



## **MPUMALANGA PROVINCIAL OFFICE**

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**Please quote this reference in your reply: 7/2 – 003693/22MPU**  
**Your reference:**

2022-07-19

Mr Sandile Sambo

Email: [sandile.good@gmail.com](mailto:sandile.good@gmail.com)

Dear Sir

**RE: DISCRETIONARY NOTICE IN TERMS OF RULE 42(1) OF THE PUBLIC PROTECTOR RULES AS PROMULGATED UNDER SECTION 7 (11) OF THE PUBLIC PROTECTOR ACT, 1994 ON AN INVESTIGATION INTO ALLEGATIONS OF MALADMINISTRATION BY EHLANZENI DISTRICT MUNICIPALITY IN RESPECT OF THE INCOMPLETE CONSTRUCTION OF A STADIUM IN THE YEAR 2002**

1. The above matter refers.
2. This is a Discretionary Notice issued in terms of rule 42(1) of the Rules Relating to Investigations by the Public Protector and Matters Incidental thereto, 2018 (the Public Protector Rules) as promulgated under section 7 (11) of the Public Protector Act, 23 of 1994 (Public Protector Act).
3. Rule 42 (1) of the Public Protector Rules provides that when the Public Protector intends concluding a complaint by means of a closing report provided for in rule 41(b), the Complainant shall be informed in writing accordingly and be given an opportunity to make representations in connection with the intended closure of the complaint within fourteen (14) days of delivery of the notification.

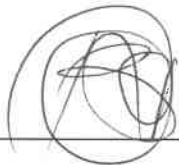
## DISCRETIONARY NOTICE OF MR S SAMBO (7/2-003693/22)

4. The Public Protector is concluding the investigation in connection with allegations of maladministration by Ehlanzeni District Municipality in respect of the incomplete construction of a stadium in the year 2002.
5. The investigation emanates from a complaint that was lodged by yourself with the Public Protector on 29 June 2022 alleging the following:
  - 5.1. That, Ehlanzeni District Municipality funded a project for the building of a stadium next to Schoemansdal Community Hall. Furthermore, that there was wasteful expenditure as the construction of the stadium was not completed.
  - 5.2. That, only dressing rooms for athletes were built, the ground was levelled up and a set of goal posts was erected. That, a stadium was also supposed to have been built in Mzinti Trust during the same period, however, only land was cleared in this regards.
6. The Public Protector conducted a preliminary investigation in terms of section 7 (1) (a) of the Public Protector Act, 1994 into this matter in order to determine the merits of the complaint and the manner in which the matter concerned should be dealt with. The following was established by the Public Protector:
  - 6.1. That, this complaint is lodged more than 20 years since the occurrence of the incident. Kindly take note, that, the Public Protector will not investigate this matter by virtue of **section 6(9) of the Public Protector Act, 1994**, which states that: "The Public Protector shall not consider any complaint unless it is reported to her within two (2) years from the occurrence of the issue or matter concerned. In the case between the **Government Employees Medical Scheme and Others v Public Protector of the Republic of South Africa and Others**, the Supreme Court of Appeal held that: "The Public Protector may in the exercise of her discretion decline to investigate a matter which falls within the scope and ambit of her jurisdiction."

**DISCRETIONARY NOTICE OF MR S SAMBO (7/2-003693/22)**

7. You are hereby afforded the opportunity to respond to this notice by no later than 08 August 2022 to enable the Public Protector to conclude the investigation and issue a closing report on the outcome thereof as soon as possible. However, take note, in terms of Rule 42(2), that should you fail to respond within the prescribed time indicated above or should your response not address what is stated above, the Public Protector will proceed to close this file as the investigation is complete.
  
8. Should there be any enquiries or responses to this notice, kindly contact the Investigator, Ms Suraya Abrahams on cell: 079 695 9172 or at [SurayaA@pprotect.org](mailto:SurayaA@pprotect.org)

I hope you find the above in order.



**MR BG SITHOLE**

**PROVINCIAL REPRESENTATIVE: MPUMALANGA**

**PUBLIC PROTECTOR SOUTH AFRICA**

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**Email: [botromias@pprotect.org](mailto:botromias@pprotect.org)**

**Date: 21/07/2022**