



public works
& infrastructure

Department:
Public Works and Infrastructure
REPUBLIC OF SOUTH AFRICA

Issued by Chief Directorate: Communications

Enquiries: Thami Mchunu 079 519 6997

Issue Date: 8 MARCH 2022

MEDIA STATEMENT

DEPARTMENT OF PUBLIC WORKS & INFRASTRUCTURE WELCOMES SPECIAL TRIBUNAL'S JUDGEMENT ON BEITBRIDGE

The National Department of Public Works & Infrastructure (DPWI) welcomes the judgement handed down related to the Beitbridge Border Fence project. The judgment was handed down at 10am on the 8th March 2022 by Judge Modiba.

The Department and Special Investigating Unit had sought just and equitable relief in terms of section 172(1)(b) of the Constitution, including an order seeking to divest the contractors (Caledon River Properties (Pty) Ltd and Profteam CC) from any profits derived from the contracts relating to the Beitbridge Border Fence.

Judge Modiba has stated that "*it is just and equitable to apply the no profit and no loss principle*" and dismissed the right of the contractors to retain the profits arising from these contracts. The judgement requires that the profits accruing to the contractors from the project be repaid to the Department of Public Works and Infrastructure.

The DPWI also notes the statement from Judge Modiba that further corrective measures lie in holding to account "*the officials who designed, approved and*

implemented the Beit Bridge Border Fence Project and its related procurement process and those who failed to take the appropriate steps to enhance the integrity of the fence.”

With regards to these further corrective accountability measures, the DPWI’s Acting Director General, Mr Imtiaz Fazel, has confirmed that in February 2022 the State concluded its case in the majority of disciplinary hearings against implicated DPWI employees. The defendant employees are scheduled to finalise their response to the State’s case by the 8th April 2022.

In addition to these disciplinary processes, the DPWI’s Acting Director General, Mr Imtiaz Fazel, has offered the Engineering Council of South Africa the DPWI’s full co-operation to investigate the conduct of professional engineers within and contracted or sub-contracted to the DPWI in this matter.

The Acting Director General of Public Works and Infrastructure, Mr Imtiaz Fazel, said that *“I wish to assure our employees and the wider public that the Department of Public Works and Infrastructure is committed to clean governance and enacting consequence management where necessary. I gratefully acknowledge the assistance and bravery of the State’s witnesses from the DPWI, SIU and National Treasury in last month’s Disciplinary hearings. As the DPWI works to improve delivery, communication and consequence management, we are seeking to play our part in rebuilding the confidence and trust that South Africans have in their government.”*

Ends

**Enquiries: Thami Mchunu
Acting Chief Director: Communications and Marketing
Department of Public Works and Infrastructure
079 519 6997/012 406 1841**