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11th May 2017

Mrs Xoliswa Tom
Chairperson
Portfolio Committee on Arts and Culture
Parliament of the Republic of South Africa
Cape Town
8000

Dear Hon. Chairperson X Tom,

False and dishonest statements presented on record by senior Department of Arts & Culture officials to Parliament- Portfolio Committee on Arts and Culture.

Meeting of the Portfolio Committee on Arts and Culture held on 01 September 2015

Chief Director Dr Jokweni on behalf of Deputy Director-General Newton

"The Department was currently waiting for a detailed plan of action from SARA, outlining how they would spend the R10 million that would be given to them by the Department."

"The Department was searching for an independent third party through which to administer the funds."

The above statements are **false and untrue**: SARA submitted the draft plan to the Department on the 14th August 2015, as requested at a meeting held at the Offices of the Public Protector SA on the 12th August 2015.

See evidence Annexure: **"A"**

The Department has been insisting on transferring funds for the renovations of SARA House directly to SARA, and not searching for an independent third party, as per its obligations in the Public Protector's

Board of Trustees:
Mr. Mthuthuzeli Matshoba, Mr. Eugene Zwane, Mr. Makhosonke Mrubata

Settlement Agreement signed on the 01st April 2014. See evidence

Annexure: “B” and “C”

Meeting of the Portfolio Committee on Arts and Culture held on 24 May 2016

Acting Director-General Ndima

“Mr Vusithemba Ndima, Acting Director General, Department of Arts and Culture, noted that the Department (or DAC) was still working closely with South African Roadies Association (SARA) and would provide assistance for the appointment of service providers for SARA’s project.”

The above statements are **false and untrue**: the Department is not working closely with SARA, as the last meeting between SARA and the management of the Department was held at SARA House on the 15th January 2016. There has never been any assistance from the Department for the appointment of the service providers for SARA’s project.

See evidence Annexure: “B”

Deputy Director-General Newton.

“The intention was to transfer funds to SARA and give recommendations of reliable organisations whom it could employ.”

The above statement is **false and untrue**: There was no agreement to transfer renovations funds directly to SARA and to give recommendations of reliable organisations whom SARA could employ.

See evidence Annexure: “C” especially the following clauses **4.1.2, 4.1.3, 4.1.4 and 4.1.9**.

Meeting of the Portfolio Committee on Arts and Culture held on 23 August 2016

Deputy Director-General Newton

“SARA had also submitted a proposal to the DAC for the establishment of a backstage academy, and had requested funding to run a feasibility study in order to motivate for further funding for the academy itself.”

The above statement is **false and untrue**: SARA has never requested funding from the DAC to run “a feasibility study in order to motivate for further funding for the academy itself”.

See evidence Annexure: “D”

Meeting of the Portfolio Committee on Arts and Culture held on 06 September 2016

Acting Director-General Ralebipi

"The South African Roadies Association (SARA) was allocated R5 million. There had been zero expenditure to date and the project is at the planning stage."

The above statements are **false and untrue**: the Department has never ever allocated R5 million to SARA, as SARA only received a total amount of **R1, 913, 452.00** from the Department in the 2016/17 financial year.

See evidence Annexure: **"E"**

Meeting of the Portfolio Committee on Arts and Culture held on 08th November 2016

Acting Director-General Ndima

"In relation to the Backstage Academy Project a feasibility study is being carried out, to identify whether the project can be customised, because the legal team is not in favour of the project"

The above statement is **false and untrue**: A feasibility study has not been carried out, and the Department has failed to respond to SARA's communications regarding this critical initiative; i.e. when and which company carried out the feasibility study, and a copy of the appointment letter and advert for the feasibility study.

See evidence Annexure: **"F"**

Meeting of the Portfolio Committee on Arts and Culture held on 29th November 2016

Deputy Director-General Newton

"The management at the Department had been dealing with SARA according to its White Paper, and trying to find a common solution."

The above statement is **false and untrue**: How can the Department deal with SARA according to its White Paper? The fact and truth is that the Department has breached and disregarded the signed Settlement Agreement (legal document), especially the following clauses; **3.1.1, 3.1.2 and 3.1.4**,

See evidence Annexure: **"C"**

Meeting of the Portfolio Committee on Arts and Culture held on 07 February 2017

Acting Director-General Ndima

"This week we have appointed people who are going to be assisting us in conducting the feasibility study"

The above statement is **false and untrue**: On the 08th November 2016, the Acting DG Ndima presented to the Portfolio Committee (above) that the *"a feasibility study is being carried out"* and on the 07th February 2017

he then present to the Portfolio Committee that *"This week we have appointed people who are going to be assisting us in conducting the feasibility study"*.

The Department has been dishonest and also failed to provide a genuine response to SARA's communications, including the one dated 11th August 2016, regarding this critical initiative. The Department is continuing to disregard clause **3.1.4** of the signed Settlement Agreement- Annexure **"C"**.

See evidence Annexure: **"F"**

Meeting of the Portfolio Committee on Arts and Culture held on 28th February 2017

Deputy Director-General Newton

"The fact that R21 million worth of grants was held by the South African Roadies Association since the implementation agreement of April 2013 was testament to the fact that the settlement agreement did facilitate funding arrangements between the Department of Arts and Culture and the Roadies Association."

The above statement is **false and untrue**: SARA has never ever held grants worth R21 million from the Department since the implementation of the settlement agreement.

Please note that the Settlement Agreement (legal binding document) was signed on the 1st April 2014 (not April 2013), and SARA has only held grants worth a total amount of **R4, 381, 500.00** from the Department, since the signing of the Settlement Agreement on the 01st April 2014 to 28th February 2017.

See evidence Annexure: **"G"**

SARA hopes that the Portfolio Committee on Arts and Culture find this submission in order.

Please advise any questions.

Sincerely



11/05/2017
Freddie Nyathela

President

South African Roadies Association (SARA)