

## **Referral to the Public Protector: Boipatong Old Age Home Project**

Date: 01 September 2025

To: The Public Protector South Africa  
Attention: Adv. Kholeka Gcaleka  
Public Protector House  
Hillcrest Office Park  
Pretoria

### **Subject: Formal Complaint of Maladministration and Abuse of Public Resources – Boipatong Old Age Home Project**

Dear Advocate Gcaleka,

On behalf of ActionSA, I hereby submit a formal referral to your esteemed office regarding the abandonment and mismanagement of the Boipatong Old Age Home project, located in the Emfuleni Local Municipality in Gauteng. This referral is made in terms of Section 6 of the Public Protector Act, 23 of 1994, which empowers your office to investigate suspected improper conduct in state affairs and public administration.

The project was initiated in 2015 to deliver a fully equipped residential facility for elderly citizens in Boipatong, including 44 en-suite rooms, a dining hall, sickbay, and other communal infrastructure. Despite a total budget allocation of R44.3 million and over R28 million already spent, the facility remains incomplete, vandalised, and without any services delivered to date.

According to official responses received through the Gauteng Provincial Legislature:

- Only 52% of the project was completed.
- R25 million was paid to the main contractors, JM Mcwango Trading and Makgotamishe Building Construction.
- Over R3 million was paid to professional service providers.
- No recovery efforts or consequence management has been undertaken by the responsible departments.

This situation reflects a gross failure of public accountability, raising concerns of maladministration, fruitless and wasteful expenditure, and the potential violation of constitutional rights of vulnerable elderly citizens.

We respectfully request that the Office of the Public Protector investigate:

1. Whether the procurement, management, and oversight of the project were conducted in accordance with legal and ethical standards;
2. Why no disciplinary or legal action has been taken against the officials or contractors involved;
3. Whether the Departments of Social Development and Infrastructure Development acted in breach of their public service obligations;
4. What remedies may be proposed to ensure accountability and completion of the project.

Attached to this referral are:

- A copy of the criminal complaint submitted to SAPS;
- A copy of the Premier's response to the Legislature;
- ActionSA's public statement;
- Photographs and any additional supporting material.

We trust that your office will treat this matter with the urgency it deserves. ActionSA remains available to provide any further information required to support your investigation.

Yours sincerely,

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Funzi Ngobeni  
ActionSA Gauteng Provincial Chairperson