

Media Statement



Tel: +27 12 845 6000

Email:
media@npa.gov.za

Victoria & Griffiths
Mxenge Building
123 Westlake Avenue
Weavind Park
Silverton
Pretoria

www.npa.gov.za

TO: ALL MEDIA

DATE: 30 APRIL 2021

RE: MUNICIPAL WORKERS JAILED FOR THEFT

Three employees of the Rand West City Municipality were collectively sentenced to 31 years by the Specialised Commercial Crimes Court in Palm Ridge earlier today.

Jacky Tshabalala, Letitia Mafuta and Anna Mdangane were convicted on 16 counts of theft worth over R3.5m meant for employees of the municipality. Tshabalala was sentenced to 15 years whilst Mafuta and Mdangane were both sentenced to eight years imprisonment, half of which was suspended for five years on condition that they were not found guilty of theft or attempted theft during the period of suspension.

The theft happened after employees of the municipality, through their union, the South African Municipal Workers' Union (SAMWU) got approval from the Chief Financial Officer to form a social club called Abasebenzi Christmas Club. The objective of the social club was to save funds through employee contributions that were deducted from their salaries, using the payroll system and paid into the club's account held with ABSA bank. These savings would then be distributed at the end of the year in accordance with each member's contribution.

The three were signatories and administrators of the account.

The municipality has a legal duty to pay the Skills Development Levy (SDL) to the South African Revenue Service (SARS) on a monthly basis through their payroll system. Tshabalala was employed within the payroll system while Mafuta and Mdangane were general workers.

The social club account and the SDL account were linked together and caused the funds allocated to the SDL to be erroneously deposited into the social club's ABSA account. The

three then stole these funds into their own private bank accounts for their personal gain.

Through Tshabalala's position, he had access to the payroll system of the municipality and in furtherance of a common purpose transferred large sums of money from the social club's bank account to their bank accounts.

The prosecutor, Frans Mhlongo, argued that the offence was very serious and the aggravating factor was that the employer placed them in a position of trust and motivated by greed, they abused this power to steal from the hand that fed them. "Theft of public funds can be detrimental where margins are thin and donations are hard to come by especially in a depressed economy, every rand is needed to serve our local government and this type of financial loss can be catastrophic to the reputation of the municipality and its continued operation. The accused channelled funds away from the noble projects of the municipality", he said.

The court found that neither of the three were entitled or had legitimate reasons for the money to be transferred into their bank accounts.

The NPA commended the officials of the municipality for pursuing justice by reporting the matter.

Hurbetin Phindi Mjonondwane

Regional Spokesperson: Gauteng Local Division

0626906505/0112204245

hmjonondwane@npa.gov.za