**THE NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**1154. Mr B H Holomisa (UDM) to ask the Minister of Trade and Industry:**

(1) With reference to his replies to questions 616, 723 and 724 on 17 March 2016 (details furnished), can he, after consultation with Ms Astrid Ludin, Mr Rory Voller, Mr Flip Dwinger, Mr Douglas Mokaba, Mr Asogaren Chetty and Ms Lana Van Zyl of the Companies and Intellectual Property Registration Office (CIPRO) and/or the Companies and Intellectual Property Commission (CIPC), (a) confirm that the (i) Registrar of Companies (ROC), as was normal practice in 2001, in compliance with prescribed procedure, transmitted certain information (details furnished) to the SA Revenue Services (SARS) for the collection of taxes on behalf of the State and (ii) application for incorporation of SA Apartheid Museum was by way of a Special Power of Attorney secured through the legal services of certain persons (names and details furnished), (b) he secure from the ROC the mandatory CM5 Name Reservation Form which should, in terms of the information required, inform the general public of, *inter alia*, the persons who desired one of six names for the incorporation of SA Apartheid Museum, as the information in the specified form will also verify that the applicants, whomsoever they may be, have on a particular date, under the prescribed procedure, paid the mandatory fee in respect of the specified form and (c) provide the entire inception file, including the specified CM5 form that preceded the incorporation of SA Apartheid Museum as per the statutory declarations received from the applicants, whoever they may be, and which thereafter, along with Unique Company Registration Number 2001/019108/08 was transmitted to SARS;

(2) can he, in view of the fact that the National Lotteries Board (NLB) and/or National Lotteries Commission (NLC) has not provided any explanation whatsoever for The South African Apartheid Museum at Freedom Park when the questions raised clearly relate to SA Apartheid Museum, and specifically after consultation with Ms Tintswalo Nkuna and Mr Vuyisa Gwam of the Compliance Division of the NLB and/or NLC and Mr Tsietsi Maselwa, attorney for the NLB and/or NLC, (a) confirm having investigated whether the grant-in-aid intended for SA Apartheid Museum and Mr Christopher Till may have been fraudulently diverted to another company for the unlawful benefit of persons within and/or outside of the NLB and/or NLC and (b) indicate, through Chairman Alfred Nevhutanda, Attorney Tsietsi Maselwa and PriceWaterhouseCoopers, (mindful of SCA Case Number 788/10), where the NLB and/or NLC, bound by its own procedural limitations, found legal authorisation to abide by anything other than the statutory declaration submitted by Mr Christopher Till, on behalf of his organisation which he clearly stated is incorporated under the name SA Apartheid Museum;

(3) can he (a) after consultation with Profesor Dorcas Jafta, Ms Thoko Mkhwanazi-Xaluva, Nkuna, Ludin, Ms Thabang Mampane, Gwam, Nevhuthanda, Mr Jeffrey Du Preez and Meselwa, confirm that the rules and regulations of the NLB and/or NLC apply to both Black and White applicants seeking funding from the NLB and/or NLC and whether according to the specified organisations Mr Richard Moloko and Mr Reuel Khoza can, under the rules and regulations, lawfully be condoned as independent referees of SA Apartheid Museum, (b) after consultation with the GGB, confirm that in terms of the provisions of the National Gambling Act, Act 7 of 2004, the joint owners of the Gold Reef City Casino license, like other casino licence holders, (i) are entitled to the profits earned from the structure promised in support of the application for the Gold Reef City Casino Licence, (ii) are responsible for the financial costs of erecting and sustaining their income generating structure and (iii) bearing in mind that Gold Reef Resorts Limited is, at the relevant times, the holding company for, among other entities, Gold Reef City Casino, as verified by the 2001-2002 Annual Report of Gold Reef Resorts Limited which confirms that Gold Reef City Casino contracted the Section 21 Company SA Apartheid Museum to manage the edifice they named The Apartheid Museum and given that it has a legal right to generate its own income and (c) can he together with the NGB and GGB confirm that, in terms of the provisions of the National Gambling Act, Act 7 of 2004, both Mr Reuel Khoza and Mr Richard Moloko, were legally required to have known this and ought to never have allowed Mr Christopher Till to submit an application for public funding to the National Lotteries Board;

(4) can he, (a) specifically after consultation with Messrs Booysen, Lalumbe and Mafojane please provide the certificate to operate which was issued to Gold Reef City Casino when they initiated SA Apartheid Museum, to operate the edifice which they named The Apartheid Museum and (b) in view of the fact that whenever *prima facie* evidence of wrongdoing, irregularity and/or unlawful conduct arises and where a criminal investigation may follow, all the natural persons associated herein have legal rights which they may be entitled to exercise, provide the assurance that each and every official mentioned, along with others who may be affected, has been given a full appreciation of all that may affect them in their obligations to abide by the provisions of the law, including their obligations to Parliament;

(5) can he, in the light of these follow-up questions, and, after having consulted with officials directly involved in these matters, clearly indicate all parts of his earlier reply which he will want corrected and/or expunged from the specified reply? NW1290E

**Response**

(1) According to the response received from the CIPC:

(a)(i) CIPRO did not have a procedure to transmit information to SARS but CIPC have done that since 2014.

(ii) The Special Power of Attorney and the certification of incorporation are attached for your further perusal.

(b) The CIPC does not have the CM 5 form in its records.

(c) The CM3 and Special Power of Attorney and Certification of Incorporation are attached hereto and marked as **“Annex A, B and C”** respectively.

(2) According to the response received from the NLC:

The NLC can confirm that applications received, processed and adjudicated by the NLC all are from the SA Apartheid Museum.

(a) There has been no investigation by the Compliance Division on the SA Apartheid Museum or on the fraudulent diversion of funds.

(b) Yes, the application received was from the SA Apartheid Museum. All supporting information bears such name.

(3) (a) According to the response received from the NLC, yes.

(b)(i), (ii), (iii) and (c) The GGB is an independent entity which does not account to the dti as the national department. Therefore it is recommended that the Honourable Member source information directly from the Gauteng Gambling Board.

(4) (a) and (b) The GGB is an independent entity which does not account to the dti as the national department. Therefore it is recommended that the Honourable Member source information directly from the Gauteng Gambling Board.

(5) According to the information received from the CIPC, the CIPC indicated that the CM5 was included in its attachments in the previous response. When responding to the follow-up question and upon request of the CM5, it indicated that it does not have it in its records.

According to the information received from the NLC, there was no correction and/or an indication to expunge the original information provided. However, after receipt of its response and the telephonic conversation requesting further information with regard to question 1153(5)(b)(i), it confirmed that there was no adjudication which took place in 2008 for SA Apartheid Museum.

According to the information received from the NGB, the GGB is an independent entity and it is not in a position to respond on its behalf. It recommends that the Honourable Member source information directly from the Gauteng Gambling Board.

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