

METRO

# Traffic chief in sexual assault case stays in post

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SEXUAL assault-accused traffic chief Farrel Payne will face no disciplinary action and will remain in his position after an internal investigation into the allegations against him.

The provincial Department of Public Works and Infrastructure (DPWI) found that there was “no *prima facie* evidence” against him.

This, while Payne is currently out on bail of R5 000, facing criminal charges of sexual assault, *crimen injuria* and an attempt to commit a sexual act.

He is expected to again appear in the Cape Town Regional Court on July 27.

DPWI spokesperson Jandré Bakker said: “The DPWI, having carefully considered all the relevant facts, evidence and information relating to the allegations against a senior employee, concluded that there is no *prima facie* case to institute formal disciplinary action.”

Bakker added that all parties were informed of the decision on June 25.

Payne had previously indicated that all media enquiries about his case be directed to the department.

Anti-GBV activist Alexis Serra and spokesperson for the 44-year-old

woman, who remains on incapacitated leave as ordered by a clinical psychologist in October last year, said they intended to appeal the internal decision.

“The (woman) was devastated when she heard of the outcome and is still traumatised,” Serra said. “This case speaks to an institution which is steeped in a history of allegations of sexual harassment of which many alleged cases have been swept under the carpet through alleged senior management abuse of power and biased interference. There is no fair process at all.”

Serra maintained that the department is “covering up for Payne so he may maintain his senior position in the department”. “They have gone so far as wanting to move the (woman) to another office while he remains at his desk. Why should the (woman) be moved? From day one the (woman) has been given a raw deal,” said Serra.

Good Party member of the provincial parliament Brett Herron said: “It is grotesque and irregular for a government department to clear a senior official accused of sexually assaulting a subordinate, enabling him to stay at work, at the same time that the official is being prosecuted in court.

“The NPA (National Prosecuting

Authority) conducts criminal prosecutions when it is confident it has sufficient evidence to establish a wrongdoing beyond reasonable doubt.

“For the (department) to make a finding that there is no *prima facie* evidence of wrongdoing, while the matter is before the court, defies belief. It is shameful that the alleged perpetrator was not placed on precautionary suspension, but was allowed to remain at work in his position of absolute authority over the alleged victim and all the witnesses.”

ANC member of parliament Lulama Mvimbi said: “As the ANC, we are deeply concerned by the lack of transparency on this matter by the HoD as well as MEC (Daylin) Mitchell.

“We have heard that there are ‘two independent investigations’, one which says there is *prima facie* evidence against Payne. I will write to the chair of the portfolio committee requesting that the committee, in camera, is provided with copies of the report(s),” said Mvimbi.

Last month Transport MEC Daylin Mitchell defended the decision not to suspend Payne citing that this decision was “based on a fair and objective assessment of all the relevant factors that need to be considered before an employee is suspended as a precautionary measure”.