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**THE NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**1671. Mr T W Mhlongo (DA) to ask the Minister of Trade and Industry:**

(a) What number of cases relating to the Prevention and Combating of Corrupt Activities Act, Act 12 of 2004, as amended, have been referred to the (i) SA Police Service (SAPS) and (ii) Directorate for Priority Crime Investigation (DPCI) by (aa) his department and (bb) each entity reporting to him for further investigation since the Act was assented to and (b) what number of the specified cases have (i) been investigated by SAPS and DPCI, (ii) been followed up by the respective accounting officers and (iii) resulted in a conviction in each specified financial year since 2004?NW1821E

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| **a (i)** | **Cases referred to SAPS** | 24 Cases |
| **a (ii)** | **Cases referred to Serious Crime** | 2 Cases (1 closed and 1 is ongoing) |
| **b (i)** | **Most of the cases were closed by the SAPS and Prosecutors.** | 1. 20 Cases were closed for various reasons which includes amongst others inability to locate witnesses and limited information to achieve the beyond reasonable doubt criteria. 2. Some of the cases were believed to be nolle procuqui (unwilling to pursue) the case because the chances of successful prosecution are minimal. 3. 3 of the 24 cases are still under investigation. |
| **B (iii)** | **Convicted cases** | 1. We have one (1) ongoing case where the first accused received a guilty verdict. The second and third accused are being pursued. The civil element on this case is being pursued as well. |

**Response from the Department**

b (ii) The Internal Audit: Chief Directorate in **the dti** follows up monthly with the SAPS on all cases referred to SAPS and the HAWKS on behalf of the Director-General.

**Response from the Entities**

The South African Bureau of Standards (SABS) did not respond to the question.

| **Entity** | **(a)(i)** | **(a)(ii)** | **(b)(i)** | **(b)(ii)** | **(b)(iii)** |
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| **Companies and Intellectual Property Commission (CIPC)** | CIPC has opened one (1) case with the South African Police Services (SAPS) in November 2017 regarding the contravention of section 214 (1)(c) of the Companies Act, 2008 read with section 12 (1) (b) (i) (aa) of the Prevention and Combatting of Corrupt Activities Act No.12 of 2004 (as amended). | No cases were referred to DPCI. | Since the CIPC has opened the case with SAPS, it is for the SAPS to investigate. CIPC is assisting the South African Police Services with any further information they might need. | Not applicable | Not applicable |
| **Companies Tribunal (CT)** | CT did not have any cases relating to the Prevention and Combating of Corrupt Activities Act, Act 12 of 2004, as amended | Not applicable | Not applicable | Not applicable | Not applicable |
| **Export Credit Insurance Corporation (ECIC)** | ECIC has not referred any cases in terms of the Prevention and Combatting of Corrupt Activities Act to the SAPS and Directorate of Priority Crime Investigation. | Not applicable | Not applicable | Not applicable | Not applicable |
| **National Consumer Commission (NCC)** | One (1) case was referred to South African Police Service | No cases were referred to DPCI, however the case that was reported, was escalated to the Commercial Crime Unit | One case, with CAS number: 439/9/22 reported at the Lyttelton Police Station on 22 September 2014 Involving several suspects that have been investigated by SAPS | The aforesaid case has been followed up by the NCC and the NCC has also secured the services of a forensic firm to assist SAPS in compiling a docket. Meetings were held with the prosecutor and investigating officer allocated to this matter | The NCC is not aware of any convention in this matter |
| **National Consumer Tribunal (NCT)** | The National Consumer Tribunal (NCT) has not referred any cases in terms of the Prevention and Combatting of Corrupt Activities Act to the SAPS and Directorate of Priority Crime Investigation. | Not applicable | Not applicable | Not applicable | Not applicable |
| **National Credit Regulator (NCR)** | The National Credit Regulator (NCR) has not referred any cases in terms of the Prevention and Combatting of Corrupt Activities Act to the SAPS and Directorate of Priority Crime Investigation. | Not applicable | Not applicable | Not applicable | Not applicable |
| **National Empowerment Fund (NEF)** | Thirteen cases were referred to SAPS since 2004 to date (10 Clients/Applicants and 3 staff members) | Not applicable | Thirteen cases was investigated by SAPS: 10 Clients/Applicants and 3 staff members | All reported matters are followed up by the Risk & Legal departments on a quarterly basis | One (1) client was convicted in the financial year 2017/2018  Two (2) staff members were convicted in the financial year 2008/2009  Another matter relating to a staff member - criminal case is in progress |
| **National Gambling Board (NGB)** | NGB has not referred any cases in terms of the Prevention and Combatting of Corrupt Activities Act to the SAPS and Directorate of Priority Crime Investigation. | Not applicable | Not applicable | Not applicable | Not applicable |
| **National Lotteries Commission (NLC)** | Eight (8) cases relating to the Prevention and Combating of Corrupt Activities Act, Act 12 of 2004, as amended, have been referred to the SA Police Service (SAPS). | Not applicable | Investigations on all eight (8) cases are still in progress | Not applicable | Eight (8) cases are still in progress with SAPS |
| **National Metrology Institute of South Africa (NMISA)** | One (1) case was referred to the SA Police Service (SAPS). | NMISA was subsequently advised to refer the matter to Directorate for Priority Crime Investigation (DPCI) as the organisation did not suffer any loss, and the case is still under investigation. | One (1) case was investigated by the SAPS and Directorate for Priority Crime Investigation (DPCI) | Not applicable | Not applicable |
| **National Regulator For Compulsory Specifications (NRCS)** | NRCS did not have any cases relating to the Prevention and Combating of Corrupt Activities Act, Act 12 of 2004, as amended | Not applicable | Not applicable | Not applicable | Not applicable |
| **South African National Accreditation System (SANAS)** | SANAS did not have any cases relating to the Prevention and Combating of Corrupt Activities Act, Act 12 of 2004, as amended | Not applicable | Not applicable | Not applicable | Not applicable |

"Except as explicitly state herein the Ministry: Department of Trade and Industry ***(the*** ***dti)*** does not express an opinion in respect of any factual representations. The opinion /memo provided is limited to the matters stated in it and may not be relied on upon by any person outside ***the dti*** or used for any other purpose neither in its intent or existence. It must not be disclosed to any other person without prior written approval other than by law. Nothing contained herein shall be construed as limiting the rights of ***the dti*** to defend or oppose any claim or action against ***the dti***."

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