

STATE SLAMS LID ON HEARINGS

Nkandla officials off the hook

Bernadette Wolhuter

THE Department of Public Works has called off its internal disciplinary hearings to probe officials implicated in the awarding of contracts for the controversial upgrades on Nkandla.

And the executive director of the Council for the Advancement of the South African Constitution, Lawson Naidoo, yesterday told *The Mercury* this meant that ultimately no one would be held accountable for the scandal.

"Despite all that we've been through," Naidoo said, "There's been continuous blame shifting in the whole Nkandla saga from the beginning, from the president downwards."

Naidoo said it was clear that the cost of the upgrades had been "hugely inflated".

"And it's quite clear there was significant wrongdoing in the process," he said.

Shortly after the first Nkandla hearing finally got off the ground, it was unceremoniously postponed until further notice.

Now, two months later, it

has emerged that the hearings are off altogether.

The Public Service Association's KwaZulu-Natal manager, Claude Naicker, told *The Mercury* the hearings had been "dispensed with". He said the department had "settled" all 10 of its cases against the Public Works officials.

Naicker could not divulge the terms of the settlement agreements due to confidentiality clauses contained therein, but said all the officials were "back at work, continuing with their duties".

The hearings have been delayed several times over the past three years.

They got under way in 2014 but had to be put on hold soon after, for Media24, Times Media Group and the Mail & Guardian to apply for media access.

The matter ended up in the Pietermaritzburg High Court, and last year Judge Piet Koen ruled in favour of the press.

After that, the hearings were repeatedly postponed until July, when the hearing of the former assistant director at the department in KZN, Jayshree Pardesi, started.

Pardesi, who had been on

the Regional Bid Adjudication Committee (RBAC) that appointed contractor Money Mine 310 CC to carry out work on President Jacob Zuma's northern KZN home, was charged with misconduct for awarding the contract through a "negotiated procurement strategy".

Open

This meant Money Mine was the only company approached to do the work, and – according to the department – that the contract was not awarded following the normal open and fair tender process.

Over the course of two days, evidence emerged that Pardesi should not even have been on the committee that signed off on the tender, and that her boss had asked her to stand in for him at the last minute.

It also emerged that there were normally several days between the sittings of the Bid Evaluation Committee – which evaluates tenders and makes recommendations – and the RBAC – which approves or rejects those recommendations.

But in the case of the Money

Mine contract, the entire process appeared to have taken just a few hours.

For the first time, the public was gaining a glimpse into how the events around the upgrades unfolded, but then the hearing was adjourned to late August.

It did not go ahead that day, and the department has remained mum on the subject since then.

Spokesperson Thamsanqa Mchunu has ignored a number of e-mails sent to him querying the status of the hearings, and did not respond to another e-mail sent yesterday.

A source with intimate knowledge of the matter yesterday told *The Mercury* that there had been high level "interference" during the hearings.

The DA's spokesperson on public works, Malcolm Figg, said the party was going to write to the minister and ask him to explain what had happened.

"The problem we have is that there's no transparency," he said. "We insist that there must be complete transparency in the process. That they've come to some sort of an arrangement involving

confidentiality clauses – It's unacceptable."

IFP MP Narend Singh said the matter was of great public interest.

"If needs be we will apply through the Paja (Promotion of Administrative Justice Act) to have the terms of these settlements made public," he said.

Meanwhile, architect Minenhle Makhanya, who was tasked with handling the Nkandla upgrades, is yet to have his case set down to be heard.

The Special Investigating Unit filed a civil claim for R155.3m against Makhanya in the Pietermaritzburg High Court in 2014 related to the Nkandla upgrades, alleging that it was due to Makhanya's direct involvement that the project's costs escalated.

Makhanya's new lawyer, Anitha Chetty, said yesterday she could not comment on what the cancellation of the department's internal disciplinary hearings meant for her client's case.

She said she had only recently been instructed and was still going through the case.

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