

# Public works in the clear

Ilse de Lange

The Mpumalanga public works executive council member could not be held liable for the almost R8 million loss suffered by a Pretoria technology company because of a skillfully executed fraudulent scheme, the High Court in Pretoria has ruled.

Ubuntu Technology sued the MEC for their loss after 455 laptops and accessories they delivered to the department's Middelburg offices in 2014, believing them to have been ordered by the State Information Technology Agency, were handed over to fraudsters. Only 27 were recovered.

Ubuntu's accounts manager Wade Chetty testified he received an official purchase order for the laptops from the director general of the national department of public works, Mziwonke Dlabantu, who told the court he had not ordered the laptops, adding all computer equipment ordered by the department was delivered to head office in Pretoria, never stored at provincial offices.

The public works department in Middelburg was indicated as the delivery address on the purchase order. An accountant at the department, Felisity Salzwedel, confirmed receipt, but allowed the fraudsters to collect the laptops on the strength of what appeared to be official documents, before Ubuntu received payment.

Salzwedel testified that her supervisor told her Dlabantu had phoned to find out if the department had storage space and she also received a call from him, telling her he had arranged with her supervisor to store goods.

Chetty and Salzwedel both testified that nothing seemed out of the ordinary or suspicious, but Ubuntu insisted Salzwedel should have phoned the national department to confirm the order and should also have confirmed the identity of the person collecting the goods.

Judge Nicoline Janse van Nieuwenhuizen dismissed Ubuntu's claim, saying no genuine order was placed and no contractual relationship existed.

She said Salzwedel had been under the impression the goods were the property of the national department and was unaware they had been ordered from Ubuntu. It was difficult to contemplate she could reasonably have foreseen harm might befall Ubuntu.

She said the circumstances did not justify the imposition of a legal duty on the state to prevent the loss suffered by Ubuntu.



***Fraudsters allowed to collect laptops on strength of what appeared to be official documents.***

**Felisity Salzwedel**  
Public works accountant