
AFFIDAVIT

I, the undersigned,

BENNET MZWENQABA BHANGA

do hereby make oath and say that:

- 1) I am an adult male and the Leader of the Official Opposition in the Eastern Cape Provincial Legislature and also occupying the position of Provincial Leader of the Democratic Alliance in the Eastern Cape with work address - Office of the Democratic Alliance, Eastern Cape Provincial Legislature Independence Avenue, Bhisho and cellular telephone number 078 243 4643.
- 2) The facts contained herein are true and correct and are within my personal knowledge save where it is otherwise stated or where it appears otherwise from the context.
- 3) During or about 2014, the Amathole District Municipality (AMD) awarded a tender to a company by the name of Siyenza (also known as Blue Nightingale Trading 397 (Pty) Ltd) to construct 66 000 toilets in the geographical area of AMD at a cost of R631 million.
- 4) Allegations were made and reported on in the Daily Dispatch and Saturday Dispatch during 2015 that the tender (8/2/337/2012-2013) Siyenza was awarded by AMD, was not in compliance with the Constitution, the Local Government Municipal Finance Management Act (LGMFMA) and the AMD supply chain management processes.
- 5) Complaints were lodged with the Office of the Public Protector by three complainants; Mr Simcelile Rubela, Mr Mmusi Maimane and an organization by the name of Accountability Now.
- 6) The Public Protector commenced an investigation into the matter and released its final report (Report 23 of 2019/20) on Friday, 5 July 2019 wherein it is stated that an amount of approximately R103 771 786 million was spent, not compliant with relevant legislation.
- 7) Accompanying this affidavit is the Public Protector's report, containing findings and allegations against the former AMD Municipal Manager, Mr. Chris Magwanqana.

- 8) Having read the Public Protector's report, I hereby wish to bring the alleged financial misconduct offense by Mr Chris Magwanqana to the attention of SAPS and request that a case be opened for further investigation.
- 9) Specifically, I wish to bring the following extracts from the report below to the attention of SAPS;
- a) A finding was made and it is alleged on page 82 of the report, paragraph (gg) and I quote, "The former MM of the ADM, Mr Chris Magwanqana committed an act of financial misconduct as envisaged in section 171(1)(c) of the LGMFMA.
 - b) A further finding is made and it is alleged that, and I quote from page 80 of the report, paragraph (ii), " The former Municipal Manager (MM) of the ADM, Mr Chris Magwanqana, failed to manage the financial administration of the ADM and execute his fiduciary duties as the Accounting Officer with fidelity, honesty and in the best interests of the ADM, in contravention of the provisions of sections 61 and 62 of the LGMFMA".
 - c) Attention is also drawn to paragraph (hh) as contained on page 84 of the report which states that, and I quote, " The matter is referred to the Directorate for Priority Crime Investigation (DPCI) and the Asset Forfeiture Unit (AFU) in terms of section 6(4)(c) (i) and (ii) of the Public Protector Act, 1994, to investigate any commission of an offence in this matter by all implicated parties including those who are politically connected

BENNET MZWENQABA BHANGA

THUS SIGNED and SWORN to BEFORE ME at East London on this day the **9th day of JULY 2019**, the Deponent having knowledge that he knows and understands the content of this Affidavit, and that he has no objection to taking the prescribed oath, which he regards binding on his conscience and that the allegation herein contained are all true and correct.

COMMISSIONER OF OATHS