###### National Assembly

###### Question Number: 1672

**Mr T W Mhlongo (DA) to ask the Minister of Transport:**

(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?

**NW1822E**

 **REPLY:**

 In terms of section 34 (1) 9(a) (b) of Prevention and Combating of Corrupt Activities Act 12 of 2004,

 “*Any person who holds a position of responsibility and who knows and ought reasonably to have known or suspect that any person has committed*

1. *An offence under part 1,2,3 or 4, or section 20 or 21 (in so far as it relates to the aforementioned offences) or par 2; or*
2. *an offence of theft, fraud, extortion, forgery or uttering or forged a document,*

*involving an amount of R100 000 or more, must report such knowledge or suspicion or cause such knowledge or suspicion to be reported to any police official”*

Annexure A, which is attached, is a list of cases, which were reported to the SAPS and the DPCI. The status mentioned relates to when we last received updates on the cases. Majority of the cases relates to Sec 34 (1) (b) and involves fraudulent scams wherein the name of the department was used lure potential services.

1. **Cases referred to South African Police Service (SAPS)**

| **#** | **SAPS CAS NUMBER** | **STATUS**  | **YEAR OF CONVICTION**  |
| --- | --- | --- | --- |
| 1 | Pretoria Central CAS: 1254/08/2010. | Closed  |  |
| 2 | Boschkop CAS 149/02/2013 | In court  |  |
| 3 | Pretoria Central CAS 1589/06/2015 | Nolle prosequi |  |
| 4 | Pretoria Central CAS 1589/08/2015 | Guilty verdict | 2017/2018 |
| 5 | Vosloorus CAS No 293/01/2016 | Investigation under way |  |
| 6 | Maitland SAPS CAS 201/1/2016 | Investigation under way |  |
| 7 | Garsfontein SAPS CAS 494/2/2016 | Investigation under way  |  |
| 8 | Lyttelton CAS 374/3/2016 | Investigation under way |  |
| 9 | Garsfontein CAS 377/3/2016 | Investigation under way |  |
| 10 | Randfontein CAS 32/9/2017 | Investigation under way |  |
| 11 | Kensington Police Station CAS 139/4/2016 | Investigation under way |  |
| 12 | Pretoria CAS 1464/4/2016 | Investigation under way |  |
| 13 | Emalahleni CAS 610/06/2016 | Investigation under way |  |
| 14 | Pretoria Central CAS No 666/8/2016 | Investigation under way |  |
| 15 | Vryburg CAS 181/08/2016 | Investigation under way |  |
| 16 | Berea CAS 296/9/2016 | Investigation under way |  |
| 17 | Belfast CAS 45/11/2016  | Investigation under way |  |
| 18 | Park Road CAS 307/01/2017  | Investigation under way |  |
| 19 | Klerksdorp CAS 344/03/2017 | Investigation under way |  |
| 20 | Montana CAS 424/8/2017 | Investigation under way |  |
| 21 | Mondeor CAS 551/8/2017 | Investigation under way |  |
| 22 | Orlando Police Station CAS 296/9/2017  | Investigation under way  |  |
| 23 | Bronkorspruit CAS 225/10/2017  | Investigation under way |  |

1. **Cases referred to the Directorate for Priority Crime Investigation (DPCI)**

|  |  |  |  |
| --- | --- | --- | --- |
| **#** | **SAPS CAS NUMBER** | **STATUS** | **Comments** |
| 1 | Pretoria Central CAS 1277/04/2013 | Ongoing investigation |  |
| 2 | Pretoria Central CAS 1276/04/2013 | Ongoing investigation |  |
| 3 | Pretoria Central CAS 1265/07/2015 | Ongoing investigation |  |
| 4 | Pretoria Central CAS 1438/11/2015 | Ongoing investigation |  |
| 5 | Middleburg CAS 302/10/2015. | Filed an affidavit  |  |
| 6 | Pongola CAS 174/09/2015 | Filed an affidavit  |  |
| 7 | Brighton Beach SAPS CAS 218/10/2015 | Filed an affidavit  |  |
| 8 | Estcourt CAS 240/11/2015. | Filed an affidavit  |  |
| 9 | Greytown CAS 20/11/2015 | Filed an affidavit  |  |
| 10 | Kuils Rivier CAS 682/09/2015 | Filed an affidavit  | Originally referred to DPCI, but now handled by SAPS. At court for prosecution |
| 11 | Alberton CAS 552/10/2015 | Filed an affidavit  | Originally referred to DPCI, but now handled by SAPS. At court for prosecution |
| 12 | Sandton CAS No 1005/06/2015  | Filed an affidavit  |  |
| 13 | Brackenfell CAS 262/10/2015 | Filed an affidavit  |  |
| 14 | Witbank CAS 633/04/2016 | Filed an affidavit  |  |
| 15 | Bloemfontein CAS 12/3/2016 | Filed an affidavit  |  |
| 16 | Middleburg CAS 26/6/2016 | Filed an affidavit  |  |
| 17 | East London CAS 360/09/2016 | Filed an affidavit  |  |

**Airports Company South Africa SOC Limited (ACSA)**

We can confirm that ACSA has never had such incidents within its enterprise security and internal audit space.

**Air Traffic and Navigation Services SOC Limited (ATNS)**

1. Two (2) cases have been reported to SAPS regarding Prevention and Combating of Corrupt Activities namely:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Employee | Offence | Amount | Reported | Date |
| Tshidiso Mofuledu | Fraud | R1 796 323.39 | SAPS CAS312/2/2016  | January 2016 |
| William Ndlovu | Fraud | R 6 million | SAPS:Case 248/1/2018 | 25 January 2018 |

**South African Civil Aviation Authority (SACAA)**

SACAA does not have any cases relating to the Prevention and Combating of Corrupt Activities Act, 2004 that have been referred to the SA Police Service or the Directorate for Priority Crime Investigation.

**Ports Regulator of South Africa**

1. (bb) There are no cases that have been referred to SAPS nor Directorate for Priority Crime Investigation (DPCI) which have been instituted by the Ports Regulator since the Prevention and Combating of Corrupt Activities Act, Act 12 of 2004, was assented.

 **Cross-Border Road Transport Agency (CBRTA)**

1. (bb) The C-BRTA has reported six (6) corruption cases in terms of the Prevention and Combating of Corrupt Activities Act since the Act was assented to. The cases were reported as follows:
2. **Reported to SAPS:** Six (6) cases were reported to the following:

|  |  |  |
| --- | --- | --- |
| **SAPS Office**  | **Nature**  | **Case Number**  |
| Sinoville  | Corruption  | CAS 448/12/2013 |
| Musina  | Corruption | CAS 214/12/2015  |
| Komatipoort  | Corruption | CAS 26/07/2014 |
| Brooklyn  | Corruption | CAS 300/10/2016 |
| Brooklyn | Corruption | CAS 775/04/2017 |
| Brooklyn | Corruption | CAS 293/12/2017 |

1. The following three cases have been transferred to the Directorate of Priority Crime Investigation Unit (DPCI) where a project was registered which involves Fraud, Corruption relating to manufacturing of cross-border permits:

|  |  |  |
| --- | --- | --- |
|  **SAPS Office**  | **Nature**  | **Case Number**  |
| Brooklyn  | Corruption | CAS 300/10/2016 |
| Brooklyn | Corruption | CAS 775/04/2017 |
| Brooklyn | Corruption | CAS 293/12/2017 |

1. (i) Of the six (6) reported cases, three (3) have been investigated by SAPS while three cases are currently being investigated as a project by the DPCI.

(ii) The cases currently being investigated by the DPCI are being monitored through on-going engagements between official of the C-BRTA and DPCI.

1. Sinoville CAS 448/12/2013 was finalised in 2014 and the accused was convicted of Corruption in terms of the aforementioned act.

**Road Accident Fund (RAF)**

1. The RAF through its Forensic Investigation Department (FID), refers all suspected criminal matters to the South African Police Service (SAPS) for investigation, and subsequent SAPS referral to the National Prosecuting Authority (NPA) for a decision to prosecute, or not, whether in terms of the Prevention and Combating of Corrupt Activities Act, Act 12 of 2004, as amended, another Act, or common-law offence. The FID referral to SAPS does not relate the matter back to the Prevention and Combating of Corrupt Activities Act, Act 12 of 2004, as amended, therefore the RAF keeps no records specific to referrals as contemplated in the question and is unable to respond to the remaining questions.

The RAF has various mechanisms in place to report criminal conduct and, or, misconduct. In addition to a Forensic Investigation Policy, the RAF has an Ethics Policy which provides for disclosures in terms of the Protected Disclosures Act, No. 26 of 2000. The FID is in charge of the Fraud Tip-off Line, through which criminal conduct and corruption can be confidentially reported. A duty is placed on employees, in several policies, to report suspicious activities to the FID, or anonymously through the Fraud Tip-off Line. FID statistics for the period 2012 to 2017 bears witness to the extent that fraud is experienced and managed by the organization and demonstrates the RAF’s commitment to combat fraud and corruption (refer to the table below):

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| FID statistics (fraud and theft) | 2011/2012 | 2012/2013 | 2013/2014 | 2014/2015 | 2015/2016 | 2016/2017 |
| Number of referrals to SAPS | 1255 | 348 | 20 | 13 | 813  | 423  |
| Number of arrests | 502 | 290 | 478 | 325 | 391 | 88  |
| Number of convictions | 244 | 234 | 589  | 651 | 260 | 82 |

**Road Traffic Infringement Agency (RTIA)**

1. (i) SA Police Service (SAPS)

None

(ii)\_Directorate for Priority Crime Investigation (DPCI)

None

1. (i) (ii) and (iii) Not applicable

**Road Traffic Management Corporation (RTMC)**

1. (i) None

(ii) There are currently 5 cases reported in terms of the Prevention and Combating of Corrupt Activities Act, as amended.

1. (i) 5 cases have been investigated by DPCI

(ii) The RTMC have been following up on these cases.

(iii) 3 have already appeared in Court and the other 2 cases are still under investigation by SAPS/DPCI.

**South African National Roads Agency Limited (SANRAL)**

1. (i) There are 19 cases relating to the Prevention and Combating of Corrupt Activities Act that have been referred to the SA Police Service (SAPS) since 2004.

(ii) There was one case relating to the Prevention and Combating of Corrupt Activities Act that has been referred to the Directorate for Priority Crime Investigation (DPCI) since 2004.

1. (i) SANRAL expects that all 19 cases reported have been investigated by SAPS, (ii) all the reported cases have been followed up by the accounting officer and (iii) To SANRAL’s knowledge only one case led to a successful conviction.

**South African Maritime Safety Authority (SAMSA)**

SAMSA does not have any cases relating to the Prevention and Combating of Corrupt Activities Act, 2004 that have been referred to the SA Police Service or the Directorate for Priority Crime Investigation.

**Railway Safety Regulator (RSR)**

1. (i) None

(ii) None

1. (i) Not applicable

(ii) Not applicable

(iii) Not applicable

**Passenger Rail Agency of South Africa (PRASA)**

1. (i) None

(ii) 42 reports were made to the Directorate for Priority Crime and Investigation (“the DPCI”) by the investigators appointed by the Board of PRASA in 2016

1. (i), (ii) and (iii)

Of the 42 reports, the DPCI has indicated that it will prioritise two, namely, the reports relating to the awards made by PRASA to Swifambo Rail Holdings (Pty) Ltd and Siyangena Technologies (Pty) Ltd. The accounting authority of PRASA decided to launch an application against DPCI and the National Prosecuting Authority essentially asking the court to direct these institutions to conduct an effective investigation of these two matters that the DPCI indicated will be prioritised.