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Zondo commission – Embattled Smith offers solutions to parly oversight faults

Former ANC MP Vincent Smith says Parliament’s funding model must be given attention, if its role of oversight is to be taken seriously, among other solutions. He appeared before the commission of inquiry into state capture on Monday.

Out of R2-billion allocated to Parliament annually, he said, only 1%, about R50-million, is available to MPs to do their oversight work, which is not enough. But commission chairperson Deputy Chief Justice Raymond Zondo disagreed, asserting that it is perhaps the protection of MPs that must be prioritised, to enable them to make independent decisions in the interest of the country, above those of their parties.

“As long as a member of Parliament who belongs to the ruling party is not able to say I’m going to vote, and I’m going to perform my functions of oversight, as I see them to be in the interest of the people of South Africa, in the interest of the republic, and as far as I’m concerned that will coincide with what my party wants, there will be no consequences for me,” said Zondo. Earlier in the day he had heard evidence from deputy minister of transport Dikeledi Magadzi, who told Zondo that she would always toe the party line, regardless, in her votes in Parliament.

Smith’s proposals, however, along with others that the commission might hear in its limited future, might help shape final recommendations for what needs to change to enable Parliament to carry out its oversight duty, said Zondo.

Earlier in his testimony, Smith defended the work of the portfolio committee on correctional services, which he chaired from 2009 to 2014, in its dealings with matters relating to Bosasa. He was challenged by evidence leader Advocate Alec Freund, who said despite the Special Investigating Unit’s (SIU) investigative report on Bosasa, and the records contained in a legacy report by his predecessor in the committee Dennis Bloem, Smith did nothing to bring Bosasa to book.

The company had been investigated by the SIU for its irregular contracts with the Department of Correctional Services (DCS) since 2007. DCS chief financial officer Patrick Gillingham had even resigned in the midst of the investigation, but still the committee found nothing wrong with extending contracts held by Bosasa, despite existing findings against the company, said Freund.

According to Smith, the committee decided to let that process take place, without interference, on the basis that the investigation was ongoing, in light of it being handed over from the SIU to the National Prosecuting Authority at the time.

“I don’t think it’s accurate to say we took no action. We recognised the ongoing investigations. The committee decided that’s where we should leave it as Parliament, lest we’d be accused of interfering in the work of another part of government.”

But were they not outraged as a committee, asked Zondo, that the company was still anticipating more business from DCS?

Smith said the position of the committee was that it would allow the DCS to extend contracts as it had hoped, but for a limited time, and with the proviso that these would be put out to tender in due course.

Zondo further asked why the committee did not question the department's insistence in continuing to do business with the implicated company, to which Smith said he recalled that the committee may have communicated their dissatisfaction with the minister at the time.

"We were not shy pointing out our dissatisfaction. I do not believe the committee's oversight was superficial," said Smith.

Smith is currently facing charges of corruption and fraud relating to his alleged relationship with Bosasa.

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