

07 December 2022.

MEDIA RESPONSE TO THE FOLLOW UP QUESTIONS

Opening Statement

With regard to the follow up questions, from 1 to 24, they are all inter related and they will be responded to in summary and attach additional information to assist you to make correct assessment of information. It seems to us that you have no appreciation of the two projects that you are reporting on. Both the Rehab Centre and Old Age Home are statutory projects which means the operation is guided by the legislation and for your own information, the legislation was amended recently which requires for changes in the structural approach of the two projects.

We are also concerned that your approach in the investigation is one sided on the matter of Mbombela Rehab Centre, there are other neighbors that have consented in support of the project and you have not made any attempt to get them. For your own information, those who initially opposed accepted the final verdict of the Appeals Tribunal. What you have attached is wrong, it was on the early stages of the process. We will attach our Lawyers appeal which is the final verdict granted for your own information.

Mbombela Rehab Centre

Your insistence that the project started without the rezoning application is fundamentally wrong. We want to put the following on record.

1. That; before the project started, we requested the Municipality to give us consent to run the rezoning process in conjunction with the building processes; the Municipality requested that we submit building plans which we did and they gave us a go ahead to proceed with the project at risk.
2. The objections by the neighbors were not initiated by them. It was initiated through the rezoning application processes where we advertised in the newspaper indicating the project and requested people to raise concerns or objections.
3. Once the objections have been received there is a mandatory requirement for physical consultations with all affected parties to ask questions and clarity before the matters can be taken to Tribunal if consensus is not reached. All these steps took place in the same meeting. Not all neighbors objected.
4. Construction of the project stopped when the tribunal ruled in favour of the neighbors on technical grounds and not on merits. And our lawyers approached the appeals tribunal and succeeded with conditions.

5. Mbombela Municipality and many other organisations working on drug and substance abuse currently support the project, SAYM supports Nhlanzeni Youth Organization with over R5 million per annum on training to empower young people against drug and substance abuse.
6. The issues on NHBRC certificate will attach any information that we had the certificate prior the project which you are at liberty to confirm with them.

Thaba Nchu Old Age Home

The interviews have already been conducted, the report and recommendations have been made for final input, this information is at draft stage. The adverts of the posts as requested will be shared. The interim license has been granted to operate, the license normally is handover during hand over ceremony and the license and occupation certificate has been given to NLC for consideration before it be made public. This is part of grant agreement. However both NLC and DSD can confirm this with you. You are at liberty to confirm this.

The cost associated for variations has been explained in our previous submission and are driven by the following.

The project was relocated to new venue this was agreed by all stakeholders, secondly The original funding didn't cover others things required by the license conditions, like waste building, fire and landscaping including parameter walls. The other costs will be security, insurance, electricity, rates and taxes, water and basic maintenance. SAYM has been paying for these costs for the past four years. The final report with the audited financial statements and all the engineering certificates have been sent to the NLC. Once they NLC has approved the report, it will be shared and made public as per the norm.

Taking back the future

Its also surprising why you have not taken interest why the NLC / NLB took four years to decide on the project wherein we even compelled the NLC through a legal process for them to make a final determination in which we had a favourable case, hence the NLC opted to resolve the processes through other mechanisms. The board of SAYM took note of the risk of association at its own discretion advised the NLC that Chweneyagae Foundation would not participate as an interested party to the project. We hope that you are not going to use Mr Chweneyagae maliciously to sensationalize his participation on the project which he is not a beneficiary of. The SAYM is a beneficiary and not Chweneyagae foundation. Mr. Presly Chweneyagae was not paid in his personal capacity.

The asset register is part of the financial position of any Organazation, all procured assets bought six years ago have been removed from the asset register due to depreciation, the only asset that is still in the asset register is the mini bus. Our asset manager will screen shot our asset register to demonstrate this.

Investigations

It is evident that you want SAYM to comment and you are ready to make inferences on the reports that you are privileged to having in your position without you willing to share. Your insistence that we must comment on our involvement and non-involvement on this reports is unreasonable. Since from yesterday we have demonstrated that some of the reports you are referring to, SAYM has not been consulted. The media represents everybody and is expected to report on any unjust processes that prejudice people.

SAYM is confident that we have not done anything wrong and all the moneys that have been paid to us were done so duly and lawfully and have accounted on them fully. The board further got external audit to ascertain that the funds received were used accordingly. We hope that you are also going to indicate that the amounts that you allege we have received have been accounted for and all the three projects at this stage have been completed. We hope you are also going to write that the same amount in question was done over a Ten year process and that SAYM had more than Six NLC rejections previously.

Private Matter of the Executive Director

The board took the decision to respond on all questions due to the following reasons:

1. SAYM has a conflict of interest policy
2. All decisions on projects are approved by the board and not management
3. The board is happy with all projects undertaken under the leadership of the Executive Director unless persuaded by anybody.

Based on our records as per the declaration register, the Executive Director holds directorship in many organizations. All the organizations in which he is part of has not done any business in whatsoever with SAYM which is not prohibited based on our policy. Ms Malomane was requested to resign telephonically and we have no access to the CIPC, you may as well check for your own reference. The Sizathina Organisation has not done business with SAYM and any other organization. It is also on record that when SAYM got the funding from NLC including the Take Back the Future; the former COO of lottery was not an employee of the organization.