



**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA

**National Assembly**  
**Member of Parliament**

PO Box 15, Cape Town, 8000, Republic of South Africa  
Tel: +27 (21) 403-2911  
[www.parliament.gov.za](http://www.parliament.gov.za)

02 February 2017

The Public Protector  
Adv. Busisiwe Mkhwebane  
175 Lunnnon Street  
Hillcrest Office Park  
Pretoria  
0083

Dear Adv. Mkhwebane,

### **Request for an investigation into Minister Bathabile Dlamini**

I am writing to you in order to request an urgent investigation by your Office into the alleged breach of the Executive Ethics Code by the Minister of Social Development, Bathabile Dlamini, for wilfully misleading Parliament.

### **Background**

On Thursday, 05 May 2016, Minister Dlamini delivered a budget vote speech in Parliament. During the delivery of her speech she stated *"As reaffirmed by the Ministerial Advisory Committee, SASSA is taking over the management and control of the payment process that is currently performed by a third party, from 1 April 2017."*

On Wednesday, 01 February 2017, in a briefing to the Portfolio Committee on Social Development, Officials from the South African Social Security Agency (SASSA), informed the Committee that SASSA would seek an extension of an *invalid* contract from the Constitutional Court, as they has *"failed"* and would not in fact be ready to take over the distribution of grants in South Africa.

We think that it is implausible that at the time of delivery of the budget vote speech in May 2016, the Minister was not fully aware that SASSA would not be ready to perform the critical function of distributing the vital social grant payments in South Africa.

Furthermore we believe that the Minister together with SASSA, created an emergency, whereby they would be able to circumvent the Constitutional Court's judgements and extend the *invalid* contract with the current service provider, Cash Paymaster Services Pty Ltd (CPS).

### **Basis for Investigation**

Section 182 (1) (a) of the Constitution of the Republic of South Africa dictates that the Public Protector has the power *"to investigate any conduct in state affairs, or in the public*

administration in any sphere of government,<sup>2</sup> that is alleged or suspected to be improper or to result in any impropriety or prejudice.”

Furthermore, section 3 (1) of the Executive Members Ethics Act (Act 82 of 1998) requires the Public Protector to investigate any alleged breach of the code of ethics on receipt of a complaint. Section 3 (2) of the Act requires the Public Protector to submit a report on the alleged breach of the code of ethics within 30 days after receipt of a complaint. Section 4 of the Act states that the Public Protector must investigate, in accordance with section 3, an alleged breach of the code of ethics on receipt of a complaint by the President, a member of the National Assembly or a permanent delegate to the National Council of Provinces, if the complaint is against a Cabinet Member or Deputy Minister.

Specifically, section 2.3 (a) of the Executive Ethics Code states that Members of The Executive may not “*wilfully mislead the legislature to which they are accountable.*”

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### **Request for Investigation**

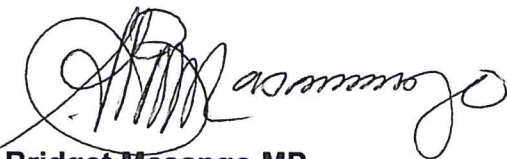
It is our contention that Minister Bathabile Dlamini lied and wilfully misled Parliament; in so doing, she has contravened the Executive Ethics Code to which all Cabinet Ministers are bound.

We therefore request that your office urgently investigate the alleged breach of the Executive Ethics Code by Minister Dlamini.

I look forward to your response.

Please urgently let me know should you require further documentation or information.

Yours Sincerely,



**Bridget Masango MP**

**DA Shadow Minister of Social Development**

Email: [masangobridget11@gmail.com](mailto:masangobridget11@gmail.com)

Telephone: +27 (21) 403 – 2802

Cell: +27 72 714 2404