



public works
& infrastructure

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JOINT STATEMENT BY MINISTER OF PUBLIC WORKS AND INFRASTRUCTURE, PATRICIA DE LILLE AND HEAD OF THE SPECIAL INVESTIGATING UNIT, ADVOCATE ANDY MOTHIBI

In May 2021, the Infrastructure Built Anti-Corruption Forum (IBACF) was launched and was initiated to bring stakeholders together and foster collaboration amongst the key role players such as law enforcement agencies, construction sector regulators, civil society, government departments and private sector to monitor infrastructure projects more effectively.

The IBACF was also established to put systems in place to detect and prevent corruption to bring a greater level of transparency and credibility to the implementation of the Infrastructure Investment Plan.

The Department of Public Works and Infrastructure (DPWI) together with the Special Investigating Unit (SIU) have brought various private and public sector representatives on board who have agreed to serve on the forum, which has met several times since the forum's launch in May 2021.

The IBACF which is chaired by Advocate Andy Mothibi is a multi-sector body which was established to prevent and combat fraud and corruption in the infrastructure and/or construction sector.

This strategic intervention was made to mitigate the threat of corruption in the implementation of the Infrastructure Investment Plan approved by Cabinet in May 2020.

In order to regain confidence of investors and society, Minister de Lille articulated at the launch of the IBACF that it was vitally important that effective systems are put in place to detect and prevent corruption, which will bring greater level of transparency and credibility in the implementation of the Infrastructure Investment Plan.

Apart from the Department of Public Works and Infrastructure (DPWI) and the SIU, the IBACF consists of representatives from the following organisations:

1. The National Prosecuting Authority,
2. The Directorate for Priority Crime Investigation,
3. The Financial Intelligence Centre,
4. Corruption Watch,
5. The Council for the Built Environment,
6. Master Builders South Africa,
7. South African Council for the Architectural Profession (SACAP),
8. Consulting Engineers South Africa (CESA),
9. South African Black Technical & Allied Careers Organisation (multi-disciplinary) (SABTACO),
10. South African Bureau of Standards,
11. Business Unity South Africa (BUSA)
12. The Human Sciences Research Council.

The forum has oversight of investigations and sees various agencies working together to investigate any reported and alleged corruption so that we enhance accountability in the implementation of the Infrastructure Investment Plan's projects.

The IBACF was established in line with the National Anti-Corruption Strategy (NACS) envisages a “whole of government and societal approach” in the fight against corruption. Pillar six of NACS envisages proactive measures to be put in place to detect and prevent corruption.

IBACF Steering Committee meetings:

The Steering Committee meets on a monthly basis following the launch of IBACF. Amongst the key outcomes that have been achieved by the Steering Committee, are the following:

- Development of IBACF Implementation Plan
- Development of IBACF Case Assessment Framework
- Development of Built Environment Code of Conduct
- Developed a ‘Pledge against Corruption’ to promote integrity and transparency in built environment, it is anticipated that this pledge will be signed publicly by key stakeholders in the built environment.
- Online anti-corruption training course for stakeholders in the infrastructure built environment
- Engaged universities to include ‘anti-corruption training course’ in built environment as part of academic curriculum
- Initiated discussions with key stakeholders regarding the use of data analytics and data modelling in order to generate trend and predictive analysis reports which will inform the IBACF prevention, advisory and awareness initiatives.

IBACF Implementation Plan:

The IBACF Implementation Plan has been developed to structure the operations of the Forum. The objectives of the Plan is to assist with identifying areas of co-operation to enhance detection and prevention of corruption and maladministration in the infrastructure and/or construction environment.

The Implementation Plan is focussed on the below listed four (4) key pillars:

- 1. Prevention** – implement corruption prevention strategies to lower the likelihood of corruption occurring.
- 2. Detection** – real time monitoring of corrupt activities such as whistleblowing, risk management, data analytics and real time audits to ensure timely detection.
- 3. Investigation** – corruption related allegations in the built environment are speedily investigated, independently without fear or favour.
- 4. Resolution** – consequence management should be implemented for all corruption and related offences where there is enough evidence of wrong doing.

IBACF Case Assessment Framework

The Steering Committee has developed the Case Assessment Framework that will regulate how the reported allegations of corruption in the built environment will be handled. The Case Assessment Framework deals with the roles and functions of the Steering Committee Chairperson and Secretariat, receipt and registration of cases, assessment and referral of cases and the confidentiality of information processed by the Steering Committee.

IBACF Anti-Corruption Pledge Signing:

As part of the objectives of the forum, it agreed to publicly highlight the forum members' commitment to tackling corruption within the infrastructure and built environment space.

The Pledge has been aligned to the terms of the reference of the Forum and the National Anti-Corruption Strategy. The IBACF Anti-Corruption Pledge objective seeks to get commitment from the infrastructure and/or construction industry role players that they will maintain good integrity and ethical standards.

Following the ceremonial signing of the pledge, the pledge will be circulated to all built environment industry bodies to make a commitment and sign the pledge.

Minister Patricia de Lille said: “Corruption is another pandemic in our country and every effort must be made to fight corruption with all stakeholders: government, the private sector, civil society and communities working together to stem this scourge. Corruption steals from the poor and stifles service delivery and progress.”

“Government must ensure that all in society play their part in defeating the scourge of corruption. Prevention and combatting of corruption requires education, behavioural change and a multi-pronged approach from all levels of society. Corruption is a societal problem and fighting corruption is everyone’s business. Corruption hinders social and economic development and increases poverty by diverting domestic and foreign investment away from where it is most needed. We must also do a lot more to put systems in place to prevent and detect corruption before it occurs,” Minister de Lille added

SIU Head, Advocate Andy Mothibi has welcomed the multi sector approach towards the fight against corruption.

“The Infrastructure Built Anti-Corruption Forum will galvanise all stakeholders into action and ensure that infrastructure built projects are monitored more effectively and put measures and systems in place to fight against fraud and corruption, identify areas of co-operation to enhance prevention, detection, civil litigation and prosecution of fraud and corruption in the Infrastructure Build Sector,” Adv. Mothibi said

Minister de Lille also reported on some of the other work in fighting corruption which the SIU is working with DPWI on:

Apart from the work of the IBACF, the SIU has also been assisting the department with a number of cases within the Department of Public Works and Infrastructure.

The Special Investigating Unit (SIU) has been conducting and is continuing to conduct investigations in the investigations in the Department in terms of 4 Presidential Proclamations. The focus areas of the Proclamations include the Capital Projects delivered by the Department; supply chain management irregularities with

regard to property leased in from the private sector, and renovations to Prestige facilities.

Emanating from the investigations, the SIU recommends to the Department to institute disciplinary action against departmental officials where there is prima facie evidence justifying such action.

Where there is prima facie evidence of criminal transgressions by officials and/or other persons, for example contractors or service providers, the SIU refers the criminal case to the National Prosecuting Authority (NPA) for further criminal investigation.

Out of 6 978 cases investigated by the SIU under Presidential Proclamations, 6 623 have been finalised and 355 are still pending.

Out of 91 disciplinary referrals to the Department, 86 cases have been finalized and 5 are pending.

The sanctions for finalised cases ranged from dismissals, found not guilty, resigned before the hearings, death or retired before finalisation of cases, final warnings and suspension without pay.

Out of 292 criminal referrals to the law enforcement agencies. 18 cases have been finalized, 240 matters are before the NPA for decision, 23 cases were referred to SARS for further investigation, 6 matters are still with SAPS for investigation and 5 matters are before the court of law.

The SIU is further recovering R1.3 billion through the civil courts and its tribunal. The cases are ongoing.

In closing, we encourage members of the public to please report any alleged corruption or fraud on projects within the Infrastructure Investment Plan to the SIU whistleblowing hotline – [0800 037 774](tel:0800037774) or via email to siu@whistleblowing.co.za

ENDS

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