



**water affairs**

Department:  
Water Affairs  
**REPUBLIC OF SOUTH AFRICA**

EdST

Enquiries: D Holby  
Telephone: 012 336 8903  
Reference: 17/11/7

**MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

**NATIONAL ASSEMBLY: QUESTION 1356 FOR WRITTEN REPLY**

A draft reply to the above question asked by Mrs J D Kilian (Cope) is attached for your consideration.

**DIRECTOR-GENERAL**

**DATE:**

DRAFT REPLY APPROVED<sup>95</sup>/AMENDED

  
**MRS B E E MOLEWA, MP**  
**MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

**DATE:**

2012/06/25



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A draft reply to the above question asked by Mrs J D Kilian (Cope) is attached for your consideration.

*M. Molewa*

**DIRECTOR-GENERAL**

**DATE:** 20/06/2012

DRAFT REPLY APPROVED/AMENDED

**MRS B E E MOLEWA, MP**  
**MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS**

**DATE:**

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO 1356

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 25 MAY 2012  
(INTERNAL QUESTION PAPER NO. 14)

**1356. Mrs J D Kilian (Cope) to ask the Minister of Water and Environmental Affairs:**

- (1) How many employees in her department in the post level of deputy director to director general who have been appointed on a (a) permanent and (b) contract basis (i) have been suspended on full salary pending investigations or disciplinary action for periods exceeding three months, (ii) have resigned before the relevant investigations or disciplinary actions were concluded and (iii)(aa) have been found guilty of gross financial misconduct or negligence and dismissed and (bb) were dismissed following due process and disciplinary hearings in the (aaa) 2009-10 and (bbb) 2010-11 financial years;
- (2) what total amount was paid in salaries and benefits to the employees while they were suspended;
- (3) whether her department has laid criminal charges against any persons following investigations or disciplinary hearings where fraud or corruption was found to have taken place; if not, why not; if so,
- (4) whether, subsequent to the specified findings of fraud and corruption, any amounts have been recovered in terms of the relevant provisions of the Public Finance Management Act, Act 1 of 1999; if so, what amounts; if not,
- (5) how does she intend to comply with national legislation which was promulgated to prevent corrupt practices and compel authorities to report corrupt practices to law enforcement agencies?

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**REPLY:**

- (1)(a) One (1) Director: Central Operations.
- (1)(b)(i) In total Eight (8) employees were suspended on full salary pending investigations or disciplinary action as follows:
- one (1) Director-General who was subsequently dismissed after the disciplinary hearing;
  - one (1) Deputy Director-General who is still on suspension pending the outcome of a Labour Court Review Application;
  - one (1) CFO who was subsequently dismissed after the disciplinary hearing;
  - three (3) Chief Directors whose cases were finalized and returned to work with one receiving a final written warning; and
  - two (2) Directors who are still on suspension pending the outcome of their disciplinary enquiries, all were on contract.
- (1)(b)(ii) Two (2) Directors have resigned before the relevant investigations or disciplinary actions were concluded.
- (1)(b)(iii)(aa) Two (2) employees have been dismissed for gross negligence.



- (1)(b)(iii)(bb) Two (2) employees were dismissed following due process and disciplinary hearing
- (1)(b)(iii)(aaa) 2009-2010 One (1) Director General.
- (1)(b)(iii)(bbb) 2010-2011 One (1) Chief Financial Officer.
- (2) R6 778 466.30

To note:

As prescribed by Chapter 7 of the Senior Management Services Handbook 1 December 2003 item (2), the Conditions of Service enacted by the DPS for Senior Managers prescribes that with regard to "Precautionary suspension" (a) the employer may suspend a member on **full pay** if -

- the member is alleged to have committed a serious offence; and
- the employer believes that the presence of a member at the workplace might jeopardise any investigation into the alleged misconduct, or endanger the well being or safety of any person or state property.

- (3) Yes, criminal charges were laid against the Director: Central Operations. The disciplinary allegations against the other seven officials were not related to allegations of fraud or corruption.
- (4) No. As none of the SMS officials, except for Director: Central Operations mentioned above, were suspected of having committed fraud or corruption. They were disciplined for non compliance with procurement regulations.
- (5) Where the Department suspects employees of engaging in fraudulent or corrupt activities it has engaged the services of the Internal Audit, the SAPS and or the Special Investigative Unit (SIU) in line with the Department's Fraud Prevention Strategy, which resides under the control of a totally independent Internal Audit Unit, which reports directly to the Director General.

On the findings of either the Internal Audit Unit, SAPS or SIU, the employee concerned will be disciplined and criminally charged and on successful conviction, the state attorney is instructed to pursue an order under Section 300 of the Criminal Procedure Act to request the Presiding Magistrate or Judge when sentencing the accused, to make an order of Compensation to the State to recover whatever had been lost as a result of the fraud or corruption. This usually results in asset forfeiture of the guilty offender.

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