



national treasury

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National Treasury
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**TO ALL : ACCOUNTING OFFICERS OF DEPARTMENTS AND
CONSTITUTIONAL INSTITUTIONS
: ACCOUNTING AUTHORITIES OF PUBLIC ENTITIES
: HEAD OFFICIALS OF PROVINCIAL TREASURIES**

DUTY TO REPORT KNOWN OR SUSPECTED CORRUPT TRANSACTIONS

1. Fraud and corruption in the South African public sector is seriously undermining government's efforts to deliver quality services to its citizens. Efforts are therefore being intensified to combat fraud and corruption in state institutions and to ensure that perpetrators of such deeds are brought to book. One of the key challenges faced in the fight against this scourge is the unacceptably low reporting rate of corruption within the private and public sectors.
2. To this end the Prevention and Combating of Corrupt Activities Act, no 12 of 2004 ("PCCA") was introduced:
 - "to provide for the strengthening of measures to prevent and combat corruption and corrupt activities;
 - to provide for the offence of corruption and offences relating to corrupt activities;
 - to provide for investigative measures in respect of corruption and related corrupt activities;
 - to provide for the establishment and endorsement of a register in order to place certain restrictions on persons and enterprises convicted of corrupt activities relating to tenders and contracts;
 - to place a duty on certain persons holding a position of authority to report certain corrupt transactions;
 - to provide for extraterritorial jurisdiction in respect of the offence of corruption and offences relating to corrupt activities; and
 - to provide for matters connected therewith."
3. Chapter 2 of the PCCA provides for the different types of offences in respect of Corrupt Activities and contains provisions related to the following types of offences:
 - Part 1 : General Offence of Corruption
 - Part 2 : Offences in respect of corrupt activities relating to specific persons
 - Part 3 : Offences in respect of corrupt activities relating to receiving or offering unauthorised gratification
 - Part 4 : Offences in respect of corrupt activities relating to specific matters
4. Sections 20 and 21 of the PCCA also include provisions related to being an *accessory to or after offence and attempt, conspiracy and inducing another person to commit an offence.*

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5. In terms of section 34(1) of the PCCA, any person who holds a position of authority and who knows or who ought reasonably to have known or suspected that any person has committed:-
- an offence under Parts 1, 2, 3 or 4 or section 20 or 21 of Chapter 2 of the PCCA (in so far as it relates to offences under Parts 1 to 4); or
 - (b) the offence of theft, fraud, extortion, forgery or uttering a forged document;
- involving an amount of R100 000 (one hundred thousand rand) or more, must report such knowledge or suspicion or cause such knowledge or suspicion to be reported to any police official. Failure to report such knowledge or suspicion will render the person guilty of an offence in terms of section 34(2) of the PCCA.
6. The report to the police official in terms of section 34 of the PCCA must be compiled in accordance with the format prescribed in Notice No. 837 of Government Gazette No. 26552 dated 16 July 2004, which is enclosed as **Annexure A**.
7. For the purposes of section 34, a person who holds a position of authority includes the following: -
- the Director-General or Head, or equivalent officer, of a national or provincial department;
 - the Chief Executive Officer of a constitutional institution;
 - the Accounting Authority of a public entity;
 - Officials serving in the Senior Management Service (SMS) of departments;
 - Persons serving in *senior management* of constitutional institutions and public entities (this applies to the level of management that is directly accountable to chief executive office, or person in charge of a constitutional institution or a public entity); or
 - any head, rector or principal of a tertiary institution.
8. In addition to the requirement to report to a police official in terms of section 34(1) of the PCCA, Treasury Regulation 12.5.1 issued in terms of the Public Finance Management Act, no 1 of 1999 (PFMA) further requires that when it appears to officials of departments and constitutional institutions that the State has suffered losses or damages through criminal acts or possible criminal acts or omissions, the matter must be reported in writing to the accounting officer of the institution as well as to the South African Police Service. Failure to comply with the provisions of Treasury Regulation 12.5.1 will constitute grounds for financial misconduct.
9. Persons holding positions of authority, as set out above, are therefore required to take note of the relevant sections of the PFMA and PCCA and to ensure that the duty to report corrupt transactions and losses resulting from such transactions is fully complied with.
10. A copy of the PCCA is available on the Department of Public Service and Administration's website www.dpsa.gov.za whilst the PFMA is available on the National Treasury's website www.treasury.gov.za
11. Institutions that may have conducted forensic investigations and received reports are reminded to ensure that any person who may have been implicated in a criminal activity in the forensic reports should be reported to the police, if such had not already been done. Criminal offences remain prosecutable for a period of 30 years.

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12. Institutions that have conducted forensic investigations and/or are in possession of reports from whistleblowers on matters related to fraud and corruption are requested to also forward copies of all reports related thereto to the following senior police officers who have been nominated by the Head of the Directorate of Priority Crime Investigations (DPCI) to deal with these matters:

Directorate for Priority Crime Investigation (DPCI)			
Reporting of Serious Corruption			
Office of the Head: Commercial Crime			
	Office Tel	Office Fax	Email
The Head: Commercial Crime	(012) 846 4100	(012) 846 4404	meiringh@saps.org.za
Attention: Col JAP Burger	(012) 843 0135		ACTTSec@saps.org.za

The Provincial contact numbers are as follows:

Provincial Heads: : Commercial Crime	Office Tel	Office Fax
MPUMALANGA	(013) 249 8002	(013) 249 1030
KWAZULU-NATAL	(031) 325 4713	(031) 325 4714
NORTHWEST	(018) 299 7633	(018) 299 7637
GAUTENG	(011) 274 7894	(011) 274 7577
LIMPOPO	(015) 290 6180	(015) 290 6170
WESTERN CAPE	(021) 918 3490	(021) 918 3886
NORTHERN CAPE	(053) 839 2824	(053) 833 5210
FREE STATE	(051) 507 6632	(051) 507 6686
EASTERN CAPE	(040) 608 8424	(040) 608 8617

13. The phenomenon of corruption is a complex and sensitive one, even more so in a supply chain management environment. Should your institutions have any enquiries related to any corruption related matter, including how to submit the forensic and/or whistleblower reports referred to in paragraph 12 above, it is requested that contact be made with Colonel Burger.

DISSEMINATION OF INFORMATION CONTAINED IN THIS CIRCULAR

14. Accounting officers of national departments are requested to bring the contents of this circular to the attention of;-
- All SMS staff of the department;
 - The accounting authorities and senior management of public entities reporting to their respective executive authorities.

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15. Head Officials of Provincial Treasuries are requested to bring the contents of this circular to the attention of:-
 - The provincial director-general;
 - The accounting officers of provincial departments and their respective SMS staff;
 - The accounting authorities and senior management staff of provincial public entities reporting the respective executive authorities.
16. Accounting officers of departments responsible for Education are requested to bring the contents of this circular to the attention of heads, rectors or principals of tertiary institutions reporting to their respective departments.
17. Your contribution towards combating the scourge of fraud and corruption in the public sector would be appreciated.



FREEMAN NOMVALO
ACCOUNTANT-GENERAL
6 SEPTEMBER 2011

SOUTH AFRICAN POLICE SERVICE

No. 837

16 July 2004

**DIRECTIONS BY THE NATIONAL COMMISSIONER OF THE
SOUTH AFRICAN POLICE SERVICE IN TERMS OF SECTION
34 (3)(a) OF THE PREVENTION AND COMBATING OF
CORRUPT ACTIVITIES ACT, 2004**

I, Jacob Sello Selebi, in my capacity as the National Commissioner of the South African Police Service hereby, in terms of section 34(3)(b) of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), publish the directions contemplated in section 34(3)(a) in the Schedule.

SCHEDULE

The manner in which a police official takes down a report contemplated in section 34(1) of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), hereinafter referred to as "the Act", must be as follows:

1. Any police official who receives a report from a person as contemplated in section 34(1) of the Act must -
 - (a) take down the report in the format of the form contained in Annexure A;
 - (b) as soon as possible open an enquiry on the South African Police Service Crime Administration System (CAS); and
 - (c) forthwith provide the person who made the report with an acknowledgement of receipt reflecting the relevant CAS number, in the format of the form contained in Annexure B which will serve as a unique reference number for future enquiries and official purposes.

2. After the report has been taken down as contemplated in paragraph 1(a), it must without delay be faxed to a Central Reporting Office situated at the Commercial Branch, South African Police Service, Detective Service, Head Office; Pretoria.
3. The responsibilities of the Central Reporting Office include the following:
 - (a) To ensure that access to the facsimile machine involved is limited to police officials designated by the Head: Commercial Branch: Head Office, and such designated police officials only, are responsible to deal with reports that have been taken down as contemplated in paragraph 1.
 - (b) To promote the confidentiality and integrity of the reporting system.
4. The Head of the Commercial Branch: Head Office, must ensure that an investigator of the Commercial Branch contacts the person who made the report and takes down a complete affidavit, which could serve as a basis for a police investigation into the report.

J.S. SELEBI
NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICE

Annexure A

TAKING DOWN OF REPORT CONTEMPLATED IN SECTION 34(3)(a) OF THE PREVENTION AND COMBATING OF CORRUPT ACTIVITIES ACT, 2004

TO: THE HEAD OF THE COMMERCIAL BRANCH: HEAD OFFICE, DETECTIVE SERVICE: CENTRAL REPORTING OFFICE

I, (full names and surname).....

.....

(rank).....

(service number).....

stationed at....., a police official in the South African Police Service,

have received the following report

(report attached, if applicable)

from a person holding a position of authority as contemplated in section 34(4) of the Act,

.....
(Full names and surname of person making the report)

with the following contact particulars:

Contact address:.....

.....

Telephone Number:.....

Cellular phone

Number:.....

E-mail

Address:.....

Business/employment

address:.....

Business Telephone

Number:.....

Business E mail

Address:.....

The report received entails the following:

Description of offence: (sections 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 20 or 21 of the Act or theft, fraud, extortion, forgery or uttering of a forged document involving an amount of R100 000,00 or more)

(Circle the applicable offence/s)

1. Description of the nature of the knowledge or suspicion of offence referred to above:

.....
.....
.....
.....
.....

2. Name and contact details of person/s allegedly involved:

.....
.....

3. When did the offence/s occur or is it ongoing?

.....
.....

4. Any information to the reporter's knowledge about the standard of living of the person/s allegedly involved

.....
.....

5. Name and contact details of possible witnesses to the alleged offence/s:

.....
.....
.....
.....

6. Manner in which acknowledgement of receipt is preferred (only applicable in respect of facsimile, telephonic or electronic reports):

.....

Signed at.....on this.....day of20....

.....
SIGNATURE OF POLICE OFFICIAL TAKING DOWN THE REPORT

Unique reporting reference number (CAS number)

.....(To be inserted by the police official to whom the report is made. A corresponding number must appear on the acknowledgement of receipt (Annexure B).

Annexure B

Unique reference Number (CAS number)

.....
(This receipt is not valid without this number)

**ACKNOWLEDGEMENT OF RECEIPT IN TERMS OF SECTION
34(3)(a) OF THE PREVENTION AND COMBATING OF
CORRUPT ACTIVITIES ACT, 2004 (ACT NO. 12 OF 2004)**

I, (full names and surname).....

.....

(rank).....

(service number).....

stationed at....., a police official
in the South African Police Service, hereby acknowledge receipt of a report

received from
(Name).....

The following documentation has been received with the report:

.....

.....

.....

Signed at.....(place), on this.....day of20....

.....
SIGNATURE OF POLICE OFFICIAL