



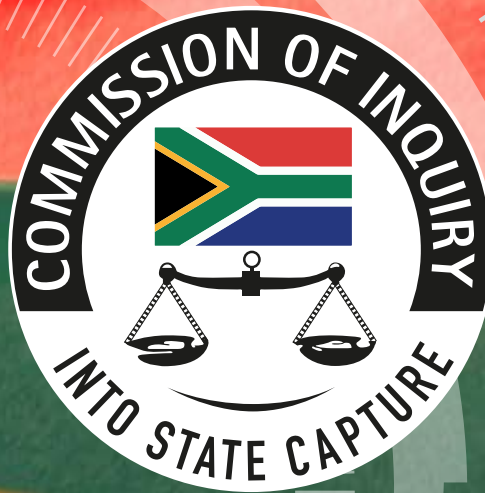
THE PRESIDENCY
REPUBLIC OF SOUTH AFRICA



THE TIDE IS TURNING

Progress Report on Implementation of President Ramaphosa's
Response to the Judicial State Capture Commission.

NOVEMBER 2023



TIMELINE

NOVEMBER 2017

Former Public Protector Adv. Thuli Madonsela recommended that former President Zuma should appoint a commission of inquiry into state capture

JANUARY 2018

The commission was formally established to begin its investigations

AUGUST 2018

First hearing took place

DECEMBER 2021

Final hearing took place after receiving eight extensions

JUNE 2022

Final reports were published and handed over to President Ramaphosa by the now Chief Justice Raymond Zondo (Reports 5 and 6)

- Report 1 – 4 January 2022
- Report 2 – 1 February 2022
- Report 3 – 1 March 2022

OCTOBER 2022

President Ramaphosa tables cabinet's response in Parliament

1. Introduction	2
2. Summary of progress	3
3. Dealing with perpetrators of state capture	4
3.1 Criminal cases	4
3.2 Asset recovery	9
3.3 Independent Police Investigative Directorate (IPID) investigation	10
3.4 Administrative action against directors and companies	10
4. Reforms to prevent future occurrence of state capture	11
4.1 Recommendations for new institutions	11
4.2 Procurement reforms	12
4.3 Public administration reforms	12
4.4 Intelligence reforms	13
4.5 Whistleblower protection	13
4.6 Combating money laundering	14
4.7 Electoral reforms	14
4.8 Legislative changes	15
5. Status of legislative amendments referenced in President's Response to State Capture Commission	16
Legislative processes under way	18
ANNEXURES	
ANNEXURE A:	
High level progress table as at 30 September 2023	20
Detailed Reporting Against Actions	22
ANNEXURE B:	
SCC recommendations – court cases and matters	46
NPA investigating directorate cases in court	48
NPA SCCU/DPCI Cases	49
Finalised Cases/Recommendations	49

1. INTRODUCTION

Corruption is a crime against the South African people and robs our people of resources that should have been used to improve the lives of the poorest and most vulnerable in our society.

The State Capture Commission of Inquiry was established in 2018 following recommendations from the Public Protector and handed its final report to the President in June 2022. The report was the culmination of four years of investigation and found clear evidence of state capture and abuse of power, making a number of recommendations to government. Three months later, the President tabled a response to parliament in October 2022, opening a new chapter in our struggle against corruption.

The commission, led by now **Chief Justice Raymond Zondo**, heard over 300 witnesses in 429 days of public hearings, and considered 1.7 million pages and over 1 million gigabytes of documentary evidence and information. **The commission found clear evidence of state capture and abuse of power** implicating 1 438 individuals and entities. It concluded that 'this was facilitated by a **deliberate effort to exploit or weaken key state institutions and public entities**, but also including law enforcement institutions and the intelligence services.'

On 22 October 2023, we marked the first anniversary of cabinet's response to the commission's findings and recommendations, tabled in parliament by President Ramaphosa. ([Click here to read full response.](#))

This report sets out our progress in implementing the actions and commitments laid out in this plan of action.

It is the second progress report. Government had already commenced work against corruption and state capture before receiving the commission's final report in June 2022 and the President presented the first progress report on 23 October 2022, the day after he submitted cabinet's plan to Parliament, in which he outlined action taken since 2018 including key steps such as the appointment of new leadership at the Hawks, National Prosecuting Authority (NPA) and South African Revenue Service (SARS).



+300
Witnesses who testified



429
Days of public hearings



1.7 million
Pages of documentary evidence



1 million
Gigabytes of documentary evidence



1 438
People and entities implicated

2. SUMMARY OF PROGRESS

The plan submitted to parliament by the President in October 2022 represents a complex multi-departmental and multi-agency effort to achieve what he has described as “an ethical, moral and institutional departure from the abuses revealed by the State Capture Commission”¹. No less than 31 government departments, law enforcement agencies, statutory bodies, regulators and professional bodies are involved in implementing the response. These efforts are presented in this report and collectively represent a major reform initiative designed to redress wrongs of the past and advance the renewal of our society.

Many of the actions contained in the President's response are major legislative and institution reforms that will take many years to achieve. The table below provides a high level quantitative measure of progress.

Q1 (Apr - Jun 2023) Q2 (Jul- Sep 2023)

Institutions	Q1 Completed Actions	Q2 Completed Actions	Q1 In Progress	Q2 In Progress	Total
Justice & Constitutional Dev.	1	3	8	6	9
Mineral Resources and Energy		1	1		1
Public Enterprises	1	1	4	4	5
Dept. Public Service & Admin		1	5	4	5
National Treasury	4	4	8	8	12
State Security Agency	2	4	7	5	9
Home Affairs			2	2	2
DPSA, DCOG, NT, DPE			1	1	1
Trade, Industry & Competition	1	1	2	2	3
Financial Intelligence Centre			2	2	2
Law Enforcement Agencies			2	2	2
NACAC			2	2	2
Presidency			4	4	4
DMRE, DPE, DOT			1	1	1
DPCI, SIU			1	1	1
IPID			1	1	1
TOTAL	9	15	51	45	60

Figure 1: Progress on implementation of actions in President's Response

For a more detailed account of all the changes refer to Annexure A on page 20

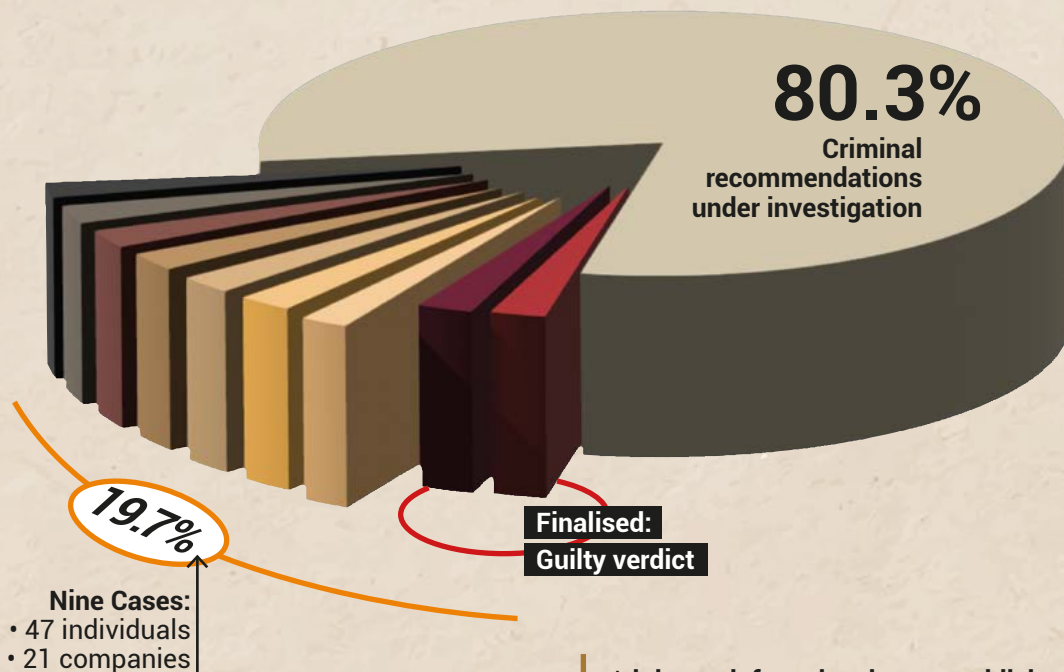
¹ Response by President Cyril Ramaphosa to the Recommendations of The Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud

3. DEALING WITH PERPETRATORS OF STATE CAPTURE

3.1 Criminal cases

The President has referred 202 recommendations from the commission for criminal and other investigations, and possible prosecution to law enforcement agencies and other regulatory bodies, such as, the SA Institute for Chartered Accountants and Legal Practices Council.

The analysis presented in *Figure 2* shows progress being made in the numerous investigations arising from these referrals. To date 19.7% (38) of these recommendations have resulted in criminal cases being prosecuted in nine (9) separate court cases, with two (2) cases finalised with guilty verdicts. These cases involve 47 individuals and 21 companies. The remaining 80% of the criminal recommendations from the Commission are still under investigation. While public frustration continues at the slow pace of prosecution, the investments being made to strengthen law enforcement agencies are showing results².



A joint task force has been established to ensure co-ordination between the various law enforcement agencies and now includes the **Financial Intelligence Centre (FIC)** and the **Special Investigating Unit (SIU)**.

Investigations into the recommendations are ongoing. A further enquiry has been opened by the **Hawks** or Directorate for Priority Crimes Investigation (DPCI) bringing the **total to 38 enquiries**. A further two dockets are now under investigation.

2. The budget of the National Prosecution Authority increased by 21.6% between 2021 and 2023 (from R4.446 billion in 2021 to R5.406 billion in 2023), against the backdrop of significant fiscal pressures – data from National Treasury, vulekamali.gov.za

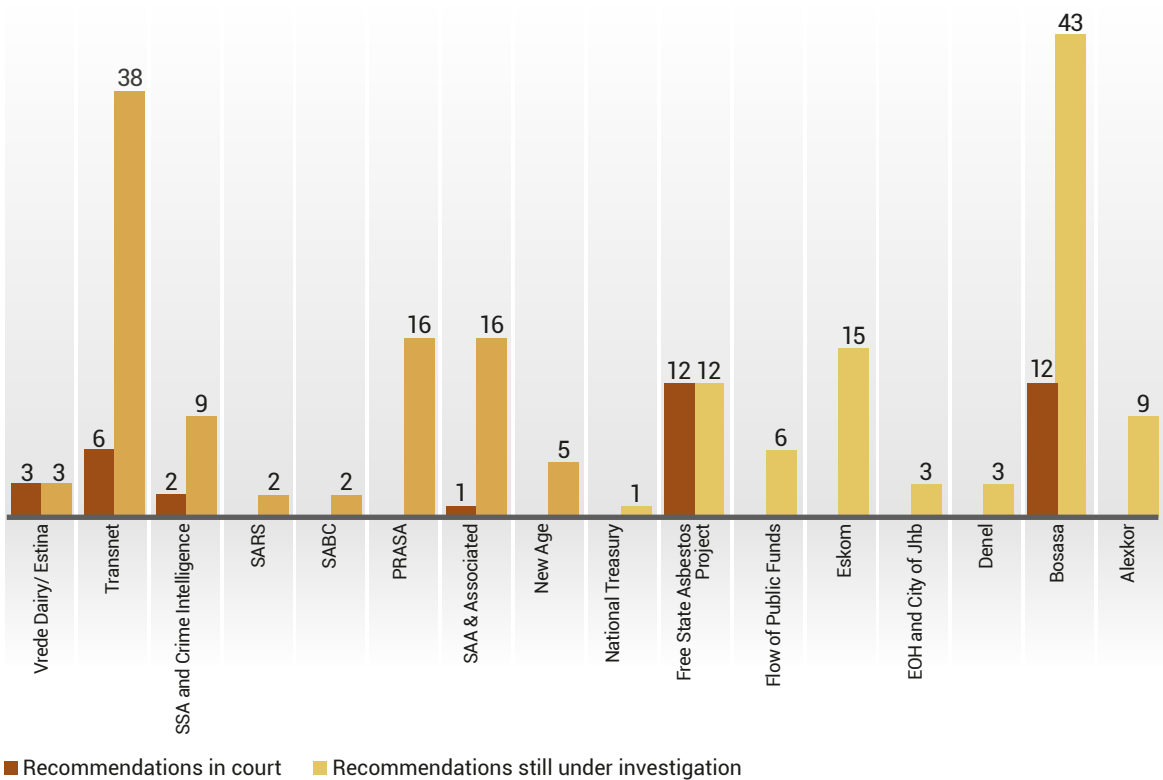


Figure 2: Analysis of SCC recommendations in court against total recommendations for criminal investigation as at September 2023.

The SIU has received **proclamations** in relation to the following State Institutions: Eskom, Transnet, SAA, Alexkor, Denel and Prasa.

Each proclamation covers a range of matters which were mentioned in the State Capture report and others which were not part of the recommendations.

Not only has the budget of the NPA been substantially increased by 21.6% between 2021 – 2023 but an important milestone in strengthening the capacity of the NPA to deal with state capture and corruption was achieved with the tabling in parliament in September 2023 of the NPA Amendment Bill, making the Investigative Directorate Against Corruption a permanent feature of our anti-corruption law enforcement efforts.

The reform will allow for the reintroduction of the prosecutor-led investigation model which was successfully used in the late 1990s. This gives the ID authority to have its own investigators who can take statements, make arrests and testify in court, among other powers.

HIGHLIGHTS OF SELECTED CASES



TRANSNET

Case No Jhb Central CAS 465/10/2019

- **18 accused people** in this **R400 million corruption case**, including former Transnet CEO, **Brian Molefe** and other former **Transnet executives**.
- Charges include **contravention of the Public Finance Management Act (PFMA), fraud, corruption and money laundering** in connection with Transnet's procurement of 1 064 locomotives in 2015 worth over R54 billion.
- Representatives of various companies including **Mc Kinsey SA, Regiments Capital** and **Trillian Asset Management** are charged with **fraud, corruption** and **money laundering**.
- On **28 September 2023**, the matter was provisionally postponed to **08 December 2023** for the defense to finalise representations, and the state to determine how long it will take to address them. **The case is ongoing.**



BOSASA

Case Nos Sandton CAS 302/12/2018

PTA Central CAS 1556/2/2012

Sandton CAS 302/12/2018

Silverton CAS 121/02/2019

Richards bay CAS 174/02/2019

There are several cases relating to the Bosasa matter in court. a

- A total number of six people are on trial including Angelo Agrizzi, former COO of Bosasa,; Vincent Smith, former member of parliament and chairperson of Standing Committee on Public Accounts; Linda Mti, former commissioner of correctional services; Patrick O Connel Gillingham, former CFO of correctional services and former CFO of Bosasa, Andries Van Tonder. **The case is ongoing.**

- The case involving:

1. Angelo Agrizzi
2. Linda Morris Mti
3. Patrick O Connel Gillingham
4. Andries Johannes Van Tonder

The matter was postponed to **31 October 2023** for the results of Agrizzi's mental fitness test. **The case is ongoing.**

- **Smith case** - The next court date is **12 October 2023 for disclosure of cashflows. The case is ongoing.**
- The third matter has been **postponed to 30 November 2023.**
- A fourth BOSASA matter with **Dudu Myeni**, former SAA chairperson and delinquent director as the main accused, was enrolled on 29 September 2023 and has been postponed to **17 November 2023.**



agriculture & rural development

Department of
Agriculture and Rural Development
FREE STATE PROVINCE

ESTINA

Case No Parkroad CAS 200/07/2017

Parktown CAS 971/02/21

- **15 accused** in this case including former **Minister of Mineral Resources Mosebenzi Zwane**.
- The charges include **fraud, money laundering and corruption** and relate to the the alleged **misappropriation of funds** from the Free State Department of Agriculture, which were intended for the establishment of a dairy farm project in Vrede.
- A total of **nine companies** are also in the dock.
- Pre-trial proceedings took place in August 2023 and the case was postponed to **13 September 2024** for trial.



human settlements

Department of
Human Settlements
FREE STATE PROVINCE

FREE STATE DEPARTMENT OF HUMAN SETTLEMENTS ASBESTOS

Case No Park Road CAS 486/02/2020

- **17 accused** in this case – **13 individuals**, including former premier of the Free State **Elias 'Ace' Magashule, businessman Edwin Sodi** and **4 companies**
- The charges include **fraud, theft, corruption and money laundering** in relation to the **alleged illegal awarding of a R255 million rand tender** to remove **asbestos roofs** of 30 000 households across the province in 2014 .
- The case has been set down for trial from **15 April to 23 June 2024**.

The two cases below are the cases that have been finalised with convictions:



human settlements

Department of
Human Settlements
FREE STATE PROVINCE

FREE STATE HOUSING PROJECT

Case No CAS Parkroad CAS

1158/11/2021

- Former **Free State human settlements head of department, Moses Mpho 'Gift' Mokoena** was sentenced to **10 years imprisonment** for **corruption** and five years for contravention of the Public Finance Management Act in November 2021 – wholly suspended after he pleaded guilty.
- Mokoena was found guilty of failing to prevent the **unauthorised, wasteful and irregular expenditure** of at least R500 million related to the building of RDP houses in the province in 2010.
- The sentence was wholly **suspended** on condition that Mokoena was not found guilty of similar offences during the period of suspension.

For more details on the court cases refer to Annexure B on page 48



DISCLOSURE OF WITNESS X IDENTITY

Case No Hillbrow CAS 571/11/2020

- Former chairperson of **South African Airways, Dudu Myeni**, pleaded guilty in July 2022 to a charge of obstruction of justice for **naming a protected witness** during the Judicial Commission of Inquiry into State Capture.
- Myeni had named the person she assumed was Mr X in public testimony despite a warning from the commission chairperson Justice Zondo.
- She received a **fine of R120 000** or two years in prison. Half of the sentence was **suspended for five years**.



3.2 Asset recovery

The commission found that an estimated R57 billion³ of state money had been 'tainted' by state capture, and made 27 recommendations to recover funds.

These recommendations are receiving priority attention from the NPA's Asset Forfeiture Unit (AFU) and the Special Investigating Unit (SIU). The AFU makes use of the provisions of the Prevention of Organised Crime Act of 1998 which provides for the seizure and confiscation of assets that are the proceeds of crime, hitting the corrupt where it hurts the most - in the pocket. A specialist 'Enablers Team' was established in June 2023 to focus solely on the enablers of State Capture as identified in the recommendations and which enablers directly and/or indirectly assisted the alleged Gupta criminal enterprise.

NPA has frozen R14.18 billion in assets in state capture related cases. R5.4 billion has to date been recovered and returned to the state.

The Special Investigating Unit (SIU), which is empowered to recover state losses through civil litigation, has also made progress in recoveries linked to State Capture matters:

- Value of civil litigation **already instituted** = **R64 billion**
- Value of civil litigation **being prepared** = **R1.4 billion**
- Value of SIU recommendation to **cancel contract already implemented** = **R130 million**
- Value of potential **cash recoveries** (advanced stage) = **R2.9 billion**
- Value of contract likely to be **set aside** = **R33 billion.**

The SARS has also acted against people named in the commission's report and collected R4.8 billion in unpaid taxes in the 2022/2023 financial year as a result of evidence presented at the Commission.

³ This is the commission's own estimate referred to on page 785 Part 6 Vol 3 of the State Capture Commission Report. <https://pari.org.za/wp-content/uploads/2022/09/PARI-Summary-The-Zondo-Commission-A-bite-sized-summary-v360.pdf>



3.3 Independent Police Investigative Directorate (IPID) investigation

Three recommendations arising from the Commission's investigation into the **Vrede Dairy Project in the Free State** called for independent investigation of abuses and non-responsiveness or inaction by the South African Police Service (SAPS).

These cases are being investigated by IPID whose work thus far supports the evidence presented to the Commission, including **failure to gather evidence, missing evidence, and closing of a case docket without good reason.** The investigation commenced in September 2022 and is continuing.



3.4 Administrative action against directors and companies

Cases for **delinquency proceedings** against **73 former directors of state-owned enterprises** implicated in evidence presented to the State Capture Commission have been compiled by the Department of Public Enterprises (DPE) and are expected to be concluded by December 2023. The CIPC is currently processing complaints concerning 13 former directors of Eskom. Cases against the remaining directors planned to be registered with CIPC by 31 December 2023.

All relevant recommendations for investigation and action against individuals and entities for alleged violations of statutory or professional prescripts have been directed to bodies such as the SA Institute of Tax Practitioners (SAIT), South African Institute of Chartered Accountants (SAICA), Independent Regulatory Board for Auditors (IRBA). National Treasury is still awaiting feedback from the various bodies.

The CIPC has issued compliance notices to three of the 20 private sector entities under investigation for state capture activities, namely Swissport (Pty) Ltd, Homix (Pty) Ltd and JM Aviation (Pty) Ltd. A 40-day notice period expired in July 2023 and the cases have been handed over the State Attorney for legal action. Other companies are still being pursued, whilst some are either liquidated or dissolved.

A number of individuals are being pursued for further legal action. Former SAA board member and chair of SAA's risk and audit committee, Yakhe Kwinana was fined R6.1 million and barred from acting as a chartered accountant by the SA Institute of Chartered Accountant in April 2023.

The restriction by National Treasury of companies implicated at the Commission from doing business with the state remains on hold pending the court challenge by global management consulting company Bain & Co to their 10-year ban from doing business with the State which was imposed in September 2022.



4. REFORMS TO PREVENT FUTURE OCCURRENCE OF STATE CAPTURE

4.1 Recommendations for new institutions

The commission recommended the establishment of several new bodies to tackle corruption, including a permanent Anti-State Capture and Corruption Commission and an independent Public Procurement Anti-Corruption Agency.

Both recommendations are being studied by the National Anti-Corruption Advisory Council, appointed by the President in 2022, who are working with a range of experts on a fundamental review and redesign of South Africa's anti-corruption architecture. A report with recommendations to the President will be finalised by March 2024. The Department of Justice and Constitutional Development (DOJ&CD) has completed its comparative research on the models followed in other countries, and is preparing a proposal on the recommendations for a model for SA's anti-corruption architecture. Draft legislation is also under consideration. This process will respond to the key recommendations of both the State Capture Commission and the National Anti-Corruption Strategy with regard to anti-corruption commissions and agencies.

A decision on the Commission's recommendation for the establishment of a separate commission of inquiry into the Passenger Rail Agency of South African (PRASA) is on hold and awaits the outcome of current investigations by the Hawks and SIU which are at an advanced stage.



4.2 Procurement reforms

Over 30% of the state capture commission's report deals with public procurement, finding that the primary way that money was extracted from the state was through the abuse of procurement processes. The Public Procurement Bill, was introduced to Parliament on 30 June 2023 and responds to a number of the Commission's recommendations related to procurement reform. These include harmonisation of laws related to procurement across the three spheres of government; increasing transparency in procurement processes to combat corruption; binding codes of conduct for persons involved in procurement; protection for accounting officers and improved processes for disbarring of suppliers who contravene procurement laws. The Bill also establishes two new structures - the Public Procurement Office within the National Treasury, with powers to issue legally binding instructions, enter and search premises and seize; and the independent Public Procurement Tribunal to review decisions by the Public Procurement Office.

4.3 Public administration reforms

The Public Service Amendment Bill and the Public Administration Laws General Amendment Bill are currently before Parliament. These include a number of reforms to professionalise the public service, in line with the commission's recommendations, including the devolution of administrative powers from executive authorities to heads of department.

An inter-departmental task team has successfully developed a single register to track all dismissals and resignations (with disciplinary cases pending) from the national and provincial spheres as well as from a significant number of public entities. There are currently over 12 000 records on the register. The inclusion of local government data into this register is underway.

A review of disciplinary codes and tracking of criminal cases against by public servants is being implemented. Similarly, a review of all Regulations,



Determinations and Directives issued in terms of the Public Service Act is planned to be completed in 2023/2024.

Research by National Treasury on narrowing the definitions, recording and reporting of irregular, fruitless and wasteful expenditure to address concerns identified by the Commission has now resulted in proposals for amendments to both these concepts in the proposed amendments to the Municipal Finance Management Act and the Public Finance Management Act. In the interim, the reporting of irregular and fruitless and wasteful expenditure has been prescribed in an instruction note issued in 2022/2023.

4.4 Intelligence reforms

To address issues in our intelligence services, the General Intelligence Laws Amendment Bill was introduced to Parliament in September 2023. This Bill takes forward the recommendations of the High Level Review Panel on Intelligence to replace the State Security Agency with separate domestic and foreign intelligence services, as recommended by the Commission. Additionally, the State

Security Agency has made several internal changes to rectify identified problems related to handling of cash, firearms and the credibility of intelligence reports. The agency is working with law enforcement on criminal matters referred by the State Capture Commission.

4.5 Whistleblower protection

The DOJ&CD published its comprehensive review of the current legislative framework and recommendations for reforms in June 2023. The review makes significant recommendations for reforms to the Protected Disclosures Act and Witness Protection Act based on the Commission's recommendations on whistle-blower protection. These include criminalising threats against whistle-blowers; setting up a fund for whistle-blowers who lose their jobs due to their revelations; offering state protection to whistle-blowers and their families when needed; and reversing the burden of proof from whistle-blowers to those refuting their claims. These are expected to be translated into legislative amendments.

The recommendation for incentivising whistleblowing is currently receiving consideration as part of the NACAC research referred to earlier.

4.6 Combating money laundering

The General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Act No 22 of 2022 and the Protection of Constitutional Democracy against Terrorism and Related Activities Amendment Act No 23. Of 2022, both signed into law by the President in December 2022, strengthen the fight against corruption, fraud and terrorism, and also assist South Africa in meeting the international standards on AML/CFT, and to reduce the prospect of grey-listing by the Financial Action Task Force (FATF). South Africa underwent a mutual evaluation (peer review) of its AML/CFT system by the FATF between April 2019 and June 2021, with the final report being finalised and published in the October 2021 Mutual Evaluation Report. Since then, the South African government and its authorities have been working resolutely to address the deficiencies that were identified in the Mutual Evaluation Report.

A second report to the FATF Joint Group was

submitted on 28 July 2023, and, separately, SA has applied for a reassessment of our compliance with technical standards.

4.7 Electoral reforms

The commission proposed a number of electoral reforms to improve accountability. In his response, the President noted that the final Electoral Laws Amendment Bill was already in parliament and would be reviewed to see whether it addressed the commission's concerns. The bill was signed into law in April 2023 and became fully operation with new regulations in June 2023. The main amendment of the new act allows for the inclusion and nomination of independent candidates for roles in the National Assembly and provincial legislature. The amended act also requires the establishment the Electoral Reform Consultation Panel within four months of gazetting the amendments. The Panel will make non-binding recommendations on potential reforms of the electoral system for future elections after the 2024 polls.





4.8 Legislative changes

The President's response plan includes 16 legislative amendments or new laws to address corruption vulnerabilities. Nine of these have now been introduced to parliament, of which two are now signed to law.

The two latest to come to parliament are:

1. **The National Prosecuting Authority Amendment Bill** (B29 – 2023) introduced in the National Assembly in September 2023, creating a permanent Investigating Directorate on Corruption and giving investigating officers the same powers as police officers; and the
2. **Companies Second Amendment Bill**, introduced in August 2023, extending the period to disbar delinquent directors, as recommended by the State Capture Commission.

The nine new Bills take forward a raft of reforms in the areas of:

- public procurement
- national intelligence
- prevention, investigation and prosecution of corruption
- money laundering and illicit financial flows
- electoral reform
- measures aimed at professionalising the public service.

STATUS OF LEGISLATIVE AMENDMENTS REFERENCED IN PRESIDENT'S RESPONSE TO STATE CAPTURE COMMISSION

NEW BILLS AND AMENDMENTS SUBMITTED TO PARLIAMENT OR ASSENTED TO		
1	<p>Anti-Money Laundering Legislation General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Act (GLAA) (Act 22 of 2022)</p> <p>Refer to document (pdf)</p> <p>https://www.stateofthenation.gov.za/assets/scc-legislation-and-reports/47815anti-moneylaunderingact22of2022.pdf</p>	<p>The General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Act (GLAA) became law in December 2022.</p> <p>The following were amended:</p> <ul style="list-style-type: none"> • The Companies Act, Trust Property Control Act, Nonprofit Organisations Act, Financial Intelligence Centre Act, and Financial Sector Regulation Act • Amendments to the Companies Act, Trust Property Control Act and Nonprofit Organisations Act also require the making of Regulations • The Regulations in terms of the Trust Property Control Act and the Nonprofit Organisations Act were gazetted.
2	<p>Electoral Laws Amendment Act (Act 1 of 2023)</p> <p>https://www.stateofthenation.gov.za/assets/scc-legislation-and-reports/48432electoralamendmentact1of2023.pdf</p>	<p>The President's Response indicated that the final Electoral Laws Amendment Bill would be reviewed to determine whether it satisfied the Commission's recommendations on electoral reform.</p> <p>The President signed the Electoral Laws Amendment Bill into law in April 2023.</p> <ul style="list-style-type: none"> • The amended law now provides for independent candidates in the National Assembly and provincial legislatures. • The amended act also requires the establishment the Electoral Reform Consultation Panel within four months of gazetting the amendments. • The Panel will make non-binding recommendations on potential reforms of the electoral system for future elections after the 2024 polls.
3	<p>Amendment to the Prevention and Combating of Corrupt Activities Act (PRECCA) criminalising failure to prevent bribery</p> <p>https://www.stateofthenation.gov.za/assets/scc-legislation-and-reports/precca.pdf</p>	<p>The amendment to the PRECCA Act on the failure of persons or entities to prevent bribery is included in the Judicial Matters Amendment Bill (B7 - 2023) introduced in Parliament in March 2023.</p>
4	<p>Public Administration Management Amendment Bill (B10 – 2023)</p> <p>https://www.stateofthenation.gov.za/assets/scc-legislation-and-reports/b10_2023_public_administration_management_amendment_bill.pdf</p>	<p>The Amendment Bill has been introduced in Parliament.</p> <p>Amongst others it clarifies prohibition on government employees doing business with the state.</p>

NEW BILLS AND AMENDMENTS SUBMITTED TO PARLIAMENT OR ASSENTED TO		
5	<p>Public Service Amendment Bill (B13 – 2023)</p> <p>https://www.stateofthenation.gov.za/assets/scc-legislation-and-reports/b13_2023_public_service_amendment_bill.pdf</p>	<p>Key issues in the National Framework for the Professionalisation of the Public Service are addressed through the amendments including:</p> <ul style="list-style-type: none"> • the transfer of administrative powers to Heads of Departments from Ministers • creating a Head of Public Administration by augmenting the powers of the DG: Presidency to support the President in managing the appointment and career incidents of HODs.
6	<p>Public Procurement Bill (B18 – 2023)</p> <p>https://www.stateofthenation.gov.za/assets/scc-legislation-and-reports/b18_2023_public_procurement_bill.pdf</p>	<p>The Bill responds to a number of the Commission's recommendations related to procurement reform. These include:</p> <ul style="list-style-type: none"> • harmonisation of laws across the three spheres of government • increasing transparency in procurement processes to combat corruption • binding codes of conduct for persons involved in procurement • protections for accounting officers and improved processes for disbarring of suppliers who contravene procurement laws. • further establishing the Public Procurement Office within the National Treasury, with powers to issue legally binding instructions, enter and search premises and seize. • envisaging the establishment of an independent Public Procurement Tribunal to review decisions by the Public Procurement Office.
7	<p>Companies Second Amendment Bill (B27 – 2023)</p> <p>https://www.stateofthenation.gov.za/assets/scc-legislation-and-reports/B26_2023_Companies_Second_Amendment_Bill.pdf</p>	<p>The Companies Second Amendment Bill was submitted to parliament in August 2023, extending the time bar period for bringing an application to declare a director of a company delinquent, beyond the current two year period.</p>
8	<p>National Prosecuting Authority Amendment Bill (B29 – 2023)</p> <p>https://www.stateofthenation.gov.za/assets/scc-legislation-and-reports/b29_2023_national_prosecuting_authority_amendment_bill.pdf</p>	<p>The NPA Amendment Bill was introduced to the National Assembly on 4 September 2023.</p> <p>The amendment provides amongst others for a permanent Investigating Directorate against Corruption and the appointment of investigators with the requisite criminal investigatory powers as contemplated in the Criminal Procedure Act, Act No. 51 of 1977.</p>
9	<p>General Intelligence Laws Amendment Bill (GILAB) (BX – 2023)</p> <p>Refer to document (pdf)</p> <p>https://www.stateofthenation.gov.za/assets/scc-legislation-and-reports/gilab-final-draft---may-2023--final-version-including-memorandum_cover.pdf</p>	<p>The GILAB seeks to amend the National Strategic Intelligence Act no 39 of 1994, Intelligence Services Act, no 65 of 2002 and other relevant Intelligence laws so as to, amongst others:</p> <ul style="list-style-type: none"> • Disestablish the State Security Agency and establish a domestic intelligence service and foreign intelligence service, in line with SCC recommendations. <p>A draft of internal reforms and other actions to respond to the SCC recommendations have been implemented at the State Security Agency.</p>

LEGISLATIVE PROCESSES UNDER WAY

1	<p>Review of whistle-blower legislation</p> <p>Refer to document (pdf) https://www.stateofthenation.gov.za/assets/scc-legislation-and-reports/20230629-whistleblower-protection-regime_cover.pdf</p>	<p>The Department of Justice and Constitutional Development (DOJ&CD) has published a comprehensive review of the current legislative framework and recommendations for reforms.</p>
2	<p>Legislative amendments on independence of NPA</p>	<p>Legislation has been prepared by DOJ&CD and has been discussed with the NPA. A draft discussion document on the final responsibility of the Minister over the NPA will be completed after conducting research by December 2023.</p>
3	<p>State-Owned Enterprises Bill</p> <p>Refer to document (pdf) https://www.stateofthenation.gov.za/assets/scc-legislation-and-reports/national-state-enterprises-bill-2023-publication-for-comments-of-the-draft-national-state-enterprises-bill-2023_20230915-ggn-49312-03882-2-23.pdf</p>	<p>The State-Owned Enterprises Bill and its regulations will codify the appointment process of SOE Boards so that principles and processes become legally binding and that sanctions for non-compliance are put in place.</p> <p>The Bill has been developed and is currently in consultation.</p> <p>The President's Response indicated that it was anticipated that the Bill would be finalised in the 2022/23 financial year, however the Department of Public Enterprises reports that consultations with key stakeholders are still to be held during the 2023/24 year.</p>
4	<p>Legislation on Deferred Prosecutions</p>	<p>The South African Law Reform Commission (SALRC) is seized with this project and the appointment of advisory committees of experts is underway to fast track the investigation and its finalisation by April 2024.</p>
5	<p>Legislation to criminalise abuse of public power</p>	<p>The DOJ&CD is undertaking research into this which is expected to be completed by December 2023.</p>
6	<p>Legislation to create a criminal offence of constitutional or political malpractice</p>	<p>The DOJ&CD is undertaking research into this which is expected to be completed by December 2023.</p>
7	<p>Amendment to SARS Act</p>	<p>The National Treasury has initiated the process to amend the SARS Act to implement the recommendations of the Nugent Commission, including providing for an open, transparent and competitive process for the appointment of the SARS Commissioner and the appointment of adequate oversight mechanisms such as an inspector general.</p>



ANNEXURE A: HIGH LEVEL PROGRESS TABLE AS AT 30 SEPTEMBER 2023

NO	FOCUS OF ACTION	PREVIOUS	CURRENT
1.	Criminal investigations and prosecutions		
2.	Asset recovery		
3.	Delinquency proceedings against SOE board members		
4.	Monitoring referrals to audit and accounting professional bodies etc.		
5.	Monitoring referrals to Legal Practice Council		
6.	Monitoring referrals to SA Diamond and Precious Minerals Council		
7.	Monitoring recommendations for investigations to SOEs		
8.	Investigations by Independent Police Investigating Directorate		
9.	Conclude investigations into PRASA and determine need for new Commission		
10.	Issue proclamation for special investigation into PRASA		
11.	CIPC investigations into companies implicated in State Capture		
12.	Blacklisting of companies implicated in State Capture		
13.	Overseas investigations into companies implicated in State Capture		
14.	Oversight on compliance by directors and auditors		
15.	Central register for tracking dismissals and disciplinary cases across government		
16.	Finalise Electoral Laws Amendment Bill		
17.	Creation of a statutory offence for abuse of public power		
18.	Sanction for constitutional and political malpractice		
19.	Recommendations specifically directed to the President		
20.	Leader of Government Business interactions with Parliament		
21.	Engagements between National Treasury and Parliament on resourcing		
22.	Resourcing of Parliamentary Committees for oversight		
23.	Research into Anti-State Capture Commission, Public Procurement Agency		
24.	Legislation for Investigating Directorate to be established as permanent entity		
25.	Legislative amendments for appointment of NDPP		
26.	Financial and administrative independence of NPA		
27.	Procurement Bill to include list of specific reforms from Commission		
28.	Legislation to ensure appointment of qualified service providers		
29.	Lifestyle audit for executives		
30.	Prohibition on Minister or Board involvement in operations /procurement in SOEs		

■ In progress ■ Completed

NO	FOCUS OF ACTION	PREVIOUS	CURRENT
31.	Including provision for independent panels for recruitment to state-owned enterprises		
32.	Establishment of central database for SOE board appointments		
33.	Codify appointments for SOEs		
34.	Amend Companies Act for declaring delinquent directors		
35.	Amend legislation on failure of persons to prevent bribery		
36.	Amend the Political Party Funding Act		
37.	Introduce legislation to allow deferred prosecution agreements		
38.	Disbarment of bidders or suppliers		
39.	Review of Treasury Instruction on blacklisting suppliers		
40.	Legislation to disestablish SSA		
41.	Review of Intelligence Services Act		
42.	Progress on SSA response plan to SCC recommendations		
43.	Consequence management for offences committed at SSA		
44.	Control measures to prevent peddling of fabricated information		
45.	Controls for cash and improved accountability		
46.	Implementation of gun control directives		
47.	Review and update of SSA recruitment directives		
48.	Tabling of National Security Policy and Strategy to Parliament		
49.	Review whistle-blower protection laws and incentives		
50.	Amend SARS Act on appointment process for Commissioner		
51.	Legislative reforms to combat money laundering		
52.	Undertake review of system for suspicious transaction reporting		
53.	Changes to legislation governing banks		
54.	Changes to definitions to focus on material issues for audit findings		
55.	Shift powers for appointing officials to heads of department		
56.	Review Ministerial Handbook		
57.	Introduce Public Service Amendment Bill to Parliament		
58.	Develop Code of Conduct for Special Advisors		
59.	Processes for directive to be giving to departmental officials given by Ministers		
60.	Independent monitoring of the response		

□ In progress ■ Completed



DETAILED REPORTING AGAINST ACTIONS

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
1	4.1	Criminal investigations and prosecutions	All recommendations [for law enforcement agencies to investigate or prosecute] are currently receiving attention from law enforcement agencies, working in collaboration with other agencies, including the South African Revenue Services (SARS) and the Financial Intelligence Centre (FIC). A joint Task Force has been established to ensure coordination between the NPA Investigating Directorate (ID), SAPS Directorate for Priority Crime Investigation (DPCI), Asset Forfeiture Unit (AFU) and the offices of the Directors of Public Prosecutions who have jurisdiction over these matters.	Law enforcement Agencies	<p>The Integrated Task Force established to ensure a coordinated response of law enforcement agencies to the recommendations of the State Capture Commission (SCC) in relation to investigations, prosecutions and forfeiture proceedings, now includes the Special Investigating Unit (SIU) and the Financial Intelligence Centre (FIC). The inclusion of these entities will ensure broader coordination of investigation and recovery related work.</p> <p>Investigations have continued during the first quarter of 2023/24. A further enquiry has been opened by the DPCI, bringing the total to 38 enquiries. A further two dockets are now under investigation. There are now 9 cases in court related to the State Capture Commission recommendations. These cases involve 47 accused people and 21 companies. Two cases have been finalised, both delivering guilty verdicts. Appendix A provides the details of the cases in court. These cases cover.</p> <p>The Special Investigating Unit (SIU) received proclamations in relation to the following State Institutions: Eskom, Transnet, SAA, Alexkor, Denel and Prasa. Each proclamation covers a range of matters which were mentioned in the State Capture report and others which were not part of the recommendations.</p>	In progress	In progress

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
2	4.2	Asset recovery	<p>The State Capture Commission made 27 recommendations regarding the recovery of proceeds of crime and legal steps to be taken by certain entities themselves to recover funds. These recommendations are receiving priority attention from the NPA's Asset Forfeiture Unit (AFU) and the Special Investigating Unit (SIU).</p>	Law enforcement Agencies	<p>The work to address the recommendations with regard to recovery of monies has been continuing.</p> <p>The work to address the recommendations with regard to recovery of monies is continuing.</p> <p>Additional steps were taken in June with the establishment of a joint specialised team, with extensive involvement of the FIC, to focus solely on the enablers of State Capture as identified in the recommendations and which enablers directly and/or indirectly assisted the Gupta Enterprise.</p> <p>This specialist Enablers Team operates under the direction of the Head of the Investigating Directorate (ID) and comprises of permanent members of the Integrated Task Force.</p> <p>Freezing orders of R14.18 billion have been granted to NPA. R5.4 billion has to date been recovered and returned to the state in relation to state capture cases (noting that not all are related directly to recommendations of the Commission)</p> <p>The SIU civil litigation initiatives.</p> <p>The SIU has embarked on the following steps in order to address State Capture related matters:</p> <ul style="list-style-type: none"> - Value of civil litigation already instituted = R64 billion - Value of civil litigation being prepared = R1.4 billion - Value of SIU recommendation to cancel contract already implemented = R130 million - Value of potential cash recoveries (advanced stage) = R2.9 billion - Value of contract likely to be set aside = R33 billion. <p>Additional steps were taken in June with the establishment of a joint specialised team, with extensive involvement of the FIC, to focus solely on the enablers of State Capture as identified in the recommendations and which enablers directly and/or indirectly assisted the Gupta Enterprise.</p>	In progress	In progress

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
3	4.3.8	Delinquency proceedings against SOE board members and employees	Identify and launch delinquency proceedings against former board members of SOEs which fall under their mandate, including Eskom, Transnet, SAA, Denel and Alexkor. Delinquency proceedings will be launched by 31 March 2023.	Department of Public Enterprises	Consultations ongoing between DPE, National Treasury law enforcement agencies, SOEs and professional bodies to gather additional evidence against 73 former directors of SOEs. CIPC is currently processing complaints concerning 13 former directors of Eskom.	In progress	In progress
4	4.4.2 4.4.5	Monitoring referrals to professional bodies etc.	All relevant recommendations with respect to further investigation and possible action against individuals and entities for alleged violations of statutory or professional prescripts have been directed to bodies such the SA Institute of Tax Practitioners (SAIT), South African Institute of Chartered Accountants (SAICA), Independent Regulatory Board for Auditors (IRBA) . The responsible government departments will engage with the relevant bodies to monitor implementation of these recommendations.	National Treasury	National Treasury is still awaiting feedback from SAICA & IRBA.	In progress	In progress
5	4.4.2 4.4.5	Monitoring referrals to professional bodies etc.	All relevant recommendations with respect to further investigation and possible action against individuals and entities for alleged violations of statutory or professional prescripts have been directed to bodies such the Legal Practice Council (LPC). The responsible government departments will engage with the relevant bodies to monitor implementation of these recommendations. The Minister of Justice has engaged the Legal Practice Council on referrals by the Commission for investigation of members of the legal fraternity. The Council is expected to determine whether these individuals should continue practicing as attorneys and advocates. Disciplinary cases are unfolding in these matters.	Department of Justice and Constitutional Development	The Legal Practice Council has finalised two of the six matters it is investigating.	In progress	In progress

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
6	4.4.2 4.4.5	Monitoring referrals to professional bodies etc.	All relevant recommendations with respect to further investigation and possible action against individuals and entities for alleged violations of statutory or professional prescripts have been directed to bodies such the South African Diamond and Precious Metals Regulator (SADMR). The responsible government departments will engage with the relevant bodies to monitor implementation of these recommendations.	Department of Mineral Resources	The SADPMR conducted an inquiry in terms of section 79 of the Diamond Act to determine if all the buyers to whom Scarlett Sky Investments (SSI) sold rough diamonds to were in possession of the required licences, as per the final report of the Judicial Commission of Inquiry into Allegations of State Capture. The findings of the inquiry are as follows: a) SSI traded with 101 businesses between March 2015 and January 2020; b) All the 101 businesses were in possession of the required licences as contemplated in Chapter IV of the Diamond Act; c) The SADPMR did not find any reason as per the recommendation of the Judicial Commission of Inquiry into Allegations of State Capture to refer any non-compliance with the Diamond Act by SSA, based on information it received from SSI pursuant to summons issued against it.	In progress	Completed
7	4.4.2 4.4.5	Monitoring of recommendations for investigations by SOEs	All relevant recommendations with respect to further investigation and possible action against individuals and entities for alleged violations of statutory or professional prescripts have been directed to the responsible government departments will engage with the relevant bodies to monitor implementation of these recommendations.	DMRE DPE DOT	This is ongoing. Details to be provided in upcoming reporting.	In progress	In progress

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
8	4.5.2	Investigations by the independent police investigating directorate	Three recommendations arising from the Commission's investigation into the Vrede Dairy Project in the Free State called for independent investigation of abuses and non-responsiveness or inaction by the South African Police Service. These matters have been referred to the Independent Police Investigating Directorate (IPID), which has assigned a team of investigators to deal with these allegations. The team started its work in September 2022	Independent Police Investigating Directorate	The Executive Director of IPID has provided a third progress report on the investigations. The investigation is on-going.	In progress	In progress
9	4.6.8	Establishment of a Special Commission of Inquiry into PRASA	A decision on the establishment of a commission of inquiry into PRASA will be held in abeyance until the completion of the investigations currently underway by the DPCI and SIU.	DPCI SIU	Investigations by the DPCI and the SIU are ongoing.	In progress	In progress
10	4.6.8	Establishment of a Special Commission of Inquiry into PRASA	A determination will be made on whether these processes have sufficiently addressed the matters raised by the Commission and whether a Commission of Inquiry would serve that purpose.	Presidency	The decision on the SCC recommendation regarding the establishment of a Special Commission of Inquiry into PRASA will require an executive decision once the current investigations have been concluded.	In progress	In progress

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
11	4.7.2	Companies implicated in State Capture	The Companies and Intellectual Property Commission (CIPC) has begun reviewing the compliance of companies implicated in the Commission's report with CIPC requirements, whether there is inter-connectedness of directorships.	Department of Trade, Industry and Competition	<p>Reporting Compliance Summary relating to Private Sector Entities:</p> <p>CIPC has issued three compliance notices to the below mentioned Companies:</p> <ul style="list-style-type: none"> Swissport (Pty) Ltd - Compliance Notice issued 30 May 2023 Homix (Pty) Ltd - Compliance Notice issued 23 May 2023 JM Aviation (Pty) Ltd - Compliance Notice issued 1 June 2023 <p>A forty business day period afforded to the companies to respond expired on 27 July 2023. The matters are now being pursued through the Office of the State Attorney for further legal action. Other private sector entities from the original list of 20 have satisfactorily complied, whilst on other entities, engagements continue with the companies as part of the process.</p> <p>Reporting Compliance Summary relating to Natural Persons:</p> <ul style="list-style-type: none"> An accountant, and an auditor are also being pursued for further action. The case of the accountant is formally being pursued through the State Attorney's Office for further legal action. Counsel has been appointed CIPC awaiting more information for further action on the Auditor. 	In progress	In progress
12	4.7.3	Companies implicated in State Capture	Action against other companies (following the action against Bain & Co implicated in the Commission's report is also being considered. Consideration is also being given to claims for civil damages against such companies.	National Treasury	The restriction of suppliers is triggered by an organ of the state, the National Treasury will respond on receiving an application from any organ of the state that was affected by that supplier. The blacklisting of Bain & Co it is still subject to litigation by Bain. As a result, there is no conclusion on this matter as it is still on the court roll.	In progress	In progress
13	4.7.3	Companies implicated in State Capture	Investigative authorities overseas have been approached to investigate multinational companies involved in state capture.	Financial Intelligence Centre	Ongoing. Reporting will be made available when information becomes available.	In progress	In progress

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
14	4.7.5	Companies implicated in State Capture	The CIPC will provide quarterly reports on the progress made on holding directors and auditors accountable for their compliance with company law requirements.	Department of Trade, Industry and Competition	<p>State Owned Companies(SOCs) Summary</p> <p>Based on the responses highlighted in the April 2023 progress report, the CIPC broadened its scope and engaged with the Department of Public Enterprises and the SOCs that fall within the DPE portfolio with a view of coordinating potential delinquency applications.</p> <ul style="list-style-type: none"> A roadmap was agreed upon and subsequently the CIPC has received a set of facts for a potential delinquency application from one of the SOCs. The CIPC is engaging with its Counsel on the merits of the facts presented with a view to bringing an application. Further, the CIPC is enforcing the Corporate Compliance Programme for all entities including SOCs via the Social and Ethics Committee requirement (regulation 43(5) (a) (i) (bb) of the Companies Act and verifying this via the CIPC's Electronic Compliance Checklist which is a web-based platform designed to ensure that directors of companies comply with the Companies Act. 	In progress	In progress
15	4.8.17 4.8.18	Tracking disciplinary cases across government spheres and public enterprises	There is currently no centralised register of people who have been dismissed from organs of state or those that have resigned to avoid being disciplined. The DPSA, COGTA, the Department of Public Enterprises and the National Treasury have been directed to collaborate to design and implement appropriate solutions to address this challenge. The developed mechanisms will be rolled out across government in April 2023.	<p>Department of Public Service and Administration</p> <p>Department of Cooperative Governance</p> <p>Department of Public Enterprises</p> <p>National Treasury</p>	An inter-departmental task team has successfully developed a central register to track all dismissals and resignations (with disciplinary cases pending) from the national and provincial spheres as well as from a significant number of public entities. There are currently over 12 000 records on the central register, with a first-round effort led by the National Treasury and DPSA seeing positive responses from over 50 public entities, adding 2004 new records. The inclusion of local government data into this register is underway.	In progress	In progress
16	5.10.11	Determine whether Electoral Laws Amendment Bill satisfied the concerns raised by the State Capture Commission with regard to the electoral system.	Noting that a part of the electoral reforms proposed by the Commission are currently under consideration in Parliament in relation to the Electoral Laws Amendment Bill and considering that Parliament has a court prescribed deadline to approve the Bill by 10 December 2022, it will be necessary to await the finalisation of the Bill before determining whether it satisfies the concerns raised by the Commission.	Department of Home Affairs	The Electoral Amendment Act, 2022 has been passed into law, however it is currently subject to two challenges in the Constitutional Court.	In progress	In progress

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
17	5.11.3	Creation of a statutory offence for abuse of public power	The Department of Justice and Constitutional Development will research possible legislative provisions for the creation of a statutory offence for the abuse of public power. This work will be finalised by mid-December 2023.	Department of Justice and Constitutional Development	Matter is under consideration in the SALRC where research is currently being undertaken, and the write up will be finalised by the due date.	In progress	In progress
18	5.12.5	Sanction for constitutional and political malpractice to be considered	The Department of Justice and Constitutional Development has been directed to undertake research of the creation of an offence of political or constitutional malpractice. It will be completed by December 2023.	Department of Justice and Constitutional Development	Matter is under consideration in the SALRC where research is currently being undertaken, and the write up will be finalised by the due date.	In progress	In progress
19	5.13.10 5.14.11	Recommendations specifically directed to the President	In exercising his powers with respect to the appointment and dismissal of members of the Executive, the President is taking the Commission's findings, recommendations and observations about particular individuals into account and consideration, as well as the status of relevant legal processes, as such matters arise.	Presidency	Ongoing	In progress	In progress
20	5.15.32	Leader of Government Business to interact with Parliament's Presiding officers on recommendations that relate to the interface between Parliament and the Executive	The Leader of Government Business will interact with Parliament's Presiding Officers on the recommendations that relate to the interface between Parliament and the Executive (set out in section 5.15 of the President's Response).	Presidency	Nine legislative amendments or new laws have been introduced to Parliament. See Appendix B	In progress	In progress
21	5.15.34	Interface between the Executive and Parliament	To ensure that Parliament is sufficiently resourced to hold the Executive to account, the National Treasury will engage with Parliament to determine the most appropriate way to give effect to the Commission's recommendations on the funding of Parliament.	National Treasury	Budget allocation confirmed in the 2023/24 Budget	In progress	In progress

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
22	5.15.34	National Treasury to engage Parliament on funding of Parliament	To ensure that Parliament is sufficiently resourced to hold the Executive to account, the National Treasury will engage with Parliament to determine the most appropriate way to give effect to the Commission's recommendations on the funding of Parliament.	National Treasury	Budget allocation confirmed in the 2023/24 Budget	In progress	In progress
23	5.2.16 5.2.17	Research into establishment of an Anti-State Capture and Corruption Commission and Public Procurement Agency	The National Anti-Corruption Advisory Council (NACAC) will, in the course of its work to advise on strengthening the country's anti-corruption institutional arrangements, consider the detailed recommendations of the Commission on the establishment of an 'Anti-State Capture and Corruption Commission' and a 'Public Procurement Anti-Corruption Agency'. By the end of the current financial year (31 March 2023), the NACAC will have developed its plan, which will include research into the establishment of a permanent Anti-State Capture and Corruption Commission and Public Procurement Agency. Based on the advice of the NACAC and the outcomes of the review of South Africa's anti-corruption architecture by the Department of Justice, a comprehensive proposal on an effective and integrated anti-corruption institutional framework will be produced for public consultation, finalisation and implementation.	National Anti-Corruption Advisory Council Secretariat	The Department of Justice and Constitutional Development has completed its comparative research on the models followed in other countries and is preparing a proposal on the recommendations for a model for SA's anti-corruption architecture. Draft legislation is also under consideration. Consultation with stakeholders will commence once the draft documents are finalised.	In progress	In progress

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
24	5.2.18	Investigating Directorate to be established as permanent entity	The Investigating Directorate will be established as a permanent entity within the NPA and ID investigators will be provided with the requisite criminal investigatory powers as contemplated in the Criminal Procedure Act, Act No. 51 of 1977.	Department of Justice and Constitutional Development	<p>The NPA Amendment Bill [B 29–2023] was introduced to the National Assembly on 4 September 2023.</p> <p>The Bill proposes to amend the National Prosecuting Authority Act, 1998, so as to insert certain definitions; to provide for the establishment of the Investigating Directorate against Corruption and its powers and functions; to provide for the appointment of investigators in the Investigating Directorate against Corruption; to provide for the appointment of investigators; to provide for the security screening of investigators; to provide for the remuneration and conditions of service of investigators; to provide for the establishment of a mechanism to deal with complaints of a serious nature pertaining to persons appointed at or assigned to an investigating directorate; to provide for the powers and functions of investigators; to provide for transitional arrangements relating to the existing Investigating Directorate to become part of the Investigating Directorate against Corruption; to amend the Regulation of Interception of Communications and Provision of Communication-Related Information Act, 2002, so as to make provision for applications for directions in terms of that Act by the head of the Investigating Directorate against Corruption; and to provide for matters connected therewith.</p>	In progress	Completed
25	5.2.19	Legislative amendments for appointment of NDPP	Legislative amendments will be introduced to introduce greater transparency and consultation in the process for selection and appointment of the NDPP, drawing on the process adopted for the selection of the current NDPP.	Department of Justice and Constitutional Development	The DOJ&CD reports that the appointment of the NDPP will be considered under a broader review of the appointment of heads of entities, which in certain instances, will require constitutional amendments.	In progress	In progress

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
26	5.2.19	Financial and administrative independence of NPA	To address concerns with respect to the independence of the NPA, legislative amendments will be introduced to introduce greater transparency and consultation in the process for selection and appointment of the NDPP, drawing on the process adopted for the selection of the current NDPP. Work will be undertaken to clarify the Minister's "final responsibility" over the NPA as set out in section 33 of the NPA Act and settling aspects related to the NPA's financial and administrative independence.	Department of Justice and Constitutional Development	The DOJ&CD is developing a framework for engagement to enhance coordination at both strategic and technical levels, and to clarify the Minister's 'final responsibility' over the NPA as set out in section 33 of the NPA Act. The draft document will be finalised by December 2023.	In progress	In progress

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
27	5.3.16	Procurement reforms	<p>The Public Procurement Bill is expected to be finalised and submitted to Parliament by March 2023. The Bill will address the Commission's recommendations with respect to:</p> <ul style="list-style-type: none"> • a Code of Conduct setting out the ethical standards which apply in the procurement of goods and services for the public; • protecting Accounting Officers or Accounting Authorities from criminal or civil liability for anything done in good faith unless such person acts negligently; • harmonisation of the legislation applying to public procurement; • better guidance and training of public procurement officials; • regulations to provide clear guidance on the processes to be followed when procuring from a sole source; • setting standards of transparency for inclusion in every procurement system; • providing appropriate management, contracting, reporting and enforcement guidelines for those who implement projects on behalf of government; • ensuring compliance with transformation imperatives; • institutionalising lifestyle audits for all senior managers and officials involved in supply chain management; • the establishment of a professional body to which all public procurement officials. 	National Treasury	<p>The Bill responds to a number of the Commission's recommendations related to procurement reform. These include:</p> <ul style="list-style-type: none"> • harmonisation of laws across the three spheres of government • increasing transparency in procurement processes to combat corruption • binding codes of conduct for persons involved in procurement • protections for accounting officers and improved processes for disbarring of suppliers who contravene procurement laws. • further establishing the Public Procurement Office within the National Treasury, with powers to issue legally binding instructions, enter and search premises and seize evidence. • envisaging the establishment of an independent Public Procurement Tribunal to review decisions by the Public Procurement Office. 	Completed	Completed

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
28	5.3.18	Legislative amendment to ensure appointment of qualified service providers	Government is giving consideration – through the draft Public Procurement Bill and amendments to the PFMA – to prohibiting the awarding of a tender unless the responsible official has satisfied themselves that the service provider is qualified. It is also considering the recommendation that no service provider may be awarded a tender or may conclude any contract with a public institution unless it has produced proof of relevant qualifications, skills experience or expertise required to perform the work. It is intended that this legislation be sent to Parliament before the end of this financial year.	National Treasury	<p>The Bill was submitted to Parliament on 30 June 2023.</p> <p>The Bill aims to create a single regulatory framework for public procurement and eliminate fragmentation in laws which deal with procurement in the public sector and, among others, provide for–</p> <ul style="list-style-type: none"> • the establishment of a Public Procurement Office within the National Treasury and its functions; • the functions of provincial treasuries; • the functions of procuring institutions; • measures pertaining to the integrity of the procurement process; • a preferential procurement framework; • general procurement requirements; • enabling regulations on a procurement system including different methods of procurement and different regulations for different types of procurement; • the use of information and communication technology in procurement; • dispute resolution mechanisms; and • the repeal and amendment of certain laws. 	Completed	Completed
29	5.3.19	Lifestyle audit for executives	The implementation of lifestyle audits for members of the National Executive will be undertaken by an independent external service provider and will be managed by the Office of the Director-General in the Presidency.	Presidency	Process has been delayed due to challenges with procurement of service provider. New project plan to be confirmed	In progress	In progress
30	5.4.18	Prohibition board members and Ministers involvement in operational or procurement in SOEs	In line with good governance practices, no board member will be allowed to be operationally involved in procurement processes beyond playing an oversight role. Ministers will be prohibited from playing any role in procurement within SOEs.	Department of Public Enterprises	The review is completed and there are no additional measures being undertaken.	Completed	Completed

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
31	5.4.19	Stabilising and reforming state-owned enterprises	Provision will be made in the final 'Guide for the Appointment of Persons to Boards and Chief Executive Officers of State-Owned and State-Controlled Institutions' for independent panels of relevant stakeholders and experts to play a role in nominating suitable candidates to the relevant minister. It is anticipated that the guide will be finalised in the 2023/24 financial year.	Department of Public Enterprises	DPE awaiting discussions with DPISA and relevant Ministers as per Cabinet approval in November 2022.	In progress	In progress
32	5.4.20	Establishment of central database for SOE board appointments	Government will establish a central database of potential candidates that can be appointed to the boards of SOEs. In terms of this process, an advertisement will be issued requesting nominations of potential candidates, who will be screened and vetted. In some instances, it would be necessary to ask professional bodies to propose names. The successful candidates will be part of the pool of candidates who could be appointed to the Boards of SOEs. The establishment of the database will commence upon conclusion of the 'Guide for the Appointment of Persons to Boards and Chief Executive Officers of State-Owned and State-Controlled Institutions'.	Department of Public Enterprises	The centralised database will be dealt with in the review of the National Guide.	In progress	In progress
33	5.4.21	Codify appointments for SOEs	A State-Owned Enterprises Bill and its regulations will codify the appointment process so that the principles and process become legally binding and that sanctions for non-compliance are put in place. The Bill has been developed and is currently in the process of consultation. It is anticipated that the Bill will be finalised in the 2022/23 financial year.	Department of Public Enterprises	Consultations with key stakeholders are still to be held during the 2023/24 Financial Year.	In progress	In progress

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
34	5.5.11	Amend Companies Act for declaring delinquent directors	The recommendation to amend the Companies Act so as to permit applications for a director to be declared delinquent to be brought even after two years is accepted and will form part of a review of the Companies Act that is expected to be concluded in the third quarter of 2023.	Department of Trade, Industry and Competition	The Companies Second Amendment Bill has been approved by Cabinet and submitted to Parliament. The Bill responds to the Commission's recommendation to extend the time period for bringing an application to declare a director of a company delinquent.	In progress	Completed
35	5.5.12	Amend legislation on failure of persons to prevent bribery	The recommendation to amend the Prevention and Combating of Corrupt Activities Act on the failure of persons or entities to prevent bribery will be included in the Judicial Matters Amendment Bill which will be submitted to Cabinet in the latter half of 2022.	Department of Justice and Constitutional Development	The amendment has been included the Judicial Matters Amendment Bill, 2023, which is being deliberated upon in Parliament.	Completed	Completed
36	5.5.13	Amend the Political Party Funding Act	The recommendation to amend the Political Party Funding Act to criminalise donations to political parties in the expectation of access to procurement tenders or contracts is accepted. This amendment will be made alongside other consequential amendments that will be required following the approval of the Electoral Amendment Bill currently before Parliament.	Department of Home Affairs	The Electoral Amendment Act is currently subject to a court challenge. The NACAC has included the Political Party Funding Act as one of the focus areas of its work in 2023 and will publish an advisory to the President on this.	In progress	In progress
37	5.5.14	Introduce legislation to allow deferred prosecution agreements	The South African Law Reform Commission (SALRC) is considering deferred prosecution agreements as part of its review of the criminal justice system. This is a broad investigation that seeks to ensure efficiency in the adjudication and finalisation of criminal cases. It is expected to be finalised towards the end of the 2023/24 financial year. Deferred prosecution agreements will receive attention, in this review, during the current financial year.	Department of Justice and Constitutional Development	A project plan for the development of a reviewed and new Criminal Procedure Act has been developed and a project team established. The SALRC /DOJ is partnering with the DCS; SAPS; Legal Aid and the NPA in this Project. A workshop was held with stakeholders in June 2023, and work is underway on drafting the Bill.	In progress	In progress
38	5.5.15	Disbarment of bidders or suppliers	Public Procurement legislation will include provision to issue disbarment order against a bidder or supplier.	National Treasury	The Bill was introduced to Parliament on 30 June 2023.	Completed	Completed

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
39	5.5.16	Review of Treasury Instruction on restriction of bidders or suppliers	Pending the processing of the Public Procurement Bill and its enactment and commencement, National Treasury will review the current Treasury Instruction on the restriction of bidders or suppliers if an institution fails to act to provide the authority to the relevant treasuries to do so. It is anticipated that this will be completed by January 2023.	National Treasury	The consultation process on the revised Instruction Note continues to ensure all relevant stakeholders are afforded the opportunity to participate in the process.	In progress	In progress
40	5.6.24	Review of Treasury Instruction on restriction of bidders or suppliers	A new General Intelligence Laws Amendment Bill has been drafted and is expected to be tabled in Parliament before the end of this financial year. The Bill will amend the National Strategic Intelligence Act (39 of 1994), Intelligence Services Act (65 of 2002) and other relevant Intelligence laws so as to, among others, disestablish the SSA and establish a domestic intelligence service and foreign intelligence service in accordance with the Constitution. The amendment will also include provisions to strengthen the oversight of the intelligence agencies by bodies such as the Inspector General of Intelligence, the Joint Standing Committee on Intelligence and the Auditor General of South Africa.	State Security Agency	After the Bill was presented to the JCPS Ministers Cluster and to the JCPS Cabinet Committee, Cabinet approved that the Bill should be submitted to Parliament. The Minister in the Presidency submitted the Bill to the Speaker of the National Assembly. On 12 October 2023, the Speaker of the National Assembly has announced the names of the members who were nominated by their parties to serve on the Ad Hoc Committee on the General Intelligence Laws Amendment Bill.	Completed	Completed
41	5.6.25	Review of Intelligence Services Act to give effect to principle that no member of Executive should be involved in operational matters of SSA	It is necessary to reaffirm the principle that no member of the Executive responsible for intelligence, whether the President, Minister or Deputy Minister, may be involved in the operational matters of the SSA. The review of the Intelligence Services Act that is currently underway will consider how to give practical effect to this principle.	State Security Agency	SSA reports that this is dependent on the promulgation of the General Intelligence Laws Amendment Act which provides for the review of Section 10(3) of the Intelligence Services Act.	In progress	In progress
42	5.6.26	Progress on SSA response plan to SCC recommendations	State Security Agency has developed and is implementing a comprehensive response plan to address the recommendations of the Commission.	State Security Agency	The new leadership of SSA continues to implement a comprehensive response plan to address the recommendations of the Commission.	In progress	In progress

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
43	5.6.27	Consequence management for offences committed at SSA	Several reports in relation to Project Veza have been completed and were shared with the NPA's Investigating Directorate (ID) in March 2021 for further investigation and possible prosecution. Subsequent to that, an independent forensic investigation firm was sourced to augment the capacity of the ID in November 2021. Consequence management is already being implemented through disciplinary action in SSA.	State Security Agency	The SSA continues to work closely with the National Prosecuting Authority's Investigative Directorate (ID) for further investigations and possible prosecutions.	In progress	In progress
44	5.6.28	Resuscitation of systems and control measures to prevent peddling of fabricated information	The peddling of fabricated information has been counteracted by the resuscitation of systems and control measures in the SSA.	State Security Agency	This action has been implemented. The systems and control measures to prevent peddling of fabricated information have been resuscitated.	In progress	Completed
45	5.6.29	Controls for cash and improved accountability	National Treasury is working with the Auditor-General and SSA on tightening financial controls, especially with respect to cash, and improving accountability through a multi-pronged audit process (involving the AGSA, IGI and SSA Internal Audit).	State Security Agency	SSA reports that there is improved accountability and control of cash in SSA.	In progress	Completed
46	5.6.30	Implementation of gun control directives	The SSA has finalised and is implementing new gun control directives for the agency in line with applicable laws	State Security Agency	SSA reports that this action has been completed.	Completed	Completed
47	5.6.31	Review of SSA human resource directives to align with SCC recommendations on recruitment criteria	The SSA is reviewing human resource directives to ensure they are in line with the Commission's recommendations on recruitment criteria. This is expected to be completed by March 2023.	State Security Agency	SSA reports that HR full implementation of this action is expected after the GILAB has been approved.	In progress	In progress
48	5.6.32	Tabling of National Security Policy and Strategy documents to Parliament	New National Security Policy and Strategy documents have been drafted and presented to the National Security Council. The policy, which returns to the principles of the White Paper on Intelligence, will be recommended to Parliament for the commencement of public consultations before the end of this financial year.	State Security Agency	The National Security Strategy was presented to various forums and will be presented to Cabinet as soon as all consultations have been concluded.	In progress	In progress

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
49	5.7.8	Review whistle-blower protection laws and incentives	<p>The Department of Justice has commenced a review of the Protected Disclosures Act and Witness Protection Act to, among other things, give effect to the following recommendations:</p> <ul style="list-style-type: none"> - ensure whistleblowers receive the protections afforded by section 32(2) of the UN Convention Against Corruption - the possible award of a proportion of funds recovered to the whistleblower provided that the information disclosed has been material in recovering funds - whistleblowers be afforded immunity from criminal or civil action arising from honest disclosures. <p>The review, which will include consultation with stakeholders and the National Anti-Corruption Advisory Council, will be completed by the end of April 2023.</p>	Department of Justice and Constitutional Development	The DOJ&CD published its comprehensive review of the current legislative framework and recommendations for reforms. The review makes significant recommendations for reforms to the Protected Disclosures Act and Witness Protection Act based on the Commission's recommendations on whistleblower protection. These include criminalising threats against whistleblowers; setting up a fund for whistleblowers who lose their jobs due to their revelations; offering state protection to whistleblowers and their families when needed; and reversing the burden of proof from whistleblowers to those refuting their claims. These are expected to be translated into legislative amendments.	In progress	Completed
50	5.8.5.	Restoring the South African Revenue Service	<p>The National Treasury has initiated the process to amend the SARS Act to implement the recommendations of the Nugent Commission, including providing for an open, transparent and competitive process for the appointment of the SARS Commissioner and the appointment of adequate oversight mechanisms such as an inspector general. Legislation will be tabled by June 2023.</p>	National Treasury	Work is currently underway on the drafting of amendments to the SARS Act.	In progress	In progress

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
51	5.9.10	Improving measures to combat money laundering	<p>The matter of statutory frameworks for financial information sharing partnerships has been included in the General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Bill, which has been tabled in Parliament and is currently before the NA Finance Portfolio Committee. This Bill aims to address the deficiencies identified by the Financial Action Task Force (FATF) and IMF in their mutual evaluation of South Africa in 2021.</p>	National Treasury	<p>There are various authorities involved in strengthening the money laundering regime – law enforcement, supervisors of financial institutions and non-financial businesses that might be misused for money laundering – have been working together to address the remaining deficiencies in the regime, both technically and strategically.</p> <p>Over the reporting period all necessary regulations came in to effect, and the affected agencies (CIPC, Masters Office, NPO Directorate at the DSD) have been implementing systems to capture beneficial ownership information.</p> <p>The anti-money laundering regime is also being strengthened by:</p> <ul style="list-style-type: none"> • Building the capacity to supervise designated non-financial businesses and professions that are at risk of abuse by money launderers; and • Strengthening the system for managing cross-border flows of cash. <p>SA's law enforcement agencies are collaborating more closely to prioritise money laundering investigations and prosecutions, especially those that relate to crimes that generate large volumes of illicit proceeds: corruption, tax evasion and fraud.</p> <p>A second report to the FATF Joint Group was submitted on 28 July 2023, and, separately, SA has applied for a reassessment of our compliance with technical standards.</p>	Completed	Completed

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
52	5.9.11	Effectiveness of the current system of suspicious transaction and cash threshold reporting	The Financial Intelligence Centre (FIC) has appointed attorneys to conduct an urgent independent review of the effectiveness of the current regulatory reporting regime under the FIC Act. It will also undertake a review of what banks had reported in relation to possible state capture transactions, what the FIC had done with the reports, what referrals the FIC had made to law enforcement agencies and what the law enforcement agencies had done with such referrals. The FIC briefed the attorneys on 26 August 2022 and is awaiting the project plan from the attorneys, which will include the duration of the review.	Financial Intelligence Centre	FIC has provided progress report on phase 2 of the review, as per recommendations of the Commission. This report contains preliminary findings including the following: The FIC is proving to be effective insofar as the LEAs derive value from the FIC's intelligence reports, particularly in recent years, however, the review has revealed some systematic implementation gaps which if tightened, can result in enhanced efficiency for the FIC, LEAs and supervisory bodies.	In progress	In progress
53	5.9.9	Legislation governing banks to ensure fair hearing before closing accounts	With respect to the recommendation that banks be required to follow a fair process when considering the closure of a client's accounts, National Treasury will review whether the current standards need to be strengthened to better protect retail customers from bank closures from a financial inclusion perspective, to the extent that they comply with anti-money laundering legislation and other applicable laws.	National Treasury	The review of the financial sector code is still underway between the Financial Sector Transformation Council (FSTC) constituencies. The Final Reports from the Retirement Funds, Management Control and Skills Development, Consumer Education and Preferential Procurement Subcommittees are at Council level for deliberation. Draft Consolidated Reports of the Empowerment Financing and Access to Financial Services are at the Reporting Working Committee level for deliberation. The Black Business Growth Funding Sub-committee has not concluded its discussions.	In progress	In progress

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
54	6.1.8	Strengthening the auditing system	The National Treasury and the AGSA are working together to review the usefulness of the concept of irregular expenditure, and to focus on identifying corrupt or suspicious expenditure, or expenditure made in bad faith. This is part of an effort to address the Commission's recommendation cited in paragraph 5.3.2.3 above and return to the original intent of the PFMA to let managers manage, while holding them accountable.	National Treasury	<p>The definitional elements of irregular and fruitless and wasteful expenditure were reviewed based on the work done in April 2023 and National Treasury is expected to proposed amendments to both these concepts in the proposed amendments to the PFMA and MFMA.</p> <p>The proposed amendments of the PFMA have addressed matters pertaining to the disclosure of these regulatory concepts in the annual financial statements and annual report.</p> <p>The proposed amendments to the MFMA will also address how municipalities and municipal entities detect and address irregular expenditure including the implementation of consequence management.</p> <p>In the interim whilst finalising amendments to the PFMA, the reporting of irregular and fruitless and wasteful expenditure has been prescribed in Instruction No. 4 of 2022/2023 and linked to a chapter in the annual report wherein institutions are required to disclose matters pertaining to the details of irregular and fruitless and wasteful expenditure in their annual report and report what was incurred in the period under review in their annual financial statements.</p>	In progress	In progress

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
55	6.2.1 6.2.2 6.2.8	Professionalisation of the public administration	A key mechanism of state capture was the strategic positioning of individuals in positions of power through the abuse of public sector appointment and dismissal processes. This was in contravention of the Constitution and applicable legislation. An important instrument to address this issue is the National Framework towards the Implementation of Professionalisation of the Public Sector, which was adopted by Cabinet on 19 October 2022. The Framework makes specific proposals to stabilise the political-administrative interface, ensure merit-based recruitment and selection and more effective consequence management. All public sector legislation governing professionalisation will be reviewed and, where necessary, amended to align with this Framework.	Department of Public Service and Administration	<p>The Public Service Amendment Bill (B13- 2023) was introduced to Parliament on 19 May 2023. It seeks to amend the Public Service Act, 1994, to provide for among others, the devolution of administrative powers from executive authorities to heads of department. The DPSA has been supporting the Parliamentary process.</p> <p>The Portfolio Committee on Public Service and Administration has commenced with public participation processes on the Bill. The Public Service Regulations Amendment to the 2016 Regulations is being processed to the Minister for Public Service and Administration (MPSA) for approval. Draft Regulations to align with the Public Service Amendment Bill in the process of being drafted.</p> <p>A process to review all existing Determinations and Directives issued by the MPSA with the view to consolidating all legal instruments into the Public Service Handbook issued by the MPSA in terms of section 42 of the Public Service Act, 1994 is in progress.</p> <p>A draft Directive on the Implementation of the National Framework towards Professionalisation of the Public Sector is underway with a multi-disciplinary Task Team set up to ensure that the key areas of reform in the public sector identified in the National Framework are addressed and aligned to the Public Service Regulatory Framework.</p>	In progress	In progress
56	6.2.8	Professionalisation of the public administration	To clarify the relationship between political authority and the institutions they oversee, the following measures will be undertaken: <ul style="list-style-type: none"> - Revisiting the process of induction for new Ministers and reformulating the relevant sections of the Guide for Members of the Executive. This is expected to be completed by the end of this financial year. 	Department of Public Service and Administration	The review of the Ministerial Handbook has been tasked to the Independent Commission for the Remuneration of Public Office Bearers and DPSA provides support where requested. The Report is still awaited. The induction programme for Members of the Executive is coordinated by the Presidency and the DPSA makes the relevant presentations and will continue to update based on any further changes when they occur.	In progress	In progress

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
57	6.2.8	Professionalisation of the public administration	<p>To clarify the relationship between political authority and the institutions they oversee, the following measures will be undertaken:</p> <ul style="list-style-type: none"> - legislating more clearly, through the Public Service Amendment Bill, the respective roles and functions of executive authorities and heads of department. The role of the executive authority will be more strategic while the head of department will be responsible for administrative matters pertaining to the department. It is envisaged that the Amendment Bill will be submitted to Parliament in the 2022/2023 financial year. 	Department of Public Service and Administration	The Public Service Amendment Bill (B13- 2023) was introduced to Parliament on 19 May 2023. It seeks to amend the Public Service Act, 1994, to provide for the devolution of administrative powers from executive authorities to heads of department; to augment the role of the Director-General in the Presidency to support the President; to provide for a mechanism to deal with the recovery of overpayments of remuneration and benefits; to clarify the role of the Public Service Commission in respect of grievances; to clarify the role of the President and the Premier in respect of the appointment and career incidents of heads of departments; and to provide for matters connected therewith.	Completed	Completed
58	6.2.8	Professionalisation of the public administration	<p>To clarify the relationship between political authority and the institutions they oversee, the following measures will be undertaken:</p> <ul style="list-style-type: none"> - developing a code of conduct for special advisers that clarifies the role of advisers and reinforces the existing provisions that there shall be no relationship of authority between the Special Adviser and the Head of Department concerned, and that the Special Adviser shall refrain from interfering in the administration and management of the department. 	Department of Public Service and Administration	The Special Adviser Dispensation is under review and is being subjected to consultation processes. The Dispensation will include a Code of Conduct for Special Advisers and will be subjected to Cabinet processes as required in terms of section 12A of the Public Service Act.	In progress	In progress

NO	COLUMN 1	FOCUS OF ACTION	ACTION AS DESCRIBED IN PRESIDENT'S RESPONSE	RESPONSIBLE TO IMPLEMENT/ REPORT	PROGRESS	PREVIOUS	CURRENT
59	6.2.8	Professionalisation of the public administration	<p>To clarify the relationship between political authority and the institutions they oversee, the following measures will be undertaken:</p> <ul style="list-style-type: none"> -requiring that executive advice and directives need to be channelled through Accounting Officers to have force and effect. This would prevent the proliferation of conflicting instructions to officials and interference by executive authorities in the operational matters of departments and agencies and municipalities. - making it an explicit requirement that executive authorities are legally obliged to record in writing all directives and advice to Heads of Department and Accounting Officers, as well as any other officials or holders of office in a public entity. This should include the outcomes of any meetings with such officials, and any verbal directive that has not been reduced to writing should be regarded by officials as having no force or effect. 	Department of Public Service and Administration	<p>The Public Service Amendment Bill (B13- 2023) was introduced to Parliament on 19 May 2023. The Public Service Act is being amended to require that where a HOD fails to fulfil an obligation or a responsibility in terms of the Act, the executive authority may, in writing, require the HOD to comply.</p> <p>By the proposed devolution of powers (through the amendments to the Public Service Act) , the HOD exercises all administrative powers unless delegated and therefore the instruction to other officials will not have any authority.</p> <p>The review of the Regulatory Framework will look at other measures to strengthen existing provisions.</p>	In progress	In progress
60	7.1.9	Implementation of the response	In its advisory role, NACAC will provide an independent annual report to the South Africa public on the progress made by the state in implementing the responses.	NACAC Secretariat	This annual report is to be included in the workplan for NACAC in the current financial year.	In progress	In progress

ANNEXURE B: SCC RECOMMENDATIONS – COURT CASES AND MATTERS

NPA Investigating Directorate Cases in Court

NO.	CASE NAME	CASE REF. NUMBER	RECOMMENDATION UI	NAMES OF ACCUSED PERSONS IN COURT	STATUS / UPDATE
1	Transnet Transaction Advisory Contract (Fraud, Theft, Money Laundering and PFMA)	JHB Central CAS 465/10/2019	ZCR0057 ZCR0081 ZCR0083 ZCR0084 ZCR0085 ZCR0086 <i>Part 2, Vol 1 (Page 171 – 495)</i>	1. Kubentheran Moodley 2. Albatime (Pty) Ltd 3. Eric Wood 4. Siyabonga Gama 5. Garry Pita 6. Daniel Roy 7. Phetolo Ramosebudi 8. Magandheran "Niven" Pillay 9. Litha Mveliso Nyhonhya 10. Regiments Capital (Pty) Ltd 11. Brian Molefe 12. Anoj Singh 13. Salim Essa 14. Ashok Narayan 15. Vikas Sagar 16. McKinsey And Company 17. Trillian Asset Management (Pty) Ltd 18. Trillian Capital Partners (Pty) Ltd <i>18 accused - 13 natural persons, 5 juristic</i>	On 29 June 2023, the matter was provisionally postponed to 28 September 2023 for study of the disclosed docket material, and state to address further disclosure request. On 28 September 2023, the matter was provisionally postponed to 08 December 2023 for the defense to finalise representations, and the state to determine how long it will take to address them. Provisional asset recovery granted, Albatime / Moodley = R232 000 000 and Regiments = R1 108 000 000
2	Bosasa – Main (Fraud and Corruption)	Sandton CAS 302/12/2018 PTA Central CAS 1556/2/2012	ZCR0111 ZCR0112 ZCR0113 ZCR0115 ZCR0119 ZCR0121 ZCR0122 ZCR0143 <i>Part 3, Vol 2 (Page 362 – 925)</i>	1. Angelo Agrizzi 2. Linda Morris Mti 3. Patrick O Connel Gillingham 4. Andries Johannes Van Tonder <i>4 accused – all natural persons</i>	The next court date is 28 September 2023 for possible separation of cases and judgement on whether Agrizzi is fit stand trial. The matter was postponed to 31 October 2023 for the results of Agrizzi's mental fitness test.
3	Bosasa - Vincent Smith (Fraud and Corruption)	Sandton CAS 302/12/2018	ZCR0127 ZCR0309 <i>Part 3, Vol 2 (Page 362 – 925)</i>	1. Vincent Smith <i>1 Accused – natural person</i>	The next court date is 12 October 2023 for disclosure of cashflows. Provisional asset recovery granted, Vincent Smith
4	Bosasa - Desmond Nair (Fraud and Corruption)	Silverton CAS 121/02/2019	ZCR0106 <i>Part 3, Vol 2 (Page 362 – 925)</i>	Desmond Nair <i>1 Accused – natural person</i>	The matter has been postponed to 30 November 2023 for representation by defense.

NO.	CASE NAME	CASE REF. NUMBER	RECOMMENDATION UI	NAMES OF ACCUSED PERSONS IN COURT	STATUS / UPDATE
5	Estina (Fraud, Corruption, Money Laundering, PFMA)	Parkroad CAS 200/07/2017 Parktown CAS 971/02/21	ZCR0288 ZCR0305 ZCR0307 <i>Part 6, Vol 1 (Page 90 – 201)</i>	1. Mbana Peter Thabethe 2. Seipaiti Silvia Dhlamini 3. Takisi Jankie Masiteng 4. Kamal Vasram 5. Estina (Pty) Ltd 6. Mosebenzi Zwane 7. Ronica Ragavan 8. Ugeshni Naidoo (Née Govender) 9. Sahara Computers (Pty) Ltd 10. Aerohaven Trading (Pty) Ltd 11. Oakbay Investments (Pty) Ltd 12. Linkway Trading (Pty) Ltd 13. Islandsite Investments 180 (Pty) Ltd 14. Westdown Investments (Pty) Ltd 15. Mabengela Investments (Pty) Ltd 16. Confident Concept (Pty) Ltd <i>16 accused - 7 natural persons, 9 juristic persons</i>	On 29 August 2023, the case was postponed to 05 August 2024 - 13 September 2024 for pre-trial and further case management.
6	State Security Agency (SSA) (Fraud, Corruption, Money Laundering, PFMA)	Lyttelton CAS 182/11/2022	ZCR0241 (prev ZCR0242) <i>Part 6, Vol 1 (Page 90 – 201)</i>	1. Name withheld 2. Name withheld 2 accused (all natural persons)	On 20 July 2023, the matter was transferred to the high court. The next court date is 8 November 2023 .
7	Bosasa – Dudu Myeni	Richards bay CAS 174/02/2019 Enq no 23/09/2022	ZCR0137 <i>Part 3, Vol 4 (p911 par2162 – 2164)</i>	1) Dudu Myeni 2) Trevor Mathenjwa <i>2 accused (all natural persons)</i>	The matter was enrolled on 29 September 2023, and it is postponed to 17 November 2023 for centralisation and disclosure of the docket.

SCC RECOMMENDATIONS – COURT CASES AND MATTERS

NPA SCCU/DPCI Cases

NO.	CASE NAME	CASE REF. NUMBER	RECOMMENDATION UI	NAMES OF ACCUSED PERSONS IN COURT	STATUS / UPDATE
8	Department of Transport and Safety (North West) and SA-Express	MMABA-THO CAS 181/5/2020 Mahikeng High Court CC 07/23	ZCR001 <i>Part 1, Vol 1 (Page 11)</i>	1. Brian Tebogo van Wyk 2. Nothando Dube 3. Siphso Levy Phiri 4. Thabong Baily Mahlakoleng 5. Batsamai Investments Holdings (Pty) Ltd 6. Servilex Investments Holdings CC 7. Lavato Estavao (Pty) Ltd 7 accused (4 natural persons & 3 entities)	In court. Postponed to 29 January 2024 for pre-trial. Trial date reserved for 13 to 24 May 2024
9	Asbestos - Department of Human Settlements (Free State)	Park Road CAS 486/02/2020	13 recommendations ZCR0175 ZCR0176 ZCR0177 ZCR0178 ZCR0179 ZCR0181 ZCR0184 ZCR0185 ZCR0186 ZCR0187 ZCR0190 ZCR0191 ZCR0193 <i>Part 4, Vol 2 (Page 447-451)</i>	1. Nthimotse Mokhesi 2. Mahlomola John Matlakala 3. Pheagane Edwin Sodi 4. Sello Joseph Radebe 5. Abel Kgotso Manyeki 6. Thabane Wiseman Zulu 7. Sarah Matawana Mlamleli 8. Elias Sekgobela Magashule 9. Nozipho Belina Molikoe 10. Thabiso Makepe 11. Albertus Venter 12. BlackHead Consulting (Pty) Ltd 13. Diamond Hill Trading 71 (Pty) Ltd 14. 605 Consulting Solutions (pty)Ltd 15. Mastertrade 232 (Pty) Ltd 16. ORI Group (Pty)Ltd 17. Moroadi Cholota (still to be extradited from USA) <i>17 accused (13 natural persons & 4 entities)</i>	5 April to 23 June 2024 for trial
10	Prasa – Mthimkulu	Hillbrow CAS 566/07/2015	<i>(not a specific recommendation – see Part 5 Vol 2 p851 Para 2191.4 (a) for related recommendation)</i>	Daniel Mthimkulu <i>1 natural person</i>	Ex Prasa head engineer convicted on three counts of charge of fraud related to qualifications. The matter is remanded to 4, 5 and 8 December 2023 for sentencing procedures.
11	Prasa - Mashaba	Hillbrow CAS 189/03/2021	Part 5, Vol 2 (page 701 paragraph 1870)	Auswell Mashaba <i>1 natural person</i>	The matter is remanded to 24 January 2024. Refusal to comply with subpoena of the Commission.

SCC RECOMMENDATIONS – COURT CASES AND MATTERS

Finalised Cases/Recommendations

NO.	CASE NAME	CASE REF. NUMBER	RECOMMENDATION UI	STATUS / UPDATE
1	Free State Housing Project - Moses Mpho Mokoena	Park Road CAS 1158/11/2021	ZCR0191 <i>Part 4 Vol 2 (p545, para 1218)</i>	<p>Synopsis of the case: Prosecution by the National Prosecuting Authority of Mr Moses Mpho Mokoena who was the Head of the Department of Human Settlements in Free State in 2010 and early in 2011 for contravention of the Public Finance Management Act, 1 of the 1999 as amended and contravention of Section 34 of the Prevention and Combating of Corrupt Activities Act, 12 of 2004 (PRECCA).</p> <p>Outcome: The accused was convicted on one count for contravention of the PFMA and one count for contravention of section 34 of PRECCA. He was sentenced to 10 years imprisonment suspended for five years on count 1 and 5 years imprisonment suspended for 5 years on count 2.</p>
2	Disclosure of Witness X identity by Ms. Duduzile Myeni	Hillbrow CAS 571/11/2020	ZCR004 <i>Part 1, Vol 1 (page 437) also Part 6 Vol 4 (page 2)</i>	<p>Synopsis of the case: Prosecution of Ms Myeni for her disclosure of Mr X's identity during her testimony in the State Capture Commission.</p> <p>Outcome: The accused was convicted and sentenced to pay a fine of one hundred and twenty thousand rands or two years imprisonment, half of which was suspended for five years.</p>

