

MEDIA STATEMENT

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MINISTER NZIMANDE WELCOMES THE LABOUR COURT JUDGMENT DISMISSING WITH COSTS AN APPLICATION BY FORMER DIRECTOR-GENERAL GWEBINKUNDLA QONDE TO DECLARE HIS SUSPENSION UNLAWFUL

The Minister of Higher Education, Science and Innovation, Dr Blade Nzimande, welcomes the decision by the Johannesburg Labour Court to dismiss and order that the former Director-General of the Department of Higher Education and Training, Mr Gwebinkundla Qonde, pay the costs for his application and those of the two counsels on the case he brought to the Court.

The Labour Court also declared his application to set aside his suspension unlawful.

The Court heard this application on the 31st August 2021 and delivered the outcome on the 7th September 2021.

“This is an outcome we expected. It actually vindicates government commitment to fight against maladministration, corruption and the capturing of the State. It also exonerate our procedurally correct approach in dealing with this matter. Equally, it should also serve a lesson to those who continue or support those who are defrauding the State to know that their time has come,” said Minister Nzimande.

Minister Nzimande said this judgement must be welcomed because it exposes what seems to have been a well-conceived political campaign directed against him, given credibility by some sections of the media, who have been running a media campaign against him for some months.

The judgement states that “in the recent past, South African Courts have become the battle bailiwick to fight what appears to be political battles or skirmishes. This growing tendency somewhat besmirches the good out of the rule of law as consistently upheld by the Courts”.

“I have been saying for many months now that there seems to exist a perverted agenda by some publicly known and unknown individuals and some opposition political parties to undermine our efforts to fight again corruption and maladministration within the Department of Higher Education and Training. These efforts by these individuals or parties ignores what have also been identified by parliamentary oversight committees such as the Standing Committee on Public Accounts (SCOPA) and the Portfolio Committee on Higher Education, Science and Technology (PCHEST) on acts of lawlessness within our state,” said Minister Nzimande.

The Minister calls upon all individuals, political formations and interest groups to support the government initiatives to fight corruption and maladministration which denies people the rights to expeditious services delivery within the PSET sector which are taken away by individuals with ill-intentions.

Minister Nzimande says he will not turn a blind eye and be deterred to root out all acts of diversion where ever they exist within his Departments, entities and institutions under his political mandate.

“It is my public duty to fight against any tendencies that seek to undermine our hard-earned democracy, such as corruption, maladministration and the capturing of the State,” said Minister Nzimande.

Minister Nzimande said all investigations currently underway within the Department of Higher Education and Training and Science and Innovation will be pursued to their logical conclusion with necessary remedial and disciplinary measures taken against all those who will be found having violated government prescripts.

Minister Nzimande also strongly cautions some sections of the media who are continuously being used by his detractors to be circumspect and not to allow themselves to be played, wittingly or unwittingly, by severely compromised interests with various kinds of ‘fight back’ campaigns designed to detract, dissuade and discourage Government from stamping out fraud and corruption. This will simply not work.

In its judgment, the Court said it is not satisfied that the suspension of Qonde on the 23rd July 2021 was actuated by the purported disclosures made to President Ramaphosa.

“There is no causal connection between the suspension and the disclosures under section 3 of the Protected Disclosure Act (PDA)”. Therefore, the PDA has not been contravened.

The judgement further said “Qonde failed to satisfy the first and the most important requirement of a clear right in a quest for a final interdict. Other remaining requirements do not merit consideration in this matter”.

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