

● Five employees implicated in claims of tender-rigging, fraud and collusion want disciplinary proceedings halted pending review bid

Metro officials go to court to stop hearings

Michael Kimberley
kimberley@tiso.co.za

The five municipal officials implicated in allegations of tender-rigging, fraud and collusion in Nelson Mandela Bay's public health department have turned to the courts to temporarily stop their disciplinary hearings.

The officials, through the South African Municipal Workers' Union (Samwu), want the court to halt the hearings pending a separate review application, also filed in the Port Elizabeth Labour Court, to stop the disciplinary hearings.

The officials are public health director Andile Tolom,

environmental management director Joram Mkosana, public health project officer Thabo Williams, waste management assistant director Nkosinathi Dolo and municipal accountant Sindiswa Madwara.

They were suspended two years ago after their names surfaced in a forensic report by PricewaterhouseCoopers (PwC) on the metro's contract with Milongani for environmental management services.

Their suspensions were lifted earlier in 2019 and they returned to work in March.

The PwC report revealed that about R18.5m paid to Milongani under the guise of "waste diversion and beneficia-

tion" was actually for the salaries of six interns and a retired metro employee, who was hired as a consultant and paid through Milongani.

But the salaries paid to the staff over 16 months actually amounted to R1.5m, according to the report.

The municipality has yet to decide whether it will oppose the applications.

"I have been provided with two separate opinions prepared by two legal practitioners," acting city manager Anele Qaba said.

"Both opinions advised that the municipality has erred on the procedure in conducting this matter."

But Qaba said he had also consulted with the attorneys representing the municipality, who "hold a different view on the opinions".

He said due to the conflicting opinions, he had requested a senior counsel to give another legal opinion.

"This process is in motion and upon receipt of the requested legal opinion from the senior counsel, I will apply my mind once again to arrive at an informed decision."

Simpiwe Jacobs, who represents the union and the officials, filed the latest application to temporarily stop the hearings on August 19.

In a founding affidavit,

Samwu regional secretary Melikhaya Kortjan said the municipality's use of attorneys during the hearings had flouted the disciplinary procedure collective agreement.

"The appointment of legal representation to internal disciplinary hearings is only allowed under very limited grounds," he said.

"We submit that those grounds do not exist."

The SA Local Government Bargaining Council agreement states that legal representatives can only be appointed if all parties agree, issues of law are likely to come up during questioning, if the case is complex and it has public interest.

"The decision to continue with the disciplinary hearing was issued by the then acting city manager [Noxolo] Nqwazi, whose term of office had already expired."

Kortjan said her decision was therefore invalid.

"If the court rules in favour of the employees in the review application, which we are confident it will, the matter will be closed," he said.

"The continuation of the disciplinary hearings in lieu of the review application will only benefit the lawyers, who stand to unduly benefit financially to the detriment of the trade union with its limited resources, and the employees

will have to endure the traumatic experience of going through the disciplinary hearing, which may be declared invalid at the end.

"It is in the interest of justice and common sense that the disciplinary hearing be stayed pending finalisation of the review application."

In the review application, filed on August 12, Jacobs asked the courts to set aside the decision to reinstate disciplinary proceedings against the officials on June 20, and the contents of the PwC report.

This, he wrote, was because PwC had been hired without following proper procedure.

In another affidavit filed

with the review application, Kortjan said: "The report of PwC was not presented, neither considered nor adopted by the council as a result of the illegal procedure in [which] it had been commissioned or obtained."

He said the search-and-seizures by PwC and the metro police at the homes of the officials were also done without a valid search warrant.

"It was unlawful, brutal, inhuman and fashioned in the old apartheid police force-style, leaving families of the [officials] in a traumatic state."

When contacted for comment, Jacobs said: "The matter must be resolved amicably."

SA, Nigeria beef up security

SA and Nigeria stepped up security on Wednesday after deadly attacks on foreign-owned stores in Johannesburg triggered reprisal assaults on South African businesses in Nigerian cities.

The Johannesburg CBD and the Alexandra township were calm as police stepped up patrols after two days of looting.

Shops cautiously began to open again, as some residents sifted through wrecked stores.

Amid mounting concern for relations between SA, its neighbours and Nigeria, President

Cyril Ramaphosa reiterated his condemnation of the violence.

"We face a huge challenge. A number of people are taking the law into their own hands," he said in Cape Town.

"Taking action against people from other countries is not right. SA is home for all."

In Nigeria, police said security had been strengthened around South African businesses after attacks against stores operated by Shoprite, MTN and others. — AFP

air your views

herald letters @tiso black star.co.za

Bafana's safety fears: Page 20

Protest at Africa meeting

REPORT FROM: P1

economies when we can't put resources aside to help the women of SA to be safe?

"Shouldn't the women of this country be our priority?"

Classes at UCT were suspended for the day to allow students and staff to take part in a series of events combining mourning and activism.

UCT vice-chancellor Mamokgethi Phakeng said: "We are hoping that students and staff will, as a community, come together to participate in the events that have been planned."



After the picket at the gates of parliament, mourners were expected to gather for a memorial service on the steps in front of the Sarah Baartman Hall, on UCT's upper campus, followed by a staff and student assembly.

The group of protesters outside the WEF Africa meeting was smaller and closely monitored by a phalanx of police.

Most of the protesters had their mouths sealed with masking tape.

Mrwetyana was raped and killed, allegedly by a clerk at the Clareinch post office, near the UCT residence in Claremont where she lived.

"We as the UCT executive have been inundated with messages of sadness, grief, anger and anxiety," Phakeng said.

"We have also seen how members of our community are supporting each other, reaching out for help and holding each other during this painful moment."

A student outside parliament, Liam du Plessis, said men needed to confront their culpability for the violence against women.

"There have been too many transgressions allowed on our watch," he said.

Kevin Boyce said: "It's reached a point where men need to stand up and make the noise, and stand up for women."

The UCT students at the demonstration were joined by students from other universities and high school pupils.

Teaching student Nicole Gammie said change needed to

begin in school classrooms.

"We are going to change mindsets one classroom at a time – it's high time mindsets changed."

Danielle October said that Mrwetyana's death had hit her hard.

"Women are killed every day, but this was more painful," she said.

"It really could be any of us. We all go to post offices."

African Monitor's Mniki said she would focus her efforts at the WEF Africa meeting on "getting a deal from business and government to make our public service delivery points safe" by the time the four-day gathering ended.

She was critical of Deputy President David Mabuza for his comments on Tuesday about

the work the government was doing to educate women on vigilance and to train women police officers how to respond to victims of gender-based violence.

"How does this response have anything to do with women and children being attacked at government service points?" she asked, calling for all civil servants to be screened to see if anything in their past placed customers in jeopardy.

"If any of them are found to have a pending case or have been found guilty of any crime against women and children, they cannot serve in their position," Mniki said.

"Offenders of any kind cannot serve our communities as government employees." — TimesLIVE

DESPERATE MEASURES: African Monitor executive director Namhla Mniki threw away her notes at the WEF Africa meeting to talk about women's safety

Picture: YOUTUBE

Calls for harsher punishment for women abusers

REPORT FROM: P1

wetyana) was raped at 2pm, not when Amy-Leigh [de Jager] was kidnapped from her mom in the morning, not when a woman dies every three hours in SA.

"There is a war declared on our bodies and we are fighting back," Jolingana said.

While Amy-Leigh, 6, was returned unharmed after being kidnapped from outside her Vaal school earlier this week, first-year UCT student Mrwetyana, 19, who went to school in Makhanda, was not so lucky.

Reported missing just more than a week ago, it was later discovered that she had been raped and bludgeoned to death at the Clareinch post office in Claremont, Cape Town.

The university suspended classes until Friday next week and declared Wednesday a day of mourning, with the murder also triggering high emotion in Port Elizabeth.

Mrwetyana's face was spray-painted on the walls of the city's iconic high court in Bird Street, with the words: "Do you feel in control" and "Who's next?"

ones during this dark period.

"We also call on the authorities to ensure they do much more to stop and root out such dastardly deeds and brutality in our midst."

"We call on all our men to be more vigilant and act as the eyes and ears in the protection of our women and children."

"We are not only rugby players, supporters and sports enthusiasts but should play a more decisive and constructive role in rooting out the perpetrators of such vile deeds."

"Our call is to all rugby clubs and supporters to become more actively involved in the protection of our female compatriots."

"We need to take a stand and honour our role as protectors of the most vulnerable in our communities."

Members of car club Bandits Crew EC will, meanwhile, drive in convoy from the Shoprite in Korsten to Kings Beach at 2pm on Sunday in a show of support.

Club member Kyle January said they all had girlfriends, mothers and sisters and had become aware of the dangers they faced.

A state advocate, who is not authorised to speak, welcomed the demonstration.

"What are people expected to do? The government is not stepping up and our women and children have had enough," he said.

A senior prosecutor said while he did not condone the act of vandalism as it was a criminal offence to spray-paint a public building, there was a belief that men could literally get away with murder.

"The entire legal system is being tied up at the moment."

"There is no money to fight crime," he said.

The Saru Sasos Legends called on all rugby clubs to hold a minute of silence and for players to wear a black armband before games over the next week as a sign of respect to woman victims.

In a post, made public on social media, the organisation, a non-racial governing body during apartheid, wrote: "We ask of all to heed this call as a demonstration and a message of support to our women and the families who lost loved

"We want to join the movement in creating awareness and this is just a small way in which we can do something."

Anthony-Gooden, speaking on behalf of the Yokhusele Haven, said domestic violence laws needed a major overhaul.

Thousands of people have signed a petition demanding the return of the death penalty for crimes committed against women.

The petition by Change.org was started on Monday, following the news of Mrwetyana's rape and murder.

By Tuesday morning, more than 256,000 people had signed it.

The ANC Women's League has called on the government to consider chemical castration for men found guilty of rape.

ANCWL secretary-general Meokgo Matupa said on Tuesday it wanted the provision to be made law and urged the government to look at other countries which had introduced similar measures.

President Cyril Ramaphosa has been urged to address SA on the crisis.

WHAT IS ON AND WHERE

CLARENDON PARK PRIMARY SCHOOL



LEARNERSHIP PROGRAMME 2020

Clarendon Park Primary School is offering prospective teachers the opportunity to gain workplace experience while studying part-time towards a Bachelor's degree in either Foundation or Intermediate Phase Teaching, on a part-time/distance learning basis through UNISA or the North West University.

- Preference will be given to those who are:**
- 1st or 2nd Year students in 2020
 - Learners/students with strong academic results in the required subjects at Grade 12 or post school level
 - Candidates whose appointment will enhance representivity
- The student will receive financial assistance with study costs and a monthly stipend.
- If you are passionate about a career in teaching and would like to apply for this programme, please download an application form from www.clarendonpark.co.za
- Closing date for applications to be submitted is Thursday, 19 September 2019.**

BATHCOAT SA

BATH RE-SURFACING SPECIALISTS

12 Aisne Avenue, Lorraine, Port Elizabeth, 6001
Derrick Jordan
064-685-2292
Email: derrick@bathcoatsa.co.za
www.bathcoatsa.co.za

LEMON TREE FACTORY SHOP

22 1ST AVENUE WALMER
041 581 8796

WAREHOUSE CLEARANCE

- MIRRORS
- MATERIAL LINEN
- EMBROIDED
- (New Selection from leading wholesaler)
- INDIAN SILK TROWS
- DON'T MISS OUR 75% LESS CORNER
- MANY NEW ITEMS
- INSTORE

PUZZLED?

We've got the answers to your advertising needs. Phone, and let us put the pieces together for you!

PHONE TELE-ADS (041) 504-7174

"Why, my son, be intoxicated with another man's wife? Why embrace the bosom of a wayward woman?"

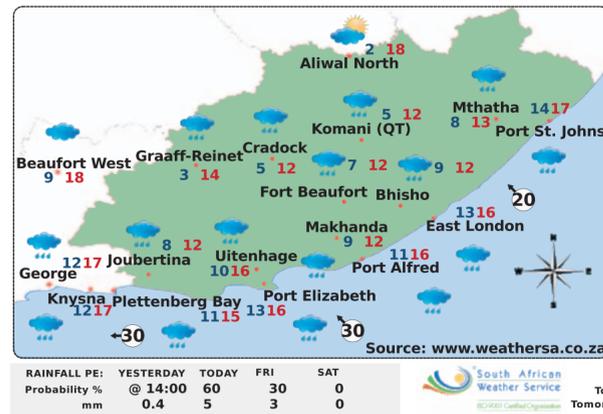
"For your ways are in full view of the Lord, and he examines all your paths."

Proverbs 5:20-21

The Herald

facebook www.facebook.com/HeraldLIVE

THE WEATHER



PE Flight Times

SA AIRWAYS

Arrivals

SA8671 CPT PLZ	08:20
SA405 JNB PLZ	12:30
SA419 JNB PLZ	15:50
SA8675 CPT PLZ	16:40
SA8469 JNB PLZ	19:40

Departures

SA8462 PLZ JNB	06:45
SA8672 PLZ CPT	08:50
SA410 PLZ JNB	13:05
SA422 PLZ JNB	16:20
SA8676 PLZ CPT	17:10

BRITISH AIRWAYS

Arrivals

BA6249 JNB PLZ	07:45
BA6324 DUR PLZ	09:05
BA6253 JNB PLZ	09:50
BA6325 CPT PLZ	12:45
BA6241 JNB PLZ	12:50
BA6235 JNB PLZ	15:00
BA6237 JNB PLZ	17:50
BA6239 JNB PLZ	19:55

Departures

BA6232 PLZ JNB	06:35
BA6248 PLZ JNB	08:25
BA6324 PLZ CPT	09:40
BA6234 PLZ JNB	10:25
BA6323 PLZ DUR	13:20
BA6242 PLZ JNB	13:25
BA6240 PLZ JNB	15:35
BA6230 PLZ JNB	18:40

SAFAIR

Arrivals

FA369 JNB PLZ	08:05
FA130 CPT PLZ	13:05
FA421 DUR PLZ	14:55
FA132 CPT PLZ	17:55
FA232 JNB PLZ	18:30

Departures

FA370 PLZ JNB	08:30
FA131 PLZ CPT	13:35
FA422 PLZ DUR	15:20
FA133 PLZ CPT	18:20
FA233 PLZ JNB	18:55

Mango

Arrivals

JE525 JNB PLZ	07:55
JE575 JNB HLA	10:20
JE541 JNB PLZ	17:15
JE591 HLA PLZ	17:25

Departures

JE534 PLZ JNB	08:25
JE576 PLZ HLA	10:55

JE548 PLZ JNB 17:50
JE592 PLZ HLA 21:30
Flights and times are subject to change without notice.

Shipping

IN PE HARBOUR

Dock today

Opal Ace	04:00
Pacific Diamond	06:30
Seaspan Lebu	21:30

Sail today

Lady Damla	AM
Pacific Diamond	PM
Mykonos Wave	18:30
Opal Ace	

