formal decision on the appeal and engaging with the Municipality to that end. The applicant submits that it is eminently sensible for any litigant to exhaust all attempts to avoid litigation, which would be costly both for the State and for the applicant, a non-profit company with limited funding.
69. The applicant submits that it would be against the spirit of PAIA to punish a person who has requested information from a public body, for engaging extensively with that public body in the reasonable belief that a decision on the request would be forthcoming. The applicant further submits that there could be no prejudice suffered by the respondents as a result of any late lodging of this application.

RELIEF SOUGHT

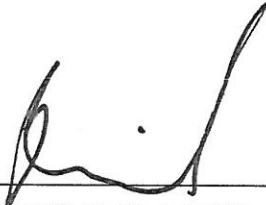
70. For the reasons set out above, the applicant submits that the request was wrongly refused, and seeks an order from this Honourable Court in terms of section 82 of PAIA, setting aside the refusal of the request and directing the respondents to release the records to the applicant.

71. Wherefore, the applicant prays for an order in terms of the notice of motion to which this affidavit is attached.



CRAIG MCKUNE

SIGNED and SWORN to before me at CAPE TOWN on this the 7 day of MARCH 2013, by the deponent who has acknowledged that he knows and understands the contents of this affidavit, that he has no objection to taking to the prescribed oath and that he considers the prescribed oath to be binding on his conscience.



COMMISSIONER OF OATHS

Full Names: **Paul Andrew Hedderwick**
Address: **Norton Rose House
8 Riebeeck Street
Cape Town**
Capacity: **Commissioner of Oaths - Ex Officio
Practising Attorney
Republic of South Africa**

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PUBLIC NOTICE

COMPILATION OF A DATABASE FOR 115 RESIDENTIAL ERVEN IN BENDOR

Notice is hereby given that the Polokwane Municipality proposes to compile a database for potential purchasers to register their names on the Municipality's database for the purchase of 115 residential erven in Bendor, Polokwane.

Conditions of the sale as approved by Council are in accordance with the Municipal Finance Management Act, 56 of 2003 (Section 164). Prices range from **R309 000** to **R426 000** depending on size.

Any potential purchaser who wishes to register on the Municipality's database for the purchase of the 115 residential erven in Bendor must lodge an application from **16 April 2009 to 29 May 2009**. The first day of registration will take place on **16 April 2009**, at the **Koos Smit Hall (Peter Mokaba Stadium)** from **8:00 - 16:00** and from **17 April to 29 May 2009** on weekdays from **13:30 to 16:00** at the office of the **Acting Manager: Planning (Spatial Planning and Land Use Management)**, Civic Centre, Room 147, POLOKWANE.

No fax applications will be accepted. First come first served. Only one erf will be sold to a person or body corporate whose name appears on the database.

ADVOCATE J L THUBAKGALE
MUNICIPAL MANAGER

POLOKWANE MUNICIPALITY, CIVIC CENTRE
C/O LANDDROS MARÉ AND BODENSTEIN STREET
POLOKWANE



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SearchWorks Report

Print Date:

2012/11/22 04:52 PM

Report Details

Search Date: 2012/11/22 04:00 PM
 Reference: craigm
 Description: Bendor, 538 (PTA)
 Type Of Search: Deed Erf

Property Information

Deeds Office: PRETORIA
 Property Type: Erf
 Township Name: BENDOR
 Erf Number: 538
 Portion Number: 0
 Previous Description:
 Diagram Deed: T19958/1978
 Size: 1672.0000 SQM
 Registration Division: LS
 Clearance Authority: POLOKWANE LOCAL MUNICIPALITY
 Province: LIMPOPO
 Situated at:
 LPI Code: T0LS00020000053800000
 Street Address: Not Searched

Owner Information

Owner 1 of 2

Owner Type: PRIVATE PERSON
 Owner Name: MASEMOLA NAMANE DICKSON
 ID Number: 6801115576089
 Title Deed: T29949/2010
 Registration Date: 2010/05/12
 Purchase Price: R 368 000,00
 Multiple Owners: No
 Multiple Properties: No
 Share:
 Buy Date: 2009/11/30
 Microfilm Number:

Owner 2 of 2

Owner Type: PRIVATE PERSON
 Owner Name: MASEMOLA SINAH TULUDI
 ID Number: 7012130351081
 Title Deed: T29949/2010
 Registration Date: 2010/05/12
 Purchase Price: R 368 000,00
 Multiple Owners: No
 Multiple Properties: No
 Share:
 Buy Date: 2009/11/30
 Microfilm Number:

Endorsement Information - (None)

History Information

No	Document No	Document Type	Owner	Value	Microfilm No
1	T29949/2010			Unknown	
2	T42630/2001			Unknown	2006 0263 0833
3	T33441/1995			Unknown	1995 0504 2648
4	T19958/1978		PIETERSBURG/POLOKWANE OORGANGSRAAD	SECT 16	2008 0556 5280
5	T19958/1978		MUN PIETERSBURG	Unknown	2008 0556 5280
6	T19958/1978		POLOKWANE LOCAL MUNICIPALITY	T/T	2008 0556 5280

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SearchWorks Report

Print Date: 2012/11/22 05:10 PM

Report Details

Search Date: 2012/11/22 04:33 PM
 Reference: craigm
 Description: Bendor, 563 (PTA)
 Type Of Search: Deed Erf

Property Information

Deeds Office: PRETORIA
 Property Type: Erf
 Township Name: BENDOR
 Erf Number: 563
 Portion Number: 0
 Previous Description: T19958/1978
 Diagram Deed: 1408.0000 SQM
 Size: LS
 Registration Division: POLOKWANE LOCAL MUNICIPALITY
 Clearance Authority: LIMPOPO
 Province: Situated at
 LPI Code: T0LS00020000056300000
 Street Address: Not Searched

Owner Information

Owner 1 of 1

Owner Type: PRIVATE PERSON
 Owner Name: NKUNA MPHOLIVE BATSEBA
 ID Number: 7806090523088
 Title Deed: T19463/2011
 Registration Date: 2011/04/06
 Purchase Price: R 310 000,00
 Multiple Owners: No
 Multiple Properties: No
 Share: Buy Date: 2010/08/05
 Microfilm Number:

Endorsement Information - (None)

History Information

No	Document No	Document Type	Owner	Value	Microfilm No
1	T19463/2011			R 310 000,00	
2	T19463/2011			R 310 000,00	
3	T37213/2010			Unknown	
4	T37213/2010		NAGDEE JOONED ISMAIL	R 310 000,00	
5	T37213/2010		NAGDEE AISHA MOHAMED	R 310 000,00	
6	T42630/2001			Unknown	2006 0263 0833
7	T33441/1995			Unknown	1995 0504 2648
8	T19958/1978		MUN PIETERSBURG	Unknown	2008 0556 5280
9	T19958/1978		POLOKWANE LOCAL MUNICIPALITY	T/T	2008 0556 5280
10	T19958/1978		PIETERSBURG/POLOKWANE OORGANGSRAAD	SECT 16	2008 0556 5280

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SearchWorks Report

Print Date:

2012/11/22 05:11 PM

Report Details

Search Date: 2012/11/22 05:10 PM
 Reference: craigm
 Description: Bendor, 601 (PTA)
 Type Of Search: Deed Erf

Property Information

Deeds Office: PRETORIA
 Property Type: Erf
 Township Name: BENDOR
 Erf Number: 601
 Portion Number: 0
 Previous Description:
 Diagram Deed: T19958/1978
 Size: 1647.0000 SQM
 Registration Division: LS
 Clearance Authority: POLOKWANE LOCAL MUNICIPALITY
 Province: LIMPOPO
 Situated at:
 LPI Code: T0LS00020000060100000
 Street Address: Not Searched

Owner Information

Owner 1 of 1

Owner Type: TRUST
 Owner Name: SOLANI MOKGOTHO FAMILY TRUST
 Registration Number: 01/2010
 Title Deed: T31139/2010
 Registration Date: 2010/05/17
 Purchase Price: R 346 000,00
 Multiple Owners: No
 Multiple Properties: No
 Share:
 Buy Date: 2010/03/08
 Microfilm Number:

Endorsement Information

No	Document No	Document Type	Institution	Value	Microfilm No
1	SERVITUDE-FLYLEAF			Unknown	

History Information

No	Document No	Document Type	Owner	Value	Microfilm No
1	T31139/2010			R 346 000,00	
2	T31138/2010		MANTHATA MORATHI SELBIE	R 346 000,00	
3	T31138/2010			Unknown	
4	T42630/2001			Unknown	2006 0263 0833
5	T33441/1995			Unknown	1995 0504 2648
6	T19958/1978		PIETERSBURG/POLOKWANE OORGANGSRAAD	SECT 16	2008 0556 5280
7	T19958/1978		MUN PIETERSBURG	Unknown	2008 0556 5280
8	T19958/1978		POLOKWANE LOCAL MUNICIPALITY	T/T	2008 0556 5280

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Print Date:

2012/11/22 05:07 PM

Report Details

Search Date: 2012/11/22 05:06 PM
 Reference: craigm
 Description: Bendor, 608 (PTA)
 Type Of Search: Deed Erf

Property Information

Deeds Office: PRETORIA
 Property Type: Erf
 Township Name: BENDOR
 Erf Number: 608
 Portion Number: 0
 Previous Description:
 Diagram Deed: T19958/1978
 Size: 1551.0000 SQM
 Registration Division: LS
 Clearance Authority: POLOKWANE LOCAL MUNICIPALITY
 Province: LIMPOPO
 Situated at:
 LPI Code: TOLS00020000060800000
 Street Address: Not Searched

Owner Information

Owner 1 of 2

Owner Type: PRIVATE PERSON
 Owner Name: MAIFALA MOSHOENE JACK
 ID Number: 5611185782082
 Title Deed: T9367/2010
 Registration Date: 2010/02/19
 Purchase Price: R 341 000,00
 Multiple Owners: Yes
 Multiple Properties: No
 Share: *
 Buy Date: 2009/07/24
 Microfilm Number:

Owner 2 of 2

Owner Type: PRIVATE PERSON
 Owner Name: MAIFALA NDIVHUDZANNYI ELIZABETH
 ID Number: 6608050752082
 Title Deed: T9367/2010
 Registration Date: 2010/02/19
 Purchase Price: R 341 000,00
 Multiple Owners: Yes
 Multiple Properties: No
 Share: *
 Buy Date: 2009/07/24
 Microfilm Number:

Endorsement Information - (None)

History Information

No	Document No	Document Type	Owner	Value	Microfilm No
1	T9367/2010			Unknown	
2	T42630/2001			Unknown	2006 0263 0833
3	T33441/1995			Unknown	1995 0504 2648
4	T19958/1978		PIETERSBURG/POLOKWANE OORGANGSRAAD	SECT 16	2008 0556 5280
5	T19958/1978		MUN PIETERSBURG	Unknown	2008 0556 5280
6	T19958/1978		POLOKWANE LOCAL MUNICIPALITY	T/T	2008 0556 5280

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Print Date:

2012/11/22 04:56 PM

Report Details

Search Date: 2012/11/22 04:55 PM
 Reference: craigm
 Description: Bendor, 614 (PTA)
 Type Of Search: Deed Erf

Property Information

Deeds Office: PRETORIA
 Property Type: Erf
 Township Name: BENDOR
 Erf Number: 614
 Portion Number: 0
 Previous Description:
 Diagram Deed: T19958/1978
 Size: 1588.0000 SQM
 Registration Division: LS
 Clearance Authority: POLOKWANE LOCAL MUNICIPALITY
 Province: LIMPOPO
 Situated at:
 LPI Code: T0LS00020000061400000
 Street Address: Not Searched

Owner Information

Owner 1 of 2

Owner Type: PRIVATE PERSON
 Owner Name: MONAKEDI MOTALANE DEWET
 ID Number: 6205095803085
 Title Deed: T21457/2010
 Registration Date: 2010/04/09
 Purchase Price: R 349 000,00
 Multiple Owners: Yes
 Multiple Properties: No
 Share: *
 Buy Date: 2010/02/10
 Microfilm Number:

Owner 2 of 2

Owner Type: PRIVATE PERSON
 Owner Name: MONAKEDI MASEGELE NELIA
 ID Number: 6704120245080
 Title Deed: T21457/2010
 Registration Date: 2010/04/09
 Purchase Price: R 349 000,00
 Multiple Owners: Yes
 Multiple Properties: No
 Share: *
 Buy Date: 2010/02/10
 Microfilm Number:

Endorsement Information - (None)

History Information

No	Document No	Document Type	Owner	Value	Microfilm No
1	T21457/2010			R 349 000,00	
2	T21456/2010		LETSOALO MAPHOWE AGNES	R 349 000,00	
3	T21456/2010			Unknown	
4	T42630/2001			Unknown	2006 0263 0833
5	T33441/1995			Unknown	1995 0504 2648
6	T19958/1978		POLOKWANE LOCAL MUNICIPALITY	T/T	2008 0556 5280
7	T19958/1978		MUN PIETERSBURG	Unknown	2008 0556 5280
8	T19958/1978		PIETERSBURG/POLOKWANE OORGANGSRAAD	SECT 16	2008 0556 5280

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SearchWorks Report

Print Date:

2011/07/28 04:22 PM

Report Details

Search Date: 2011/07/28 04:19 PM
 Reference: craigm
 Description: bendor, 623 (PTA)
 Type Of Search: Deed Erf

Property Information

Deeds Office: PRETORIA
 Property Type: Erf
 Township Name: BENDOR
 Erf Number: 623
 Portion Number: 0
 Previous Description:
 Diagram Deed: T19958/978
 Size: 2039.0000 SQM
 Registration Division: LS
 Clearance Authority: POLOKWANE LOCAL MUNICIPALITY
 Province: LIMPOPO
 Situated at:
 LPI Code: TOLS00020000062300000
 Street Address: Not Searched

Owner Information

Owner 1 of 1

Owner Type: PRIVATE PERSON
 Owner Name: GWANGWA LESIBA CUTHBERT
 ID Number: 7909095521089
 Title Deed: T44616/2011
 Registration Date: 2011/07/08
 Purchase Price: R 367 000,00
 Multiple Owners: No
 Multiple Properties: No
 Share:
 Buy Date: 2009/08/26
 Microfilm Number:

Endorsement Information - (None)

History Information

No	Document No	Document Type	Owner	Value	Microfilm No
1	T44616/2011	TRANSFER		Unknown	
2	T42630/2001	TRANSFER		Unknown	2006 0263 0833
3	T33441/1995	TRANSFER		Unknown	1995 0504 2648
4	T19958/1978	TRANSFER	PIETERSBURG/POLOKWANE OORGANGSRAAD	SECT 16	2008 0556 5280
5	T19958/1978	TRANSFER	MUN PIETERSBURG	Unknown	2008 0556 5280
6	T19958/1978	TRANSFER	POLOKWANE LOCAL MUNICIPALITY	T/T	2008 0556 5280

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SearchWorks Report

Print Date:

2011/07/28 04:23 PM

Report Details

Search Date: 2011/07/28 04:22 PM
 Reference: craigm
 Description: bendor, 624 (PTA)
 Type Of Search: Deed Erf

Property Information

Deeds Office: PRETORIA
 Property Type: Erf
 Township Name: BENDOR
 Erf Number: 624
 Portion Number: 0
 Previous Description:
 Diagram Deed: T19958/978
 Size: 1985.0000 SQM
 Registration Division: LS
 Clearance Authority: POLOKWANE LOCAL MUNICIPALITY
 Province: LIMPOPO
 Situated at:
 LPI Code: T0LS00020000062400000
 Street Address: Not Searched

Owner Information

Owner 1 of 1

Owner Type: TRUST
 Owner Name: GWANGWA FAMILY TRUST
 Registration Number: 3804/2008
 Title Deed: T44618/2011
 Registration Date: 2011/07/08
 Purchase Price: R 367 000,00
 Multiple Owners: No
 Multiple Properties: No
 Share:
 Buy Date: 2010/03/05
 Microfilm Number:

Endorsement Information - (None)

History Information

No	Document No	Document Type	Owner	Value	Microfilm No
1	T44618/2011	TRANSFER		R 367 000,00	
2	T44617/2011	TRANSFER	MAMABOLO FLOYD SEKWALA	R 367 000,00	
3	T44617/2011	TRANSFER		Unknown	
4	T42630/2001	TRANSFER		Unknown	2006 0263 0833
5	T33441/1995	TRANSFER		Unknown	1995 0504 2648
6	T19958/1978	TRANSFER	POLOKWANE LOCAL MUNICIPALITY	T/T	2008 0556 5280
7	T19958/1978	TRANSFER	MUN PIETERSBURG	Unknown	2008 0556 5280
8	T19958/1978	TRANSFER	PIETERSBURG/POLOKWANE OORGANGSRAAD	SECT 16	2008 0556 5280

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SearchWorks Report

Print Date:

2011/07/28 04:45 PM

Report Details

Search Date: 2011/07/28 04:41 PM
 Reference: craigm
 Description: bendor, 625 (PTA)
 Type Of Search: Deed Erf

Property Information

Deeds Office: PRETORIA
 Property Type: Erf
 Township Name: BENDOR
 Erf Number: 625
 Portion Number: 0
 Previous Description:
 Diagram Deed: T19958/978
 Size: 2049.0000 SQM
 Registration Division: LS
 Clearance Authority: POLOKWANE LOCAL MUNICIPALITY
 Province: LIMPOPO
 Situated at:
 LPI Code: T0LS00020000062500000
 Street Address: 54 DE VILLIERS AVENUE, BENDOR

Owner Information

Owner 1 of 1

Owner Type: TRUST
 Owner Name: GWANGWA FAMILY TRUST
 Registration Number: 3804/2008
 Title Deed: T44620/2011
 Registration Date: 2011/07/08
 Purchase Price: R 369 000,00
 Multiple Owners: No
 Multiple Properties: No
 Share:
 Buy Date: 2010/03/08
 Microfilm Number:

Endorsement Information - (None)

History Information

No	Document No	Document Type	Owner	Value	Microfilm No
1	T44620/2011	TRANSFER		R 369 000,00	
2	T44619/2011	TRANSFER	LEBOGO MATOME JACOB	R 369 000,00	
3	T44619/2011	TRANSFER		Unknown	
4	T42630/2001	TRANSFER		Unknown	2006 0263 0833
5	T33441/1995	TRANSFER		Unknown	1995 0504 2648
6	T19958/1978	TRANSFER	POLOKWANE LOCAL MUNICIPALITY	T/T	2008 0556 5280
7	T19958/1978	TRANSFER	MUN PIETERSBURG	Unknown	2008 0556 5280
8	T19958/1978	TRANSFER	PIETERSBURG/POLOKWANE OORGANGSRAAD	SECT 16	2008 0556 5280

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SearchWorks Report

Print Date: 2011/08/09 10:34 AM

Report Details

Search Date: 2011/08/09 10:32 AM
 Reference: craigm
 Description: bendor, 628 (PTA)
 Type Of Search: Deed Erf

Property Information

Deeds Office: PRETORIA
 Property Type: Erf
 Township Name: BENDOR
 Erf Number: 628
 Portion Number: 0
 Previous Description:
 Diagram Deed: T19958/978
 Size: 1832.0000 SQM
 Registration Division: LS
 Clearance Authority: POLOKWANE LOCAL MUNICIPALITY
 Province: LIMPOPO
 Situated at:
 LPI Code: T0LS00020000062800000
 Street Address: Not Searched

Owner Information

Owner 1 of 1

Owner Type: PRIVATE PERSON
 Owner Name: MABILU DAVID LUFUNO
 ID Number: 6907195367081
 Title Deed: T67203/2010
 Registration Date: 2010/09/27
 Purchase Price: R 305 263,16
 Multiple Owners: No
 Multiple Properties: No
 Share:
 Buy Date: 2009/08/26
 Microfilm Number:

Endorsement Information - (None)

History Information

No	Document No	Document Type	Owner	Value	Microfilm No
1	T67203/2010	TRANSFER		Unknown	
2	T42630/2001	TRANSFER		Unknown	2006 0263 0833
3	T33441/1995	TRANSFER		Unknown	1995 0504 2648
4	T19958/1978	TRANSFER	PIETERSBURG/POLOKWANE OORGANGSRAAD	SECT 16	2008 0556 5280
5	T19958/1978	TRANSFER	MUN PIETERSBURG	Unknown	2008 0556 5280
6	T19958/1978	TRANSFER	POLOKWANE LOCAL MUNICIPALITY	T/T	2008 0556 5280

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SearchWorks Report

Print Date:

2011/08/08 03:53 PM

Report Details

Search Date: 2011/08/08 03:24 PM
 Reference: craigm
 Description: bendor, 650 (PTA)
 Type Of Search: Deed Erf

Property Information

Deeds Office: PRETORIA
 Property Type: Erf
 Township Name: BENDOR
 Erf Number: 650
 Portion Number: 0
 Previous Description:
 Diagram Deed: T19958/978
 Size: 1632.0000 SQM
 Registration Division: LS
 Clearance Authority: POLOKWANE LOCAL MUNICIPALITY
 Province: LIMPOPO
 Situated at:
 LPI Code: T01S00020000065000000
 Street Address: Not Searched

Owner Information

Owner 1 of 1

Owner Type: TRUST
 Owner Name: MOGALE TRUST
 Registration Number: 4524/2003
 Title Deed: T37235/2011
 Registration Date: 2011/06/10
 Purchase Price: R 359 000,00
 Multiple Owners: No
 Multiple Properties: No
 Share:
 Buy Date: 2011/03/01
 Microfilm Number:

Endorsement Information - (None)

History Information

No	Document No	Document Type	Owner	Value	Microfilm No
1	T37235/2011	TRANSFER		R 359 000,00	
2	T37234/2011	TRANSFER	CHUEU TRUST	R 359 000,00	
3	T37234/2011	TRANSFER		Unknown	
4	T42630/2001	TRANSFER		Unknown	2006 0263 0833
5	T33441/1995	TRANSFER		Unknown	1995 0504 2648
6	T19958/1978	TRANSFER	POLOKWANE LOCAL MUNICIPALITY	T/T	2008 0556 5280
7	T19958/1978	TRANSFER	MUN PIETERSBURG	Unknown	2008 0556 5280
8	T19958/1978	TRANSFER	PIETERSBURG/POLOKWANE OORGANGSRAAD	SECT 16	2008 0556 5280

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SearchWorks Report

Print Date:

2012/11/22 04:34 PM

Report Details

Search Date: 2012/11/22 04:33 PM
 Reference: craigm
 Description: Bendor, 653 (PTA)
 Type Of Search: Deed Erf

Property Information

Deeds Office: PRETORIA
 Property Type: Erf
 Township Name: BENDOR
 Erf Number: 653
 Portion Number: 0
 Previous Description:
 Diagram Deed: T19958/1978
 Size: 1768.0000 SQM
 Registration Division: LS
 Clearance Authority: POLOKWANE LOCAL MUNICIPALITY
 Province: LIMPOPO
 Situated at:
 LPI Code: T0LS00020000065300000
 Street Address: Not Searched

Owner Information

Owner 1 of 1

Owner Type: PRIVATE PERSON
 Owner Name: NKUNA THULANI ROLLINS
 ID Number: 7604230562086
 Title Deed: T16630/2010
 Registration Date: 2010/03/19
 Purchase Price: R 371 000,00
 Multiple Owners: No
 Multiple Properties: No
 Share:
 Buy Date: 2009/08/26
 Microfilm Number:

Endorsement Information - (None)

History Information

No	Document No	Document Type	Owner	Value	Microfilm No
1	T16630/2010			Unknown	
2	T42630/2001			Unknown	2006 0263 0833
3	T33441/1995			Unknown	1995 0504 2648
4	T19958/1978		PIETERSBURG/POLOKWANE OORGANGSRAAD	SECT 16	2008 0556 5280
5	T19958/1978		MUN PIETERSBURG	Unknown	2008 0556 5280
6	T19958/1978		POLOKWANE LOCAL MUNICIPALITY	T/T	2008 0556 5280

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SearchWorks Report

Print Date:

2011/08/08 12:01 PM

Report Details

Search Date: 2011/08/08 11:59 AM
 Reference: craigm
 Description: bendor, 675 (PTA)
 Type Of Search: Deed Erf

Property Information

Deeds Office: PRETORIA
 Property Type: Erf
 Township Name: BENDOR
 Erf Number: 675
 Portion Number: 0
 Previous Description:
 Diagram Deed: T42092/2011
 Size: 2456.0000 SQM
 Registration Division: LS
 Clearance Authority: POLOKWANE LOCAL MUNICIPALITY
 Province: LIMPOPO
 Situated at:
 LPI Code: T0LS00020000067500000
 Street Address: 4 BENDOR DRIVE, BENDOR

Owner Information

Owner 1 of 1

Owner Type: PRIVATE PERSON
 Owner Name: MAKUNYANE THABO LUCAS
 ID Number: 5310255742080
 Title Deed: T42092/2011
 Registration Date: 2011/06/30
 Purchase Price: R 393 000,00
 Multiple Owners: No
 Multiple Properties: No
 Share:
 Buy Date: 2009/10/06
 Microfilm Number:

Endorsement Information - (None)

History Information

No	Document No	Document Type	Owner	Value	Microfilm No
1	T42092/2011	TRANSFER		Unknown	
2	T42630/2001	TRANSFER		Unknown	2006 0263 0833
3	T33441/1995	TRANSFER		Unknown	1995 0504 2648
4	T19958/1978	TRANSFER	PIETERSBURG/POLOKWANE OORGANGSRAAD	SECT 16	2008 0556 5280
5	T19958/1978	TRANSFER	MUN PIETERSBURG	Unknown	2008 0556 5280
6	T19958/1978	TRANSFER	POLOKWANE LOCAL MUNICIPALITY	T/T	2008 0556 5280

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SearchWorks Report

Print Date:

2012/11/22 04:45 PM

Report Details

Search Date: 2012/11/22 03:54 PM
 Reference: craigm
 Description: Bendor, 675 (PTA)
 Type Of Search: Deed Erf

Property Information

Deeds Office: PRETORIA
 Property Type: Erf
 Township Name: BENDOR
 Erf Number: 675
 Portion Number: 0
 Previous Description:
 Diagram Deed: T42092/2011
 Size: 2456.0000 SQM
 Registration Division: LS
 Clearance Authority: POLOKWANE LOCAL MUNICIPALITY
 Province: LIMPOPO
 Situated at:
 LPI Code: TOLS00020000067500000
 Street Address: Not Searched

Owner Information

Owner 1 of 1

Owner Type: CLOSE CORPORATION
 Owner Name: NEGRONI 117 CC
 Registration Number: 201008435523
 Title Deed: T75174/2011
 Registration Date: 2011/10/24
 Purchase Price: R 1 200 000,00
 Multiple Owners: No
 Multiple Properties: No
 Share:
 Buy Date: 2011/08/16
 Microfilm Number:

Endorsement Information - (None)

History Information

No	Document No	Document Type	Owner	Value	Microfilm No
1	T75174/2011			R 393 000,00	
2	T42092/2011		MAKUNYANE THABO LUCAS	R 393 000,00	
3	T42092/2011			Unknown	
4	T42630/2001			Unknown	2006 0263 0833
5	T33441/1995			Unknown	1995 0504 2648
6	T19958/1978		POLOKWANE LOCAL MUNICIPALITY	T/T	2008 0556 5280
7	T19958/1978		MUN PIETERSBURG	Unknown	2008 0556 5280
8	T19958/1978		PIETERSBURG/POLOKWANE OORGANGSRAAD	SECT 16	2008 0556 5280

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Report Details

Search Date: 2012/11/22 03:59 PM
Reference: craigm
Description: Bendor, 678 (PTA)
Type Of Search: Deed Erf

Property Information

Deeds Office: PRETORIA
Property Type: Erf
Township Name: BENDOR
Erf Number: 678
Portion Number: 0
Previous Description:
Diagram Deed: T19958/1978
Size: 1749.0000 SQM
Registration Division: LS
Clearance Authority: POLOKWANE LOCAL MUNICIPALITY
Province: LIMPOPO
Situating at:
LPI Code: T0LS00020000067800000
Street Address: Not Searched

Owner Information

Owner 1 of 2

Owner Type: PRIVATE PERSON
Owner Name: MATSAUNG MATLAKALA DINAH
ID Number: 6006080833081
Title Deed: T278/2011
Registration Date: 2011/01/05
Purchase Price: R 332 000,00
Multiple Owners: Yes
Multiple Properties: No
Share: *
Buy Date: 2009/07/30
Microfilm Number:

Owner 2 of 2

Owner Type: PRIVATE PERSON
Owner Name: MATSAUNG MOROAMOKOPANE JACK
ID Number: 5708095813088
Title Deed: T278/2011
Registration Date: 2011/01/05
Purchase Price: R 332 000,00
Multiple Owners: Yes
Multiple Properties: No
Share: *
Buy Date: 2009/07/30
Microfilm Number:

Endorsement Information

Table with 5 columns: No, Document No, Document Type, Institution, Value, Microfilm No. Row 1: 1, B148/2011, FIRSTRAND BANK LTD, R 174 700,00

History Information

Table with 5 columns: No, Document No, Document Type, Owner, Value, Microfilm No. Rows 1-6 listing various deeds and owners like PIETERSBURG/POLOKWANE OORGANGSRAAD.

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SearchWorks Report

Print Date:

2011/08/01 08:38 AM

Report Details

Search Date: 2011/08/01 08:36 AM
 Reference: craigm
 Description: bendor, 679 (PTA)
 Type Of Search: Deed Erf

Property Information

Deeds Office: PRETORIA
 Property Type: Erf
 Township Name: BENDOR
 Erf Number: 679
 Portion Number: 0
 Previous Description:
 Diagram Deed: T19958/978
 Size: 1865.0000 SQM
 Registration Division: LS
 Clearance Authority: POLOKWANE LOCAL MUNICIPALITY
 Province: LIMPOPO
 Situated at:
 LPI Code: T0LS000200006790000
 Street Address: Not Searched

Owner Information

Owner 1 of 2

Owner Type: PRIVATE PERSON
 Owner Name: SETATI FRANCINA MAHLODI
 ID Number: 5811090874087
 Title Deed: T24907/2011
 Registration Date: 2011/04/21
 Purchase Price: R 336 000,00
 Multiple Owners: No
 Multiple Properties: No
 Share:
 Buy Date: 2010/11/26
 Microfilm Number:

Owner 2 of 2

Owner Type: PRIVATE PERSON
 Owner Name: SETATI PHUTI ERNEST
 ID Number: 5502205753080
 Title Deed: T24907/2011
 Registration Date: 2011/04/21
 Purchase Price: R 336 000,00
 Multiple Owners: No
 Multiple Properties: No
 Share:
 Buy Date: 2010/11/26
 Microfilm Number:

Endorsement Information - (None)

History Information

No	Document No	Document Type	Owner	Value	Microfilm No
1	T24907/2011	TRANSFER		R 336 000,00	
2	T24907/2011	TRANSFER		R 336 000,00	
3	T24906/2011	TRANSFER		Unknown	
4	T24906/2011	TRANSFER	LEGORA CHUENE JONAS	R 336 000,00	
5	T24906/2011	TRANSFER	LEGORA SEIPATI TEARS	R 336 000,00	
6	T42630/2001	TRANSFER		Unknown	2006 0263 0833
7	T33441/1995	TRANSFER		Unknown	1995 0504 2648
8	T19958/1978	TRANSFER	MUN PIETERSBURG	Unknown	2008 0556 5280
9	T19958/1978	TRANSFER	POLOKWANE LOCAL MUNICIPALITY	T/T	2008 0556 5280
10	T19958/1978	TRANSFER	PIETERSBURG/POLOKWANE OORGANGSRAAD	SECT 16	2008 0556 5280

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SearchWorks Report

Print Date:

2011/08/17 11:59 AM

Report Details

Search Date: 2011/08/17 11:57 AM
 Reference: craigm
 Description: bendor, 682 (PTA)
 Type Of Search: Deed Erf

Property Information

Deeds Office: PRETORIA
 Property Type: Erf
 Township Name: BENDOR
 Erf Number: 682
 Portion Number: 0
 Previous Description:
 Diagram Deed: T19958/978
 Size: 2087.0000 SQM
 Registration Division: LS
 Clearance Authority: POLOKWANE LOCAL MUNICIPALITY
 Province: LIMPOPO
 Situated at:
 LPI Code: T0LS00020000068200000
 Street Address: 24 LEIGH AVENUE, BENDOR

Owner Information

Owner 1 of 2

Owner Type: PRIVATE PERSON
 Owner Name: MATHALE CASSEL CHARLIE
 ID Number: 6101235718087
 Title Deed: T50919/2010
 Registration Date: 2010/07/21
 Purchase Price: R 355 000,00
 Multiple Owners: No
 Multiple Properties: No
 Share:
 Buy Date: 2009/10/08
 Microfilm Number:

Owner 2 of 2

Owner Type: PRIVATE PERSON
 Owner Name: KGOHLOANE MOKGADI DOLLY
 ID Number: 7508210334087
 Title Deed: T50919/2010
 Registration Date: 2010/07/21
 Purchase Price: R 355 000,00
 Multiple Owners: No
 Multiple Properties: No
 Share:
 Buy Date: 2009/10/08
 Microfilm Number:

Endorsement Information

No	Document No	Document Type	Institution	Value	Microfilm No
1	SERVITUDE-TRANSFORME		R	Unknown	

History Information

No	Document No	Document Type	Owner	Value	Microfilm No
1	T50919/2010	TRANSFER		Unknown	
2	T42630/2001	TRANSFER		Unknown	2006 0263 0833
3	T33441/1995	TRANSFER		Unknown	1995 0504 2648
4	T19958/1978	TRANSFER	PIETERSBURG/POLOKWANE OORGANGSRAAD	SECT 16	2008 0556 5280
5	T19958/1978	TRANSFER	MUN PIETERSBURG	Unknown	2008 0556 5280
6	T19958/1978	TRANSFER	POLOKWANE LOCAL MUNICIPALITY	T/T	2008 0556 5280

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Print Date:

2011/06/13 02:27 PM

Report Details

Search Date: 2011/06/13 02:25 PM
 Reference: craigm
 Description: bendor, 682,
 Type Of Search: Valuation Erf

Property Details

Township: BENDOR
 Erf: 682
 Portion: 0
 Property Type: ERF
 Deeds Office: PRETORIA
 LPI Code: T0LS00020000068200000
 Province: LIMPOPO
 Municipality: POLOKWANE
 Suburb: BENDOR
 Street Name: LEIGH AVENUE
 Street Number: 24
 Size (SQM): 2087
 Coordinates: 29.494765430151 / -23.8834243003239

Lightstone

Owners

Owners 1 of 2

Owner Name: MATHALE CASSEL CHARLIE
 ID Number: 6101235718087

Owners 2 of 2

Owner Name: KGOHLOANE MOKGADI DOLLY
 ID Number: 7508210334087

Bond Information - (None)

Valuation Details

Market Valuation

Estimated value: R 1 050 000,00
 Expected High: R 1 470 000,00
 Expected Low: R 770 000,00
 Confidence Level: Low
 Last Sale Date: 2009/10/08
 Last Sale Price: R 355 000,00

Municipal Valuation

Municipal Valuation: R 0,00
 Municipal Valuation Year:
 Municipal Zoning:

Maps

Aerial Photo



Cadaster



[Handwritten signature]
 CM

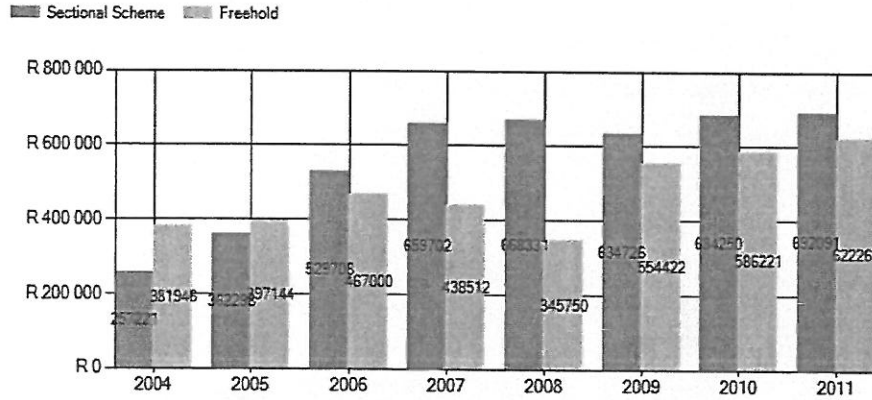


Suburb Trends

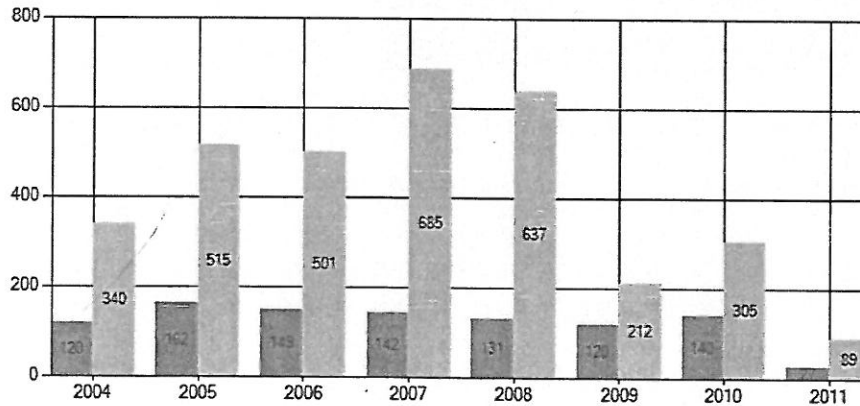
Year	Ave Sectional Scheme Price	Ave Erf Price	Number Of Sales (Sectional Scheme)	Number Of Sales (Erf)
2004	R 257 221,00	R 381 946,00	120	340
2005	R 362 298,00	R 397 144,00	162	515
2006	R 529 708,00	R 467 000,00	149	501
2007	R 659 702,00	R 438 512,00	142	685
2008	R 668 331,00	R 345 750,00	131	637
2009	R 634 726,00	R 554 422,00	120	212
2010	R 684 250,00	R 586 221,00	140	305
2011	R 692 091,00	R 622 261,00	27	89

Suburb Trends

Average Price



Number Of Sales



Comparative Sales

Township	Suburb	Erf	Portion	Sectional Title	Unit	Distance (m)	Size (SQM)	Last Sale Date	Last Sale Price	Street Address
BENDOR	BENDOR	545	0			262.58	1411	2011/02/02	R 950 000,00	4 MERINO
*BENDOR	BENDOR	530	0			328.01	1531	2010/12/07	R 1 300 000,00	5 MERINO
BENDOR	BENDOR	618	0			407.66	2179	2010/02/03	R 392 000,00	
*BENDOR	BENDOR	482	0			419.27	1383	2011/04/07	R 1 000 000,00	3 BENTHO
*BENDOR EXT B4	BENDOR	4127	0			486.01	805	2011/01/31	R 1 728 000,00	
BENDOR EXT 32	BENDOR	1845	0			490.02	573	2010/02/08	R 1 180 000,00	41 KREEF
BENDOR	BENDOR	583	0			525.61	1440	2010/08/05	R 920 000,00	31 DE VILLIERS
BENDOR	BENDOR	627	0			541.98	1601	2010/05/10	R 1 585 000,00	263 UITSPAN
*BENDOR EXT B5	BENDOR	4331	0			581.7	635	2011/06/02	R 1 125 000,00	
BENDOR EXT B5	BENDOR	4304	0			589.92	720	2010/10/07	R 1 300 000,00	
BENDOR EXT B4	BENDOR	4139	0			656.88	803	2011/01/10	R 1 150 000,00	
BENDOR EXT B4	BENDOR	4154	0			742.26	2772	2011/01/19	R 3 500 000,00	
BENDOR	BENDOR	350	0			614.18	2015	2011/02/25	R 2 000 000,00	72 SCHALK
*BENDOR	BENDOR	214	0			919.55	1489	2011/01/05	R 1 500 000,00	3 ANTON
PIETERSBURG EXT 11	STER PARK	2681	0			992.73	1871	2010/06/17	R 1 700 000,00	
BENDOR EXT B0	BENDOR	4043	0			1015.77	791	2010/11/16	R 1 220 000,00	
BENDOR	BENDOR	218	0			1025.68	2087	2010/12/03	R 1 700 000,00	9 VAN NIEKERK
BENDOR	BENDOR	340	0			1078.74	1419	2011/01/21	R 1 210 000,00	199 UITSPAN
BENDOR	BENDOR	207	0			1086.19	1502	2010/06/23	R 950 100,00	56 SCHALK
PIETERSBURG EXT 11	STER PARK	2654	0			1116.11	1541	2010/07/20	R 710 000,00	26 APOLLO

Highlighted rows indicate OTP(Offer to purchase) data

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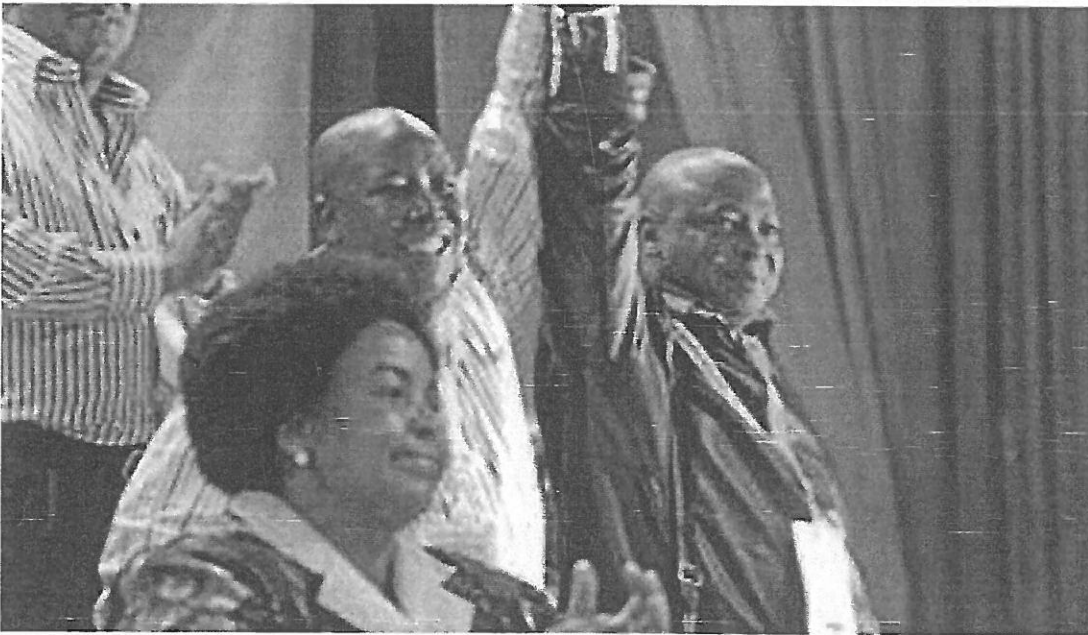
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Polokwane's landed gentry

Deeds show a few connected politicians benefited from the sale of prestigious municipal property.

19 Aug 2011 00:00 - Staff Reporter



Land grab: Julius Malema and Limpopo Premier Cassel Mathale (right) allegedly both jumped the queue to grab prime real estate. (Paul Botes, M&G)

A group of politicians and businessmen close to Julius Malema and Limpopo Premier Cassel Mathale allegedly enriched themselves by being given privileged access to a municipal property sale in Polokwane.

The *Mail & Guardian* was told that in mid-2009 Mathale, Malema, provincial ministers and the businessmen "jumped the queue", giving themselves first choice in buying certain plots and bypassing the public process.

This allegation, brought to the *M&G* by well-placed sources, has been roundly denied by those involved. Nevertheless, deed records reflect a long list of connected individuals who benefited from the sale.

These include Mathale; his business partner, Selby Manthata; Lesiba Gwangwa, the chief executive of On-Point Engineering, which is co-owned by Malema's Ratanang Family Trust; and Limpopo ANC Youth League secretary Jacob Lebogo.

The *M&G* recently revealed that On-Point holds a tender to administer a large part of the multibillion-rand budget of Limpopo's roads and transport department.

Tender Park II

In April 2009, the month after Mathale became Limpopo's premier, Polokwane Municipality advertised in local newspapers that 115 residential plots, part of a suburb called Bendor, would be sold to the public on a first-come, first-served basis.

Those who were interested were invited to apply at the Peter Mokaba Stadium on an opening day and over the six weeks that followed. Their names would be registered on a database and those who registered first would be given the first pick of the Bendor properties.

The plots are in an affluent part of town, adjacent to a wealthy suburb called Ster Park, which locals have nicknamed "Tender Park" because its large, ostentatious homes are owned by powerful personalities, including Mathale.

Bendor is prime real estate, but because it was at the time unserviced municipal land that had never been on the market, the plots were sold for very tempting prices—between R309 000 and R426 000.

A source familiar with municipal property sales said: "When the municipality is going to sell properties there is normally very serious demand. The property is usually sold for much lower than the market price. Some people buy and sell at a higher price within a week."

Fronting

More than one independent, well-placed source told the *M&G* how members of the province's "inner circle"—connected politicians, officials and businessmen—had first choice of the Bendor properties.

Allegedly, Mathale secured numerous properties, buying one in his name and the rest in the names of his family and associates.

Malema was reported to have bought a plot, as did Mathale's partner, Manthata, and the youth league's Lebogo was alleged to have "co-ordinated" another group of properties to benefit those close to Malema and Mathale.

"Almost all the MECs [provincial ministers]" were involved, the *M&G* was told, although not all of them eventually bought plots.

According to the municipal advertisement no person could buy more than one plot, so "double transfers" were used in many cases to obscure the identity of some buyers.

The double transfers were a form of fronting, in which a third party would buy the plot from the municipality on behalf of the real buyer. On paper, the property is transferred from the municipality to the third party and on to the true buyer on the same day. "The [middle man] often gets paid. Once someone has bought a site, what he does with that site is no longer the municipality's business," the *M&G* was told.

For the inner circle

A recent search of the deed records for Bendor reflected that not all the alleged queue jumpers, Malema included, had taken transfer of the properties. But this does not necessarily mean they did not benefit. To date, only 38 of the 115 properties have been officially transferred to buyers' names. Of these, the *M&G* picked up 15 sales that stood out as benefiting connected people.

These include:

- Cassel Mathale: one Bendor plot is registered in his name. The *M&G* asked the premier detailed questions, including whether he was given privileged access to the property sale and whether he bought other properties using other people's names. His spokesperson, Phuti Mosomane, said: "The erven concerned were sold within the framework of the sales of property by the municipality."
- Selby Manthata owns one plot. He did not respond to questions.
- Lesiba Gwangwa bought one plot directly from the municipality in his own name. The Gwangwa Family Trust, for which he is listed as both trustee and beneficiary, bought the two neighbouring plots through double transfers.

The title deed reference numbers for all five transfers are sequential, indicating they were signed off in one sitting.

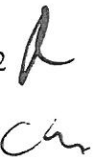
The middlemen in the double transfers were Lebogo and Floyd Mamabolo, one of Gwangwa's employees at On-Point.

Mamabolo said he had queued at the stadium in response to the advert: "This transaction was a private matter between me and [Gwangwa]. Can we please end the conversation there?"

Gwangwa did not respond to written questions and Lebogo said: "I am not going to explain. Everything was followed according to procedure."

Polokwane Municipality spokesperson Simon Mokoatedi indirectly acknowledged Gwangwa had successfully used loopholes. He said the plots owned by the Gwangwa Family Trust "were bought by two different individuals. In cases wherein one person has acquired additional property after the sale was concluded, the deed of sale does not provide the condition that the purchaser may not sell the property to a third party."

Mokoatedi said the municipality was "not aware" of anyone being given first preference on any Bendor plots.



The *M&G* asked for access to the database of people who registered to buy the 115 Bendor plots, but Mokoatedi declined, saying an application would have to be lodged in terms of the Promotion of Access to Information Act.

- Businessmen Thulani Nkuna, David Mogale and David Mabilu—all known to be close to Malema—also bought plots.

In Mogale's case he represented the Chueu Trust, which bought a plot and passed it on in a double transfer to the Mogale Trust. He could not be reached for comment.

Mabilu said he could not remember details, but that he was not given privileged access to the sale. Nkuna refused to comment.

- Provincial education minister Namane Masemola bought a plot, but said he had “participated in the sale like any other citizen”.
- Former Polokwane mayor Thabo Makunyane and former Capricorn district municipality mayor and current trade and industry Limpopo chief executive Motalane Monakedi also bought plots, as did other officials.

All of them denied being given privileged access to the Bendor sale and they all denied there was any conflict of interest in their buying from the Polokwane municipality.

“The sale of residential sites is a municipal service like the sale of water, electricity and waste removal services. As a resident of the municipality I have the right, like any other resident, to buy these services directly from the municipality,” Makunyane said.

Sweet deal

Using a double transfer similar to those characterising the Bendor sales Malema bought a property in neighbouring Ster Park—one road away from Mathale—three years earlier.

According to deed documents, lawyer Matane Mphahlele bought the property from the municipality in July 2006. The following month, nine months before it was transferred to his own name, Mphahlele agreed to sell the property to Malema.

Mphahlele took transfer in April 2007 for R222 300 and on the same day the property was transferred to Malema for the same amount. The following month Malema signed an agreement to sell the property on for R680 000, showing how lucrative municipal property sales can be.

In an interview Malema said Mphahlele had been unable to raise the funds to secure the purchase: “The municipality was about to take the site from him. I said, ‘give it to me’, and he agreed. And I went to the municipality and said ‘I’m going to pay the land for Matane, but it must be a double transfer.’ They said, ‘No, this is his site. And it must be like he is paying for this site and then he can legally transfer it to me.’” The interview was conducted in the course of research for a forthcoming book.

Mphahlele could not be reached.

A man with multiple mansions

Julius Malema's property portfolio is growing, with at least two new houses added to his list.

Malema recently admitted that he is a shareholder in Gwama Properties, which owns a house in Faranani Estate in the Bendor suburb of his home town, Polokwane. Gwama Properties bought the house in June last year for R1.37-million. Malema's son and the mother of his child have since moved into it.

The upmarket, gated residential estate was developed by Malema associate David Mabilu.

A second house in Bendor, this time in Quinn Street, was bought for R3.05-million in December 2009 by On-Point Engineering, which is co-owned by Malema's family trust. The property is regularly used by Malema's bodyguards and drivers.

Malema's family trust also owns a 3.5-hectare farm on the outskirts of Polokwane, which he bought in June last year for R900 000.

A land claim was registered against the smallholding 10 months before Malema bought it.


The 30-year-old also has two residential homes, one in Polokwane and one in Johannesburg. He bought the former in 2006 partly with the proceeds of the sale of a site purchased from the Polokwane municipality months earlier.

In 2009 he bought his Johannesburg residence in upmarket Sandown for R3.6-million. He says friends and comrades assisted him with the R1.5-million deposit required.

Yet, less than two years after moving in, Malema demolished it. Earlier this year he relocated to a rented house in Morningside while work began on his new home, reportedly costing R16-million. His grandmother's Seshego home was demolished at about the same time, to make way for a two-storey house.

Malema has suggested that more properties may soon be added to his portfolio, but refuses to give details —*Fiona Forde*

* Got a tip-off for us about this story? Email amabhungane@mg.co.za

 The M&G Centre for Investigative Journalism, a non-profit initiative to develop investigative journalism in the public interest, produced this story. All views are ours. See www.amabhungane.co.za for all our stories, activities and sources of funding.

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JK
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"FA4"



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Dear Communications Manager Polokwane
Local Municipality
Simon Mokoatedi
Fax no 015 290 2118/2116
Email: simonm@polokwane.gov.za

23 August 2011

Dear Simon

Please find attached a request for information in terms of the Promotion of Access to Information Act.

Please let me know this request has been received.

Kind regards

Glenda Daniels (Information officer)
M&G Centre for Investigative Journalism
(amaBhungane)
www.amabhungane.co.za
011 250 7376
083 2299708
Fax 011 250 7502
Email: glendad@mg.co.za

FORM A
REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
 (Section 18 (1) of the Promotion of Access to Information Act, 2000
 (Act No. 2 of 2000)
 [Regulation 2]

FOR DEPARTMENTAL USE	
	Reference number: _____
Request received by: _____ (state rank, name and surname of information officer/deputy information officer) on _____ (date) at _____ (place).	
Request fee (if any):	R.....
Deposit fee (if any):	R.....
Access fee:	R.....
_____ SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER	

A. Particulars of public body

The Information Officer/Deputy Information Officer: Mr
 Simon Mokoatedi:
 For Polokwane Local Municipality

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be recorded below.
 (b) Furnish an address and/or fax number in the Republic to which information must be sent
 (c) Proof of the capacity in which the request is made, if applicable, must be attached.

[Handwritten signature]
 Cln

Full names and surname Glenda Daniels
 Identity/Passport number: 6402150214080
 Postal address: P O Box 91667, Auckland Park, 2006
 Fax number: 011 250 7502
 Telephone number: 011 250 7376
 E-Mail Address glendad@mg.co.za
 Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: N/A
 Identity number: N/A

D. Particulars of record

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.*

1. Description of record or relevant part of the record:

- (c) **Polokwane Municipality:**
- (d) * The database of potential buyers - including the order in which they were registered in terms of the municipality's "first-come, first-served" stipulation - who registered with intent to purchase one of 115 properties from the municipality in the suburb Bendor in 2009. This is in terms of a public notice issued by the municipality in local papers from 15-17 April 2009.
- (e) * The list of those who entered into agreements with Polokwane Municipality to

buy these 115 properties from the municipality, including the numbers of the even they applied to buy.

- 1.
2. Reference number, if available: N/A
3. Any further particulars of record: N/A

E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees: N/A

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability: _____ N/A	Form in which record is required: _____ ____ Email or fax _____
--------------------------	---

Mark the appropriate box with an "X".

NOTES:

- (a) Your indication as to the required form of access depends on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in printed form:

<input checked="" type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection of record
-------------------------------------	-----------------	--------------------------	----------------------

2. If record consists of visual images:

J
can

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc).						
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>	transcription of the images*	
3. If record consists of recorded words or information which can be reproduced in sound:						
<input type="checkbox"/>	Listen to the soundtrack (audio cassette)	transcription of soundtrack* (written or printed document)				
4. If record is held on computer or in an electronic or machine – readable form:						
<input type="checkbox"/>	Printed copy of record*	<input checked="" type="checkbox"/>	Printed copy derived from the record*	<input type="checkbox"/>	copy in computer readable form*(stiffy or compact disc)	
* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?					YES	NO
A postal fee is payable.					x	
<i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</i>						
In which language would you prefer the record? ENGLISH						

G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

PLEASE PHONE AND EMAIL

Signed at JOHANNESBURG this 23 August 2011.



SIGNATURE OF REQUESTER



TRANSMISSION VERIFICATION REPORT

TIME : 24/08/2011 17:10
NAME : MAIL&GUARDIAN
FAX : 0112507502
TEL : 0112507502
SER.# : 000F4J142626

DATE, TIME	24/08 17:09
FAX NO./NAME	00152902118
DURATION	00:00:51
PAGE(S)	05
RESULT	OK
MODE	STANDARD ECM

4
gr



NATURALLY PROGRESSIVE

Our Ref: Mr. R.M Malets
Your Ref:

BY FAX: 011 250 7502

20 September 2011

Information Officer
Glenda Daniels
M&G Centre for Integrative Journalism
195 Jan Smuts Avenue
Rosebank
2193

Dear Madam

RE: REQUEST FOR ACCESS TO RECORDS IN TERMS OF PROMOTION OF ACCESS TO INFORMATION ACT NO 2 OF 2000.

The above matter refers.

We acknowledge receipt of your application in terms of the legislation mentioned supra and have noted the contents.

We regret to inform you that Polokwane Municipality is hereby refusing access to the records as requested in your application on the basis that its disclosure would constitute an action of breach of a duty of confidence owed to third parties.

In the premise we shall proceed to close our file and thank you in anticipation.

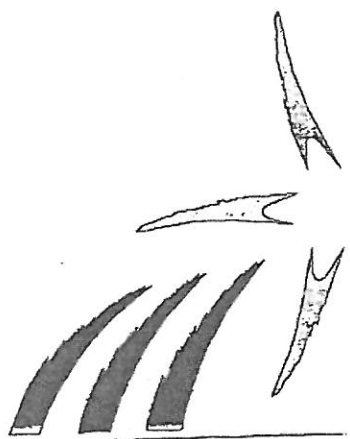
Hope you find the above in order.

Yours Faithfully

**MR. N.C PHANYANE
DIRECTOR CORPORATE SERVICES**

**CORPORATE SERVICES
SECRETARIAT & LEGAL SERVICES**

- P.O. BOX 111, POLOKWANE, 0700
- CIVIC CENTRE, CHA LANDROOS MARÉ & BODENSTEIN STREETS
- POLOKWANE, 0699, SOUTH AFRICA
- TEL: +27 15 290 2141
- FAX: +27 15 250 2242



Handwritten initials/signature



Grosvenor Corner
195 Jan Smuts Avenue
Rosebank
2193 Johannesburg
South Africa
+27 11 2507300 ph JHB
+27 21 4259028 ph CT
+27 21 4259056 fax
amabhungane@mg.co.za
www.amabhungane.co.za

Fax no: 015-2902106 "FA6"

Att: Suzan

7 pages; including this one

To Executive Mayor of Polokwane

Private Bag x 9483
Polokwane, 0700
Phone 015 295 1034
Fax 086 549 1094

Dear Executive mayor
Freddy Greaver
Email: suzanp@polokwane.gov.za

Dear Mayor

Please find attached an internal appeal for information. Find also refusal for request.

Kind regards,

Glenda Daniels
Advocacy Co-ordinator

Directors
Tawane Kupe (chair), Anastacia Martin, Hoosain Karjieker,
Nicholas Dawes, Stefaans Brümmer, Stephen Sole
2009/024323/08

[Handwritten signature]
cm

FORM B

NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 8]

STATE YOUR REFERENCE
NUMBER(S):

A. Particulars of public body

Internal Appeal to: Executive Mayor of Polokwane Municipality

B. Particulars of requester/third party who lodges the internal appeal

(a) The particulars of the person who lodge the internal appeal must be given below.
 (b) Proof of the capacity in which appeal is lodged, if applicable, must be attached.
 (c) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.

Full names and surname: Glenda Avril Daniels
 Identity number: 6402150214080
 Postal address: P O Box 91667, Auckland Park, 2006.
 Fax number: 011- 250 7502
 Telephone number: 083 2299708 and landline 011-2507376
 E-mail address: glendad@mg.co.za

Capacity in which an internal appeal on behalf of another person is lodged:

Information officer – M&G Centre for Investigative Journalism (Amabhungane)

C. Particulars of requester

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname:

Identity number:

PAIA Forms

Handwritten signature and initials, possibly 'J' and 'CA'.

D. The decision against which the internal appeal is lodged

<i>Mark the decision against which the internal appeal is lodged with an X in the appropriate box:</i>	
X	Refusal of request for access
	Decision regarding fees prescribed in terms of section 22 of the Act
	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act
	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester
	Decision to grant request for access

E. Grounds for appeal - See attached

If the provided space is inadequate, please continue on a separate folio and attach it to this form. You must sign all the additional folios.

State the grounds on which the internal appeal is based:

GROUND FOR INTERNAL APPEAL ATTACHED

State any other information that may be relevant in considering the appeal:

GROUND FOR INTERNAL APPEAL ATTACHED

F. Notice of decision on appeal

You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner: **PLEASE WRITE AND PHONE**

Particulars of manner: **CONTACT DETAILS AS ABOVE**

Signed at Rosbank this 22 day of November 2011.



PAIA Forms



SIGNATURE OF APPELLANT

FOR DEPARTMENTAL USE:

OFFICIAL RECORD OF INTERNAL APPEAL:

Appeal received on _____ (date) by
 (state rank, name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer/deputy information officer on _____ (date) to the relevant authority.

OUTCOME OF APPEAL:
 DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER
 CONFIRMED/NEW DECISION SUBSTITUTED
 NEW DECISION:

_____ DATE

RELEVANT AUTHORITY _____

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER
 FROM THE RELEVANT AUTHORITY ON (date):

PAIA Forms

Handwritten signature and initials in the bottom right corner of the page.

Grounds for appeal

1. The appellant in this matter is Glenda Daniels.
2. This internal appeal is directed to the Executive Mayor. The Executive Mayor is the relevant authority in terms of section 74 of the Promotion of Access to Information Act (PAIA) to determine an internal appeal against the decision of the deputy information officer of the Polokwane Local Municipality (requestee).
3. On 23 August 2011 the appellant made a formal request in terms of PAIA to the requestee. A copy of the request is attached to this appeal and marked 'A'.
4. By letter dated 20 September 2011 the requestee informed the appellant that its request had been refused in terms of section 37(1)(a) of PAIA. A copy of the letter is attached to this appeal and marked 'B'.
5. The appellant refutes this ground for refusal and submits this appeal.
6. Section 37(1)(a) allows refusal only where the release of the requested information would constitute an action for a breach of a duty of confidence owed to a third party in terms of an agreement.
7. The Municipality has failed to identify any agreement that requires the requested information to be treated confidentially. Further, the Municipality has failed to establish that the release of the requested information would expose the Municipality to an action for a breach of duty of confidence.
8. The Municipality has therefore failed in its obligation to provide adequate reasons for the refusal in accordance with section 25(3)(a) of PAIA and has unlawfully denied the appellant access to information.
9. Furthermore, the release of the information is in the public interest. The land in question is currently owned by the Municipality and therefore is land which is, in effect, owned for and on behalf of the public. The public must have a right to know the persons to whom public land is being sold.
10. Additionally, details of the registered proprietors of land are available for public access. Accordingly, once the sales of the properties referred to in the request have been finalised, the persons who purchased those properties will be open to the public. The refusal by the Municipality to provide them at this juncture on the basis of confidentiality ignores the ultimately public nature of the information requested.
11. The appellant therefore respectfully submits that the Executive Mayor should order that the appellant be given access to the requested records pursuant to section 77(2) of PAIA, which


Cm

empowers the Executive Mayor to substitute the information officer's decision with a new decision.

Ch
A

Subject: FW: internal appeal for information

From: Suzan Phogole <SuzanP@polokwane.gov.za>
Date: 25 November 2011 3:15:52 PM SAST
To: 'Glenda Daniels' <GlendaD@mg.co.za>
Subject: RE: internal appeal for information

Good day

The Office of the Executive Mayor acknowledge receipt of your e-mail dated 21.November 2011 .

Kind Regards

Suzan Phogole

PA: Executive Mayor

Directorate: Executive Mayor's Office

* P.O. Box 111, Polokwane, 0700
* Civic Centre, Cnr Landros Maré & Bodenstein Streets
* Polokwane, 0699, South Africa
* Tel: +2715 290 2103 ,Fax: +2715 290 2106
* Email: suzanp@polokwane.gov.za

From: Glenda Daniels [mailto:GlendaD@mg.co.za]
Sent: 21 November 2011 10:36 AM
To: Suzan Phogole
Cc: Craig McKune
Subject: internal appeal for information

Dear Suzan

Please find attached an internal appeal for information which must go to Freddy Greaver. Please send me fax number so that I can also fax the signed copy. Thanks very much

Please acknowledge receipt of email.

Kind regards

Glenda Daniels

M&G Centre for Investigative Journalism (amaBhungane)

www.amabhungane.co.za

011 250 7376

083 2299708

Fax 011 250 7502

Email: glendad@mg.co.za

Glendad@iafrica.com

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Can


Subject: FW: internal appeal for information

----- Forwarded message -----

From: **Glenda Daniels** <GlendaD@mg.co.za>

Date: 14 February 2012 12:48

Subject: Re: internal appeal for information

To: Feggy Seabela <FeggyS@polokwane.gov.za>

Cc: Craig Gmail <craig.mckune@gmail.com>, Suzan Phogole <SuzanP@polokwane.gov.za>

Dear Suzan

I spoke to you on the phone yesterday and you said you would bring this to the attention of the executive mayor, as you said last year. Please can you respond urgently to this request.

Thank you

Kind regards

Glenda Daniels

Amabhungane advocacy co-ordinator

0832299708

011-2507376

From: Feggy Seabela <FeggyS@polokwane.gov.za<<mailto:FeggyS@polokwane.gov.za>>>

Date: Tue, 14 Feb 2012 12:32:06 +0200

To: Microsoft Office User <glendad@mg.co.za<<mailto:glendad@mg.co.za>>>

Cc: Craig Gmail <craig.mckune@gmail.com<<mailto:craig.mckune@gmail.com>>>, Suzan Phogole <SuzanP@polokwane.gov.za<<mailto:SuzanP@polokwane.gov.za>>>

Subject: FW: internal appeal for information

Afternoon

This serves as an acknowledgement of your email, however I am suggesting that you liaise with the office of the Executive Mayor regarding this as it is for his attention. I have also forwarded this to Suzan, she is the Secretary for the Executive Mayor and their contact number is (015) 290 2103.

Hoping you find above in order.

Kind Regards

Feggy Seabela

(015) 290 2212

cc


From: Glenda Daniels [mailto:GlendaD@mg.co.za]
Sent: 13 February 2012 01:38 PM
To: Feggy Seabela
Cc: Craig Gmail
Subject: FW: internal appeal for information

Dear Feggy

As discussed on the phone just now, please find attached. Please get back to me as soon as possible

Kind regards

Glenda Daniels

083 2299708

011-250 7376

Information officer, Amabhungane

From: Microsoft Office User <glendad@mg.co.za<mailto:glendad@mg.co.za>>

Date: Mon, 21 Nov 2011 10:43:31 +0200

To: <suzanp@polokwane.gov.za<mailto:suzanp@polokwane.gov.za>>

Cc: Craig McKune <CraigM@mg.co.za<mailto:CraigM@mg.co.za>>

Subject: internal appeal for information

Dear Suzan

Please find attached an internal appeal for information which must go to Freddy Greaver. Please send me your fax number so that I can also fax the signed copy. Thanks very much
Please acknowledge receipt of email.

Kind regards

Glenda Daniels

M&G Centre for Investigative Journalism (amaBhungane)

www.amabhungane.co.za<<http://www.amabhungane.co.za>>

011 250 7376

083 2299708

Fax 011 250 7502

Email: glendad@mg.co.za<mailto:glendad@mg.co.za>

Glendad@iafrica.com<mailto:Glendad@iafrica.com>

com


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"FA8"

Subject: FW: internal appeal for information
Attachments: Grounds for appeal

----- Forwarded message -----

From: **Glenda Daniels** <GlendaD@mg.co.za>
Date: 21 February 2012 09:43
Subject: FW: internal appeal for information
To: Suzan Phogole <SuzanP@polokwane.gov.za>
Cc: Craig Gmail <craig.mckune@gmail.com>, StefaansB Gmail <stefaansb@gmail.com>

Dear Suzan

I tried to follow up on this yesterday, and didn't get a response from your cell phone. You would have received about four missed calls from me. You did tell me last week that its all been printed and the mayor has received it.

The question now is this: When can we have the information?

Looking forward to your response.

Kind regards
Glenda Daniels
Amabhungane advocacy co-ordinator
0832299708
011-2507376

Date: Wed, 15 Feb 2012 13:48:50 +0200
To: Suzan Phogole <SuzanP@polokwane.gov.za<mailto:SuzanP@polokwane.gov.za>>

Subject: RE: internal appeal for information

Dear Suzan

Thank for the mail. I sent the grounds for appeal a while back, according to my records - 28 November at 2.24pm, please check your email.
I am sending again. Please find attached, the 7-page grounds for appeal, the mayor has to sign this on page 4.

kind regards
Glenda

Sorry you couldnt reach me on the phone earlier. I am available on the phone anytime now. I will also give you



about half an hour and call to see if you have received this.

Glenda Daniels
Amabhungane

Cell: 083 229 9708.
Fax: 011 250 7502

From: Suzan Phogole [SuzanP@polokwane.gov.za<<mailto:SuzanP@polokwane.gov.za>>]

Sent: Wednesday, February 15, 2012 9:41 AM
To: Glenda Daniels
Subject: RE: internal appeal for information

Good morning Glenda

I spoke to the Executive Mayor yesterday about the appeal, and he requests for the mentioned attached Appeal Grounds. I tried calling you now on your cell phone , unfortunately there was no answer. Please call me back.

Kind Regards

Suzan Phogole
PA:Executive Mayor
Tel: 015 290 2103
Cell: 083 824 9821

From: Glenda Daniels [<mailto:GlendaD@mg.co.za>]
Sent: Tuesday, February 14, 2012 12:56 PM
To: Suzan Phogole
Cc: Craig Gmail; StefaansB Gmail
Subject: FW: internal appeal for information

Dear Suzan

Yet again I am contacting you about this appeal for information. We spoke very pleasantly on the phone yesterday and I said I would resend so that you could let the mayor have it. I did resend it and got no email response. Im now sending you the same thing, but see how long ago this was originally sent!
22 November 2011.

Please could you respond urgently. Thank you.
Kind regards

Glenda Daniels
Amabhungane advocacy co-ordinator

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0832299708
011-2507376

From: Microsoft Office User <glendad@mg.co.za<<mailto:glendad@mg.co.za>>>

Date: Tue, 22 Nov 2011 10:15:41 +0200

To: <suzanp@polokwane.gov.za<<mailto:suzanp@polokwane.gov.za>>>

Subject: FW: internal appeal for information

Dear Suzan

Thank you for the call. Please see below I sent it to the same address you gave me. And the fax number we have been trying since yesterday is not working – please double check fax no – 015 290 2106
Thanks

Kind regards

Glenda Daniels
M&G Centre for Investigative Journalism (amaBhungane)
www.amabhungane.co.za<<http://www.amabhungane.co.za>>

011 250 7376
083 2299708
Fax 011 250 7502
Email: glendad@mg.co.za<<mailto:glendad@mg.co.za>>
Glendad@iafrica.com<<mailto:Glendad@iafrica.com>>

From: Glenda Daniels <glendad@mg.co.za<<mailto:glendad@mg.co.za>>>

Date: Mon, 21 Nov 2011 10:43:31 +0200

To: <suzanp@polokwane.gov.za<<mailto:suzanp@polokwane.gov.za>>>

Cc: Craig McKune <CraigM@mg.co.za<<mailto:CraigM@mg.co.za>>>

Subject: internal appeal for information

Dear Suzan

Please find attached an internal appeal for information which must go to Freddy Greaver. Please send me your fax number so that I can also fax the signed copy. Thanks very much
Please acknowledge receipt of email.

Kind regards

Glenda Daniels
M&G Centre for Investigative Journalism (amaBhungane)
www.amabhungane.co.za<<http://www.amabhungane.co.za>>



011 250 7376

083 2299708

Fax 011 250 7502

Email: glendad@mg.co.za<mailto:glendad@mg.co.za>

Glendad@iafrica.com<mailto:Glendad@iafrica.com>

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"FA9"

Subject: MGCIJ outcome of internal appeal regarding PAIA application for information 2011

----- Forwarded message -----

From: **Vinayak Bhardwaj** <bhardwajvinayak@gmail.com>

Date: Mon, Jun 11, 2012 at 10:03 AM

Subject: MGCIJ outcome of internal appeal regarding PAIA application for information 2011

To: suzanp@polokwane.gov.za

Dear Madam,

I would like to kindly request the outcome of the internal appeal lodged by my predecessor Glenda Daniels. Please note that my colleague Glenda Daniels is no longer working for Mail & Guardian and any further communication must be directed at me.

Kind regards,

Vinayak Bhardwaj (Mr)
Advocacy Coordinator
Mail & Guardian Center for Investigative Journalism
[+27791658873](tel:+27791658873)

can I

Subject: information on PAIA application

----- Forwarded message -----

From: Vinayak Bhardwaj <vinayakb@mg.co.za>

Date: Tue, Aug 21, 2012 at 9:25 AM

Subject: information on PAIA application

To: suzanp@polokwane.gov.za

Cc: stefaansb@mg.co.za

Dear Suzan,

Despite having waited for close to 9 months for the requested information-well out of step with even the most generous time estimates stipulated under PAIA- as per our conversation earlier this morning we will wait until end of business today for a response for our requested information. Please note that we are considering legal options given the lack of response from the Mayor's office. Thus please treat this request as a matter of extreme urgency.

Kind regards,

--

Vinayak Bhardwaj
Advocacy Coordinator
M&G Centre for Investigative Journalism
(amaBhungane)
[+27791658873](tel:+27791658873)



WEBBER WENTZEL

10 Fricker Road, Illovo Boulevard, Johannesburg
 South Africa, 2196
 P O Box 61771, Marshalltown, South Africa, 2107
 Doceex 26 Johannesburg
 T +27 11 530 5000
 www.webberwentzel.com



Mr Freddy Greaver

The Executive Mayor of Polokwane

Private Bag X 9483
 Polokwane
 0700

By email: suzanp@polokwane.gov.za

By fax: 015 290 2106

Your reference	Our reference	Date
	Mr D Milo/Ms O Ampofo-Anti 2317582	7 August 2012

Dear Sir

Request for Access to Information by M&G Centre for Investigative Journalism

1. We act for the M&G Centre for Investigative Journalism ("our client")
2. Our instructions are that on 23 August 2012 our client lodged a request in terms of the Promotion of Access to Information Act 2 of 2000 ("PAIA") for information pertaining to certain land sold by the Polokwane Municipality in the Bendor area.
3. On 3 October 2011 our client's request for access to information was denied by the Municipality.
4. On 21 November 2011, our client lodged an appeal with your office as you are the appeal authority for purposes of an internal appeal under PAIA. A copy of the appeal is attached for ease of reference as annexure "A". Since the appeal was lodged, our client has followed up on the progress of the appeal with your office on numerous occasions to no avail.

5183606_1

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5. In terms of section 77(3)(a) of PAIA, an appeal authority must issue a decision on an internal appeal within 30 days. Our client has been waiting for a decision on its internal appeal for more than 240 days.
6. We are instructed to request that you provide our client with a decision on its appeal by close of business on **Wednesday, 15 August 2012**, failing which our client will interpret your failure to render a decision as a deemed refusal and proceed to take further legal action.
7. We look forward to hearing from you.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Dario Milo', written over the typed name.

WEBBER WENTZEL

Dario Milo/Okyerebea Ampofo-Anti

Direct tel: +27 11 530 5232

Direct fax: +27 11 530 6232

Email: dario.milo@webberwentzel.com

A handwritten signature in black ink, appearing to be 'can p', located in the bottom right corner of the page.

* * * COMMUNICATION RESULT REPORT (7. AUG. 2012 8:40) * * *

FAX HEADER: WEBER WENZEL

TRANSMITTED/STORED : 7. AUG. 2012 8:39	ADDRESS	RESULT	PAGE
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Mr Freddy Greaver

The Executive Mayor of Polokwane

Private Bag X 9483
 Polokwane
 0700

By email: suzanp@polokwane.gov.za

By fax: 015 290 2106

Your reference	Our reference	Date
	Mr D Milo/Ms O Ampofo-Anti 2317582	7 August 2012

Dear Sir

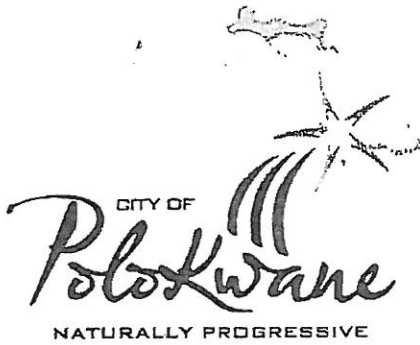
Reqst for Access to Information by M&G Center for Investigative Journalism

1. We act for the M&G Centre for Investigative Journalism ("our client")
2. Our instructions are that on 23 August 2012 our client lodged a request in terms of the Promotion of Access to Information Act 2 of 200 ("PAIA") for information pertaining to certain land sold by the Polokwane Municipality in the Bendor area.
3. On 3 October 2011 our client's request for access to information was denied by the Municipality.
4. On 21 November 2011, our client lodged an appeal with your office as you are the appeal authority for purposes of an internal appeal under PAIA. A copy of the appeal is attached for ease of reference as annexure "A". Since the appeal was lodged, our client has followed up on the progress of the appeal with your office on numerous occasions to no avail.

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can J



Date: 21.August.2011

Mail & Guardian

Centre for Investigative Journalism

Amabhungane

Attention Ms Glenda Daniels

Fax No: 011 250 7502

By Fax

Dear Madam

POLOKWANE MUNICIPALITY / MAIL & GUARDIAN NEWSPAPER

1. We acknowledge receipt of your internal appeal against the decision of our information officer refusing access to the requested record.
2. Your appeal is receiving attention in terms of the applicable statutory provisions.

EXECUTIVE MAYOR'S OFFICE

- P.O. Box 111 POLOKWANE, 0700
- CIVIC CENTRE, CNR LANDRODS MARÉ & BODENSTEIN STREETS
- POLOKWANE, 0699, SOUTH AFRICA
- TEL: +27 15 290 2103
- FAX: +27 15 290 2106



3. We shall in the ~~meantime~~ in terms of s76 of the Promotion of Access to Information Act (Act No. 2 of 2000) attend to inform all the relevant third parties affected by your request for information within the required period of 30 days.
4. For those third parties whom we will manage to locate we shall further provide them with an opportunity specifically within 21 days of receipt of our notification to make written representations on why the request should be or should not be granted to you.
5. The reasons for the appeal, whether ~~confirming~~ or substituting the decision of the information officer shall be furnished to you soon thereafter.

Yours Faithfully



Cllr Freddy Greaver

Executive Mayor

can P

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URGENT

Mr Freddy Greaver

The Executive Mayor of Polokwane

Private Bag X 9483
 Polokwane
 0700

By email: suzanp@polokwane.gov.za

By fax: 015 290 2106

Your reference	Our reference	Date
	Mr D Milo/Ms O Ampofo-Anti 2317582	26 October 2012

Dear Sir

Request for Access to Information by M&G Centre for Investigative Journalism

1. We refer to your letter dated 21 August 2012.
2. In your letter it is stated that the Municipality intended to issue third party notices in terms of section 76 of the Promotion of Access to Information Act ("PAIA") and that we would be notified of the outcome of our client's appeal once third parties had been provided with an opportunity to comment.
3. We note that in terms of section 76(2) of PAIA, third parties should have been notified within 30 days of the appeal being lodged. Accordingly, the Municipality was already out of time in that regard. Furthermore, even if our client were to accept the late notification of third parties, such third parties should have been provided with 21 days to respond and the Municipality had 30 days from the date of such notification to render

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a decision. Given that your letter was sent on 21 August 2012, it is clear that the relevant time periods have elapsed.

4. We reiterate that in terms of section 77(3)(a) of PAIA, an appeal authority must issue a decision on an internal appeal within 30 days. Our client has been waiting for a decision on its internal appeal for more than 300 days.
5. In light of the above, it appears that the Municipality has no intention of providing a response to our client's internal appeal and is instead engaging in delay tactics.
6. We are instructed to request that you provide our client with a decision on its appeal by close of business on **Wednesday, 31 October 2012**, failing which our client will regard your failure to respond as a deemed refusal of the appeal and proceed to take further legal action.
7. We look forward to hearing from you as a matter of urgency.

Yours faithfully

WEBBER WENTZEL**Dario Milo/Okyerebea Ampofo-Anti**

Direct tel: +27 11 530 5232

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GENERAL REPORT
ON THE AUDIT OUTCOMES OF THE
LIMPOPO
LOCAL GOVERNMENT
2010-11

PR187/2012
ISBN: 978-0-621-41074-7

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SECTION 3: FINDINGS ARISING FROM THE AUDIT OF SUPPLY CHAIN MANAGEMENT

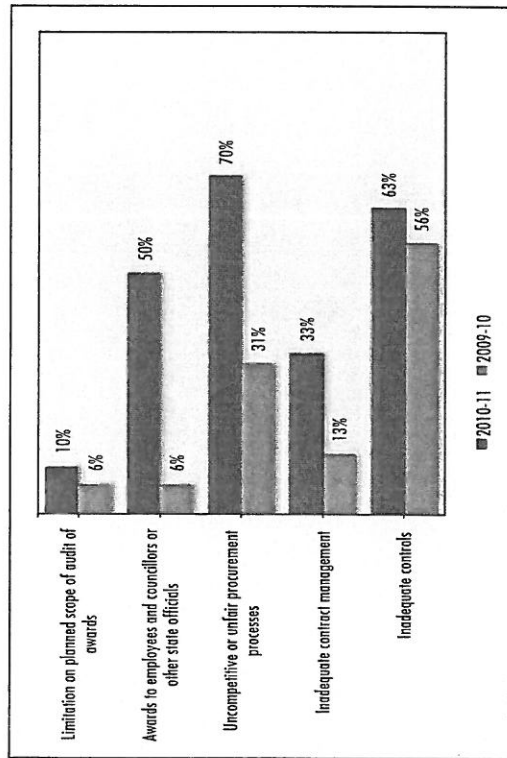
3.1 Background to the audit of SCM

The audits included an assessment of procurement processes, contract management and the related controls in place to ensure a fair, equitable, transparent, competitive and cost-effective SCM system. The processes and controls need to comply with legislation; and that minimises the likelihood of fraud, corruption, favouritism as well as unfair and irregular practices. The assessment was performed of a total of 27 (100%) municipalities and three (100%) municipal entities.

As is evident from the analysis of irregular expenditure (section 2.4.5), R655 million (97%) of the irregular expenditure incurred by auditees was as a result of the contravention of SCM legislation. Eighty-seven per cent (87%) of the irregular expenditure was identified during the audit process.

The following figure presents a summary of SCM findings with a comparison with the results of the previous year. Details of the most prevalent findings are provided under the headings as depicted in the figure. The percentages are based on the number of auditees that were audited.

Figure 17: Summary of findings arising from the audit of SCM



An analysis per municipality is included in annexure 4 to the report.

3.2 Limitations on planned scope of audit of awards

Sufficient appropriate audit evidence could not be provided at three (10%) auditees that awards had been made in accordance with the requirements of SCM legislation. No alternative audit procedures could be performed to obtain reasonable assurance that the expenditure incurred on these awards was not irregular. The reasons for the limitations were missing documentation and inadequate document management system.

The following table depicts the auditees where limitations were experienced. Those auditees where limitations were also experienced in the previous year are highlighted in red.

Table 23: Limitations experienced

Municipalities and municipal entities			
Auditees	Number of awards	Value of awards R'000	
Ephraim Mogale	16	92 737	
Efeng Mookwadi	7	1 172	
Greater Sekhukhune DMA	75	174 076	
Total	43	269 935	

As a result of the limitations experienced, the findings reported in the rest of this section might not reflect the full extent of irregularities and SCM weaknesses at the auditees.

3.3 Awards to state officials

SCM Regulation 44 prohibits awards to persons or to entities owned/managed by officials if they are in service of the auditee (i.e. employees and councillors) or if they are in service of any other state institution. Expenditure incurred in this regard is also considered irregular.

The audit included the identification of such prohibited awards. Further testing was also performed to determine whether the legislated requirements with regard to declarations of interest were adhered to.

The following table depicts the audit findings for the auditees where prohibited awards were identified with an indication of the positions of the officials involved.

Table 24: Findings arising from the audit of awards to state officials

Auditees	Awards made to				Provider did not declare interest %
	Officials in service of the auditee		Officials did not declare interest		
	Number*	R'000	Positions	%	
District municipalities					
Greater Sekhukhune DMA					
Mogale DMA	1	374	Councillor	0%	0%
Mmabatho DMA					
Municipalities					
Efeng Mookwadi					100%
Greater Letaba	6	77	Other	100%	
Greater Tlokweng					
Mokhotlong	1	1	Other	100%	100%
Phuthaditjhaba	0				100%
Madibela	0				100%
Mametsi					
Mogale City	0				0%
Mogale City	0				100%
Musta					100%
Phuthaditjhaba	4	84	Councillor and other officials	100%	100%
Thabazimbi	3	448	Senior management, SCM and other officials	100%	100%
Total	14	610		80%	65%



3.4 Uncompetitive or unfair procurement processes

The principles of contracting for goods and services in a manner that is fair, equitable, transparent, competitive and cost-effective comes from our Constitution. Legislation, most notably the MFMA and SCM Regulations, prescribes the processes and rules to be followed by municipalities and municipal entities in order to consistently and correctly apply the constitutional principles and to safeguard the process against abuse. The preferential procurement framework further gives effect to the constitutional principle of providing preference to the previously disadvantaged in the allocation of work by the public sector.

Our audits also focus on whether procurement processes followed were fair and competitive in that they provided all suppliers equal opportunity to compete for public sector contracts and that the processes do not favour some suppliers above others.

It is important that the prescribed processes are followed in order to ensure that the selected supplier meets the requirements, has the capacity and ability to deliver the goods and services, and that procurement is done at competitive and economical prices.

The procurement processes of 1 178 contracts at R5,2 billion and 1 504 quotations at R1,4 billion were tested. The top five most prevalent findings arising from the audit of non-compliance with SCM legislation that resulted in uncompetitive or unfair procurement processes are summarised in the following table

Table 25: Findings arising from the audit of uncompetitive or unfair procurement processes

Auditees	Competitive bids not invited/ no deviation approved		Bids specifications not compiled by properly constituted specification committee		Invitation not advertised for at least 10 working days		Three written quotations not invited		Winning supplier bid received after closing date		Other findings		
	Number	R'000	Number	R'000	Number	R'000	Number	R'000	Number	R'000	Number	R'000	
District municipalities													
Capricorn DM							5	323			7	1 933	
Greater Sediberg							35	4 337	3	73 444			
Wanderburg			15	14 970									
Municipalities													
Bosasoane					3	17 044	5	352				1	13 616
Elias Motsoaledi							2	750				1	39
Egmont-Mogale					39	19 244	5	272					
Greater Gqophu							1	15				13	13 335
Greater Letaba							2	484					
Greater Mopani													
Letabeng							41	1 285					
Manteng							2	137					
Methuene							11	2 314					
Mogalakwena							47	14 494					
Moselems			11	15 142								31	14 719
Mookgweetsong							5	233				1	7 015
Mutha							80	27 632					
Phokwane	3	10 800					2	794				1	1 920
Tlhabizimbe	6	1 145					85	7 724				6	12 248
Municipal entities													
Phokwane Housing Association							7	1 529					
Total	9	20 489	11	15 142	42	47 030	245	73 734	0	0	55	54 353	

* Number indicates number of instances

Further details on the legislation not complied with are as follows:

Table 26: Findings arising from the audit of compliance with legislation

Finding	Detail
Three price quotations not invited – no deviation approved	A price quotation process is prescribed for the procurement of goods and services below R200 000. Three written price quotations were not always obtained from prospective providers as prescribed and the deviations were not approved by a delegated official.
Competitive bids not invited/ no deviation approved	A competitive bidding process should be followed for the procurement of goods and services above R200 000. Competitive bids were not always invited and the deviations were not approved by a properly delegated official.
Bids specifications not complied by properly constituted specification committees	Bid specifications were not always drafted by bid specification committee which was composed of one or more officials of the municipality as required by SCA Regulation 27(3).
Invitation not advertised for at least 10 working days	Inviting competitive bids through advertising provides prospective suppliers with an equal opportunity to bid for a public sector contract. Competitive bids were identified that were advertised for a shorter period than the required number of days, even though it was practical.
Winning supplier bid received after closing date	Awards were made to bidders who submitted their bids after the closing date.
Other findings	The other findings identified were as follows: Declaration of some contracts and/or quotations could not be audited for procurement compliance.

3.5 Inadequate contract management

Shortcomings in the manner that contracts are managed result in delays, wastage and fruitless expenditure, which impact directly on service delivery to the citizens.

The top five most prevalent findings arising from the audit of contract management are summarised in the following table.

Table 27: Findings arising from the audit of contract management

Audits	Contracts extended or circumvent competitive bidding processes		Inadequate contract performance measure and monitoring		No signed contract/ not signed by delegated official		Payments made in excess of approved contract price (with further approved extensions)		Contract not prepared in accordance with general conditions of contract (prescribed by NT)		Other	
	Number	R'000	Number	R'000	Number	R'000	Number	R'000	Number	R'000	Number	R'000
Municipal entities												
Mogosi DM			8	118 958								0
Vredefort Dik					9	107 438						
Municipalities												
Bopheloakwa											6	12 111
Gezantsvlei							1	98	23	49 677	14	46 039
General Lembedi			1	7								
Gezantsvlei					1	324	1	173				
Makheke	1	935										
Makheke			24	5 912								
Makheke	1	3 044	4	22 402								0
Total	2	3 979	36	157 292	10	107 762	2	271	23	49 677	21	58 150

Further details on the findings are as follows:



Table 28: Findings arising from the audit of contract management

Finding	Detail
Contracts extended or renewed to circumvent competitive bidding processes	Irregular expenditure was identified based on contracts that were extended or renewed without approved by a delegated official.
Inadequate contract performance measures and monitoring	Measures applied in monitoring the performance of contractors were not always sufficient to ensure that contractors delivered in accordance with the contract.
No signed contract / not signed by delegated official	Goods and services were received and payments made to suppliers without a written, signed contract or the contracts were not approved by a delegated official.
Payments made in excess of approved contract price (with further approved extensions)	A contract prescribes the prices, terms and maximum values, which can be increased through approved extensions and variations. Instances were identified of payments being made to suppliers in excess of these approved contract prices.
Contract not prepared in accordance with general conditions of contract (prescribed by NT)	Contracts were drafted and signed in formats that were not in line with the prescribed requirements.
Other findings	The other findings identified were as follows: 1) Performance of contractors not monitored on a monthly basis. 2) Contracts do not stipulate provisions for termination in case of non-compliance. 3) Goods/Services differ from specified bidding process.

3.6 Inadequate SCM controls

Findings arising from the audit of SCM controls are summarised in the following table.

Table 29: Findings arising from the audit of SCM controls

Auditees	AO did not submit quarterly reports to mayor/board on SCM policy implementation	Audit committee review of compliance with laws and regulations did not include SCM	Internal audit did not evaluate SCM controls/processes and compliance	SCM officials not adequately trained	SCM policies/procedures/ fraud prevention plan did not provide for measures for prevention of abuse of SCM system	Other controls
District municipalities						
Capetown DM						
Greater Sekelohing DM						
Total	3	3	3	4	8	11
Percentage of auditees tested	10%	10%	10%	13%	27%	37%

Further details on the findings are as follows:

Auditees	AO did not submit quarterly reports to mayor/board on SCM policy implementation	Audit committee review of compliance with laws and regulations did not include SCM	Internal audit did not evaluate SCM controls/processes and compliance	SCM officials not adequately trained	SCM policies/procedures/ fraud prevention plan did not provide for measures for prevention of abuse of SCM system	Other controls
Municipalities						
Berharabawa						
Enos Mopobah						
Gratal Eryas						
Gratal Lendia						
Gratal Tuberim						
Lephibe						
Makoboda						
Makubadhangaga						
Mamang						
Mogobwena						
Molompa						
Mokopang						
Murwa						
Pokobwona						
Municipal entities						
Pokobwona Housing Association						
Total	3	3	3	4	8	11
Percentage of auditees tested	10%	10%	10%	13%	27%	37%

Table 30: Findings arising from the audit of SCM controls

Finding	Detail
AU did not submit quarterly reports to mayor/board on SCM policy implementation.	The accounting officer did not submit quarterly reports to mayor on SCM policy implementation.
Audit committee review of compliance with laws and regulations did not include SCM.	SCM is generally an area of considerable risk at most of the auditees. However, the audit committee review of compliance with laws and regulations did not include review of compliance with SCM regulations.
Internal audit unit did not evaluate SCM controls/processes and compliance.	Even though SCM is generally a high-risk area and directly affects the objectives of most auditees, the internal audit sections at some auditees did not evaluate the controls, processes and compliance with laws and regulations with regard to SCM.
SCM officials not adequately trained.	Some officials involved in the implementation of the SCM policy were not adequately trained to perform their duties effectively.
SCM policies/procedures/controls were not followed.	The SCM policies, procedures and/or fraud prevention plan did not always provide for measures to prevent the abuse of the SCM system.
Other controls	The other findings were identified as follows: 1) Fraud prevention plan – no measures for preventing and detecting fraud in procurement. 2) Inadequate controls to ensure interest is declared. 3) No controls to monitor performance of contractors. 4) No actions taken to address SCM risks identified.

3.7 Overall conclusion on SCM matters

The majority of the reported non-compliance findings and the bulk of irregular, fruitless as well as wasteful expenditure stemmed from non-compliance with SCM legislation. It is also important to note that 87% of the irregular expenditure incurred and/or disclosed was identified by the external auditors, indicating that the internal controls of the municipalities and municipal entities failed to detect these deviations. The leadership does not give sufficient attention in ensuring that municipalities and municipal entities operate within the boundaries and rules set by the legislation. The commitment by the provincial leadership in the prior year to attend to and resolve findings identified by the AGSA relating to SCM, including the greater role that CoGHSTA and the provincial treasury will play in supporting local government regarding SCM matters, was not fully implemented or adequately monitored. Disregard of legislation by officials and insufficient supervision and monitoring by the accounting officers, CFOs and senior managers is a major concern.

Active involvement by governance structures, internal audit units and audit committees can also play a critical role in meeting the tender process challenges, thus helping local government in the province move faster towards clean administration by 2014 and beyond. The system of internal control of municipalities should be enhanced to prevent or detect these matters. Audit committees should intensify their focus on compliance matters and ensure that members have sufficient knowledge of the legislation to interact meaningfully on matters of compliance. The role and scope of the risk officers should be defined sufficiently, and the internal audit units should assist with providing assurance that strategies are adequate to mitigate the risk of these matters occurring. A stricter approach is required by all parties, including those charged with governance and oversight, i.e. the executive, MPACs, audit committees and accounting officers, which will result in accountability being enforced and the existence of consequences for those who intentionally fail to comply with legislation. There must be a conscious decision by the political and administrative leadership to take action against transgressors.

Officials should be trained on a continuous basis, not only on compliance with policies and procedures, but also with regard to desired intention and outcome of legislation and the practical implementation thereof.

To conclude, the findings on procurement processes and contract management are indicative of an environment where insufficient attention is given by the leadership, oversight committees and provincial treasury to the implementation, enablement, enforcement and monitoring of compliance with the SCM legislation. SCM is the area where the bulk of the activities is concentrated in all three spheres of government. The extent and pervasiveness of findings on unfair and uncompetitive procurement processes delay the restoration of the public's confidence in the ability of the provincial administration to use public funds in a fair, cost-effective and transparent manner in order to deliver services.

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ANNEXURE 2: Five-year history of audit outcomes of all auditees

No.	Auditee	2006-07	2007-08	2008-09	2009-10	2010-11
District municipalities						
1	Capricorn District	Disclaimer	Disclaimer	Disclaimer	Disclaimer	Qualified
2	Greater Sekakehane District	Disclaimer	Disclaimer	Disclaimer	Disclaimer	Disclaimer
3	Mopani District	Disclaimer	Disclaimer	Financially unqualified with findings	Financially unqualified with findings	Qualified
4	Thereng District	Disclaimer	Disclaimer	Disclaimer	Qualified	Qualified
5	Waterberg District	Financially unqualified with findings	Financially unqualified with findings	Financially unqualified with findings	Financially unqualified with findings	Financially unqualified with no findings
Local municipalities						
6	Aganong	Disclaimer	Qualified	Financially unqualified with findings	Disclaimer	Adverse
7	Bo-Phuthoana	Adverse	Adverse	Disclaimer	Disclaimer	Disclaimer
8	Bela-Bela	Disclaimer	Qualified	Qualified	Financially unqualified with findings	Audit outstanding
9	Bloubaerg	Adverse	Disclaimer	Disclaimer	Qualified	Audit outstanding
10	Elias Motsoaledi	Disclaimer	Disclaimer	Disclaimer	Disclaimer	Disclaimer
11	Ephraim Mogale	Adverse	Disclaimer	Financially unqualified with findings	Qualified	Qualified
12	Ficksburg	Qualified	Financially unqualified with findings	Financially unqualified with findings	Financially unqualified with no findings	Financially unqualified with no findings
13	Greater Giyani	Disclaimer	Qualified	Qualified	Qualified	Disclaimer
14	Greater Letaba	Disclaimer	Qualified	Financially unqualified with findings	Financially unqualified with findings	Adverse
15	Greater Tlokae	Disclaimer	Disclaimer	Disclaimer	Qualified	Qualified
16	Greater Tzaneen	Disclaimer	Qualified	Qualified	Qualified	Qualified
17	Lepelle-Nkomo	Disclaimer	Disclaimer	Disclaimer	Qualified	Audit outstanding
18	Lephalale	Adverse	Disclaimer	Disclaimer	Qualified	Qualified
19	Makhotho	Disclaimer	Adverse	Disclaimer	Disclaimer	Disclaimer
20	Mokhotlong	Disclaimer	Disclaimer	Disclaimer	Disclaimer	Disclaimer
21	Morija	Disclaimer	Disclaimer	Qualified	Financially unqualified with findings	Financially unqualified with findings

Handwritten signature

No.	Auditee	2006-07	2007-08	2008-09	2009-10	2010-11
22	Madimole	Disclaimer	Disclaimer	Qualified	Qualified	Adverse
23	Mogalekwena	Disclaimer	Financially unqualified with findings	Qualified	Financially unqualified with findings	Financially unqualified with findings
24	Molemole	Adverse	Disclaimer	Disclaimer	Disclaimer	Disclaimer
25	Mookgophong	Disclaimer	Disclaimer	Disclaimer	Disclaimer	Qualified
26	Musina	Financially unqualified with findings	Financially unqualified with findings	Financially unqualified with findings	Financially unqualified with findings	Qualified
27	Muthle	Disclaimer	Disclaimer	Qualified	Financially unqualified with findings	Qualified
28	Potlswane	Disclaimer	Disclaimer	Financially unqualified with findings	Qualified	Qualified
29	Tlobozambi	Disclaimer	Disclaimer	Disclaimer	Qualified	Qualified
30	Thulamela	Disclaimer	Disclaimer	Qualified	Qualified	Financially unqualified with findings
Municipal entities						
31	Potlswane Housing Association		Qualified	Qualified	Qualified	Qualified
32	Sekhukhune Development Agency					Financially unqualified with findings
33	Zelopy 1903 (Pty) Ltd Trading as Letsama		Financially unqualified with findings	Financially unqualified with findings	Financially unqualified with findings	Disclaimer

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

CASE NO:

In the matter between:

**MANDG CENTRE FOR
INVESTIGATIVE JOURNALISM NPC**

Applicant

and

**MUNICIPAL MANAGER:
POLOKWANE LOCAL MUNICIPALITY**

First Respondent

**EXECUTIVE MAYOR:
POLOKWANE LOCAL MUNICIPALITY**

Second Respondent

POLOKWANE LOCAL MUNICIPALITY

Third Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

STEFAANS CONRAD 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.

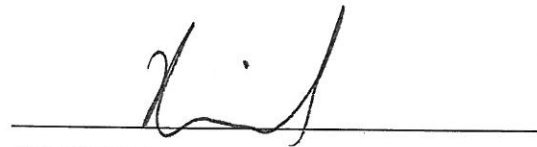
SES
h

3. I have read the affidavit deposed to by **CRAIG MCKUNE** and I confirm the contents thereof insofar as they relate to me and the applicant.



STEFAANS CONRAD BRÜMMER

SIGNED and SWORN to before me at Cape Town on this the 7th day of March 2013, by the deponent who has acknowledged that he knows and understands the contents of this affidavit, that he has no objection to taking to the prescribed oath and that he considers the prescribed oath to be binding on his conscience.



COMMISSIONER OF OATHS

Full Names:

Address:

Capacity:

Paul Andrew Hedderwick
Norton Rose House
8 Riebeeck Street
Cape Town
Commissioner of Oaths - Ex Officio
Practising Attorney
Republic of South Africa

IN THE NORTH GAUTENG HIGH COURT, PRETORIA:
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and

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First Respondent

**EXECUTIVE MAYOR:
POLOKWANE LOCAL MUNICIPALITY**

Second Respondent

POLOKWANE LOCAL MUNICIPALITY

Third Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

VINAYAK BHARDWAJ

do hereby make oath and swear that:

1. I am an adult male employed by the applicant as its advocacy co-ordinator at its head office, which is located at 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.
3. I have read the affidavit deposed to by **CRAIG MCKUNE** and I confirm the contents thereof insofar as they relate to me.

V.B



V. Bhardwaj

VINAYAK BHARDWAJ

SIGNED and SWORN to before me at CAPE TOWN on this the 7th
day of MARCH 2013, by the deponent who has acknowledged
that he knows and understands the contents of this affidavit, that he has no
objection to taking to the prescribed oath and that he considers the prescribed
oath to be binding on his conscience.

[Signature]

COMMISSIONER OF OATHS

Full Names:

Address: **Paul Andrew Hedderwick**
Norton Rose House
8 Riebeeck Street
Cape Town
Capacity: Commissioner of Oaths - Ex Officio
Practising Attorney
Republic of South Africa

**IN THE NORTH GAUTENG HIGH COURT, PRETORIA:
POLOKWANE CIRCUIT COURT
(REPUBLIC OF SOUTH AFRICA)**

CASE NO:

In the matter between:

**MANDG CENTRE FOR
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Applicant

and

**MUNICIPAL MANAGER:
POLOKWANE LOCAL MUNICIPALITY**

First Respondent

**EXECUTIVE MAYOR:
POLOKWANE LOCAL MUNICIPALITY**

Second Respondent

POLOKWANE LOCAL MUNICIPALITY

Third Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

GLEND A DANIELS

do hereby make oath and swear that:

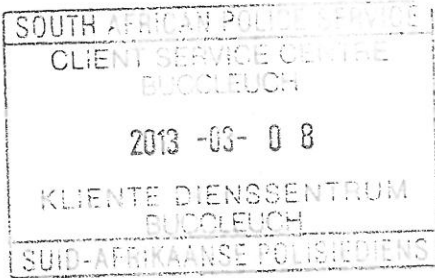
1. I am an adult female employed as a senior lecturer in the Department of Journalism at the University of the Witwatersrand, located at 1 Jan Smuts Avenue, Braamfontein.
2. The facts herein contained are true and correct and, unless the context indicates otherwise, are within my personal knowledge.
3. I have read the affidavit deposed to by **CRAIG MCKUNE** and I confirm the contents thereof insofar as they relate to me.

CAD.
km

Glenda Daniels

GLEND A DANIELS

SIGNED and SWORN to before me at Sandton on this the 8th day of March 2013, by the deponent who has acknowledged that he knows and understands the contents of this affidavit, that he has no objection to taking to the prescribed oath and that he considers the prescribed oath to be binding on his conscience.



M. Kgaugeio
M. Kgaugeio CST

COMMISSIONER OF OATHS

Full Names: kgaugeio Meriin lephahla
Address: 02 Summit road, morningside
Capacity: CST

**IN THE NORTH GAUTENG HIGH COURT, PRETORIA:
POLOKWANE CIRCUIT COURT
(REPUBLIC OF SOUTH AFRICA)**

CASE NO:

In the matter between:

**MANDG CENTRE FOR
INVESTIGATIVE JOURNALISM NPC**

Applicant

and

**MUNICIPAL MANAGER:
POLOKWANE LOCAL MUNICIPALITY**

First Respondent

**EXECUTIVE MAYOR:
POLOKWANE LOCAL MUNICIPALITY**

Second Respondent

POLOKWANE LOCAL MUNICIPALITY

Third Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

OKYEREBEA AMPOFO-ANTI

do hereby make oath and swear that:

1. I am an adult female attorney employed as a senior associate at Webber Wentzel attorneys, which has its principal place of business at 10 Fricker Road, Illovo. Webber Wentzel are the applicant's attorney of record.
2. The facts herein contained are true and correct and, unless the context indicates otherwise, are within my personal knowledge.
3. I have read the affidavit deposed to by **CRAIG MCKUNE** and I confirm the contents thereof insofar as they relate to Webber Wentzel.

OK
EA

**OKYEREBEA AMPOFO-ANTI**

SIGNED and SWORN to before me at Illovo on this the 12th
day of March 2013, by the deponent who has acknowledged
that he knows and understands the contents of this affidavit, that he has no
objection to taking to the prescribed oath and that he considers the prescribed
oath to be binding on his conscience.

**COMMISSIONER OF OATHS**

Full Names:

Address:

Capacity:

CRAIG ARTHUR SCOTT
COMMISSIONER OF OATHS
PRACTISING ATTORNEY EX OFFICIO
SUITE 6, FRICKER ROAD
ILLOVO, SANDTON 2146
TEL: 011 268-5916