

**NATIONAL ASSEMBLY QUESTION FOR WRITTEN REPLY**

**2196. Mr M G P Lekota (Cope) to ask the President of the Republic:**

Whether, with reference to the Prevention and Combating of Corrupt Activities Act, Act 12 of 2004, he and the Government have taken any action regarding the utterances of the former President, Mr J G Zuma, on numerous occasions while he was still President, including a gathering of the Congress of South African Students over free tertiary education held at Ethekwini City Hall in Durban, that he was aware of corrupt activities that were committed but he kept quiet; if not, why not; if so, what are the relevant details of the action taken? NW2364E

**REPLY:**

Section 34 of the Prevention and Combating of Corrupt Activities Act (Act 12 of 2004) requires that “any person who holds a position of authority” and who knows or ought reasonably to have known or suspected that any other person has committed certain listed offences must report such knowledge or suspicion or cause such knowledge or suspicion to be reported to a Police Official in the Directorate for Priority Crime Investigation at the South African Police Service (SAPS).

The Act further defines “any person who holds a position of authority” as:

1. *the Director-General or head, or equivalent officer, of a national or provincial department;*
2. *in the case of a municipality, the municipal manager appointed in terms of section 82 of the Local government: Municipal Structures Act, 1998 (Act 117 of 1998);*
3. *any public officer in the Senior Management Service of a public body;*
4. *any head, rector or principal of a tertiary institution;*
5. *the manager, secretary or a director of a company as defined in the Companies Act, 1973 (Act 61 of 1973), and includes a member of a close corporation as defined in the Close Corporations Act, 1984 (Act 69 of 1984);*
6. *the executive manager of any bank or other financial institution;*
7. *any partner in a partnership;*
8. *any person who has been appointed as chief executive officer or an equivalent officer of any agency, authority, board, commission, committee, corporation, council, department, entity, financial institution, foundation, fund, institute, service, or any other institution or organisation, whether established by legislation, contract or any other legal means;*
9. *any other person who is responsible for the overall management and control of the business of an employer; or*
10. *any person contemplated in paragraphs (a) to (i), who has been appointed in an acting or temporary capacity.*

The Act does not place any statutory obligation on the President or Members of the Executive, Members of Legislatures or the Judiciary,

It is important, however, to emphasise that the fight against corruption is a continuous process, which requires the involvement of all citizens and that provided with evidence, the relevant law enforcement agencies would not hesitate to take the necessary actions.

We would therefore encourage all South Africans, regardless of the position they occupy, to provide any evidence of alleged corrupt activities to the SAPS.