

NATIONAL ASSEMBLY

QUESTION FOR WRITTEN REPLY

QUESTION NUMBER: 1522

DATE OF PUBLICATION: 9 OCTOBER 2009

DR D T GEORGE (DA) TO ASK THE MINISTER OF FINANCE:

- (1) Whether the Register for Tender Defaulters, established under the Prevention and Combating of Corrupt Activities Act, Act 12 of 2004, is maintained by the National Treasury; if not, (a) why not and (b) who maintains the register;
- (2) what is the number of entries that have appeared in the register since its inception;
- (3) whether the register will be made available for public scrutiny; if not, why not; if so, what are the relevant details;
- (4) whether he refers the information gathered on the register to his counterparts in the national, provincial and local governments; if not, why not; if so, what are the relevant details?

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REPLY:

1. Yes
 - (a) Falls away
 - (b) The Chief Director: Norms and Standards
2. None

Reason: Section 28(1)(a) of the Prevention and Combating of Corrupt Activities Act, 2004, prescribes that when a court convicts a person for offences relating to tenders or contracts, in addition to imposing any sentence contemplated in section 26 of the Act, the court may also issue an order that the name of the convicted person, the conviction and sentence and any other order of the court consequent thereupon be endorsed on the Register. Section 28(1)(b) prescribes that if the person so convicted is an enterprise, the court may also order that the particulars of that enterprise, the particulars of any partner, manager, director or other person, who wholly or partly exercises or may exercise control

over that enterprise and who was involved in the offence concerned or who knows or ought reasonably to have known or suspected that the enterprise committed the offence concerned, and the conviction, sentence and any other order of the court consequent thereupon, be endorsed on the register.

To date no such order was issued by any court of law and therefore no name appears on this Register.

3. Yes

Section 32 of the Act prescribes that the Register must be open to the public. The register can be perused on the National Treasury's website under www.treasury.gov.za.

4. Currently there are no names on the Register.

It should be noted that a working group on government's supply chain management (SCM) system was established to improve the management of the SCM system as a whole. This working group is composed of representatives of the National Treasury, the South African Revenue Services, the Financial Intelligence Centre, the Auditor-General and the Special Investigation Unit. Among others, the work group will identify high-risk clusters of tenders with the object of conducting integrated investigations which should result in enforcement actions which could be either referral for criminal investigations, civil recovery, referral for internal disciplinary proceedings and / or full tax enforcement. The National Treasury will consider measures to enhance public awareness of the names of persons who were found guilty of transgressions.