An Assessment of the State of Professional Ethics in the North West Provincial Government
Vision

The Public Service Commission is an independent and impartial body created by the Constitution, 1996, to enhance excellence in governance within the Public Service by promoting a professional and ethical environment and adding value to a public administration that is accountable, equitable, efficient, effective, corruption-free and responsive to the needs of the people of South Africa.

Mission

The Public Service Commission aims to promote the constitutionally enshrined democratic principles and values of the Public Service by investigating, monitoring, evaluating, communicating and reporting on public administration. Through research processes, it will ensure the promotion of excellence in governance and the delivery of affordable and sustainable quality services.
Foreword

The Public Service Commission (PSC) is empowered by Section 195 of the Constitution of the Republic of South Africa 1996, and the Public Service Commission Act of 1997 to fight and combat corruption in the Public Service. The PSC has, therefore, become one of the key role players in the promotion of a high standard of professional ethics in the Public Service. In order to give effect to this initiative, the PSC has amongst its projects, decided to conduct studies that are meant to assess the nature and ability of provincial departments to put in place anti-corruption mechanisms and promote integrity amongst public servants. It is hoped that departments which are professional ethics-conscious would also have responsive anti-corruption measures in place.

The assessment of the state of professional ethics is determined by a set of indicators which guide the approach for assessing the effectiveness of the provincial government in fighting and combating corruption. The set of indicators range from workshops on the Code of Conduct, adherence to the Financial Disclosure Framework, the promotion of the National Anti-Corruption Hotline to the implementation of a whistle-blowing policy and the promotion of the Public Service Regulations. It is hoped that if properly implemented, such indicators would provide the bed-rock for effective service delivery.

The PSC is, therefore, pleased to present this report on the state of professional ethics in the North West Provincial Government. The findings contained in this report will assist to instill an ethical culture in the province. Ethical-driven public servants are well-placed to contribute towards the deepening of democracy and delivery of sustainable services to the citizenry.

MR B MTHEMBU
CHAIRPERSON: PUBLIC SERVICE COMMISSION

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Abbreviations

CMS  Case Management System
COC  Code of Conduct
DSO  Directorate of Special Operations
EA  Executive Authority
DG  Director-General
DIO  Deputy Information Officer
DPSA  Department of Public Service and Administration
DPCI  Directorate of Priority Crime Investigation
FIU  Forensic Investigating Unit
FDF  Financial Disclosure Framework
FPPs  Fraud Prevention Plans
IAACC  International Anti-Corruption Conference
HRC  Human Rights Commission
HOD  Head of Department
MACC  Minimum Anti-Corruption Capacity
MEC  Member of the Executive Council
MDGs  Millennium Development Goals
MIU  Misconduct Investigation Unit
NACF  National Anti-Corruption Forum
NACH  National Anti-Corruption Hotline
NGOs  Non-Governmental Organisations
NIA  National Intelligence Agency
NWPG  North West Provincial Government
ODAC  Open Democracy Advice Centre
OPSC  Office of the Public Service Commission
OTP  Office of the Premier
PAIA  Promotion of Access to Information Act
PAJA  Promotion of Administrative Justice Act
PDA  Protected Disclosures Act
PFMA  Public Finance Management Act
PRECCA  Prevention and Combating of Corrupt Activities Act
PACS  Provincial Anti-Corruption Strategy
PACF  Provincial Anti-Corruption Forum
PSACS  Public Service Anti-Corruption Strategy
PSC  Public Service Commission
PSR  Public Service Regulations
Executive Summary

1. INTRODUCTION

The PSC has since 2007 been conducting studies to assess the state of professional ethics in the respective provinces. These studies allow the PSC to identify a province and assess the state of professional ethics based on identified indicators. It is believed that the higher the state of professional ethics is in a particular province, it is likely that such a province would promote and implement the Public Service Anti-Corruption Strategy (PSACS) effectively. In 2010/11, the PSC conducted an assessment of the state of professional ethics in the North West Provincial Government (NWPG).

2. OBJECTIVES OF THE STUDY

The broad aim of the study was to assess the state of professional ethics in the North West Provincial Government. The following were the specific objectives:

- To assess the level of compliance with national norms and standards in respect of combating and prevention of corruption.
- To assess the effectiveness of professional ethics and anti-corruption measures in the NWPG.
- To assess the effectiveness of existing provincial specific anti-corruption structures.
- To identify the difficulties and weaknesses with respect to the prevention and combating of corruption in the province.
- To recommend effective mechanisms for the management and promotion of professional ethics in the NWPG.

3. METHODOLOGY

The study applied a combination of data collection methodologies. A questionnaire focusing on critical elements required in the promotion of professional ethics in line with the PSACS and the fight against corruption was designed and applied as a data collection tool. The PSACS calls for departments to promote it amongst others, establish the capacity to implement fraud prevention plans, investigate allegations of corruption and install whistle-blowing mechanisms. Questionnaires were forwarded to all Heads of Department with a covering letter informing them of the PSC’s study. Interviews were conducted with selected officials who had completed the questionnaires with a view to obtain clarity on certain aspects of information gathered through the questionnaires. Data
obtained, from the self-administered questionnaires and follow-up interviews, together with supporting documentation from the respective departments, were analysed based on the themes generated from the objectives of the study. Of the twelve (12) respondents who completed the questionnaires from the respective provincial departments, 11 were senior managers (level 13 and above) and only one was a deputy manager (level 12).

4. FINDINGS

4.1 Compliance with Anti-Corruption Legislation

4.1.1 Implementation of Anti-Corruption Regulations/Laws in the North West Province: The findings of the study show that there is an unequal application of anti-corruption legislation in the NWPG. Only two departments viz. Education and Social Development had a policy in place on the Protected Disclosures Act (PDA), and have consulted with all officials during such policy formulation. In terms of the Promotion of Access to Information Act (PAIA), only the departments of Social Development and the Office of The Premier (OTP) have manuals in place to enable members of the public automatic access to records under their control. The Department of Social Development has translated its manual into two other languages (namely, Setswana and Afrikaans) which, together with English, are predominant languages used in the North West Province. In spite of the fact that the Promotion of Administrative Justice Act (PAJA) was introduced in 2000, the finding shows that only the Department of Social Development has implemented this important piece of legislation out of the twelve departments in the province, through the development and implementation of a policy on the Act. None of the other eleven departments has a policy or manual on PAJA. Most of the Acts discussed in the study were promulgated approximately ten years ago. It is, therefore, of concern that with regard to anti-corruption legislative provisions as discussed above, not all departments of the North West Province have developed the necessary policies or manuals that would proliferate an understanding and implementation of the Acts.

4.1.2 Minimum anti-corruption capacity and objectives: The findings of the study show that six departments, namely, Health; Public Works, Roads and Transport; Education; Agriculture, Conservation, Environment and Rural Development; OTP and Social Development, have established dedicated anti-corruption units. Of the six, only the Department of Agriculture, Conservation, Environment and Rural Development does not have clearly defined strategic objectives for such a unit.

4.2 Effectiveness of Professional Ethics and Anti-Corruption Measures

4.2.1 Promotion of the Code of Conduct: The findings of the study show that only five of the 12 departments provided every official with a copy of the Explanatory Manual on the Code of Conduct (COC). These are Economic Development and Tourism; Agriculture, Conservation, Environment and Rural Development; Provincial Treasury; Social Development and the OTP. The Provincial Treasury provides all new employees with a copy of the COC during their induction. The findings show that only four departments conducted workshops on the COC. These departments are Education; Social Development; Agriculture, Conservation, Environment and Rural Development and Economic Development and Tourism. Since the COC is the basic guide to professional behaviour and performance for the public service, such poor implementation is not conducive to the promotion of professional standards.

4.2.2 Existence of an effective Fraud Prevention Plan: The findings of the study show that ten departments have Fraud Prevention Plans (FPPs) and all these departments have a senior manager responsible for the implementation of such FPPs. During the review of the documents on FPPs it was established that departments conduct risk assessments at their own set times. For an example, of the twelve departments, ten departments conduct risk assessments on an annual basis while the Department of Economic Development and Tourism conducts risk assessments twice in a year; and has risk assessment strategies in place. The total number of departments that conduct risk assessments are 11 out of 12. Of concern is that not all departments have FPPs or conduct risk assessments; while such initiatives are clearly prescribed in the Public Finance Management Act.

4.2.3 Provincial anti-corruption strategy/policy: The findings of the study show that all departments in the NWPG utilise the provincial anti-corruption strategy/policy, which was designed for the OTP. However, this was disseminated to all provincial departments. Departments have no tailor-made policies, suited to their particular needs.

4.2.4 Compliance with financial disclosure requirements: The findings of the study show that the number of financial disclosure forms received for the financial year 2009/2010 by the due date of 31 May 2010 was 108 out of a possible 280 forms, which translates to 39%. As at 10 December 2010, the North West had submitted 250 out of a possible 280 forms, which represents 89% of the total. This finding shows poor compliance practice with basic legislative provisions which may undermine good governance in the province.

4.2.5 Responsiveness to the National Anti-Corruption Hotline (NACH): Since the inception of the NACH, 289 cases have been referred to the North West Provincial Departments by the Public Service Commission. The findings of the study show that as at 31 October 2010, feedback had been received on 76 cases and only 49 cases were closed. Departments with the highest number of cases reported to the NACH are Education; Local Government and Traditional Affairs; Public Works, Transport and Roads and Health.
4.2.6 Effective reporting lines: The findings of the study show that out of 12 departments, only six have developed departmental policies on whistle-blowing. This represents a poor implementation rate of the PDA, which was enacted in 2000.

4.2.7 Anti-corruption workshops: The findings of the study show that five departments conduct workshops on whistle-blowing, a mechanism key to fighting corruption. Agriculture, Conservation, Environment and Rural Development; Social Development and the OTP conduct such workshops annually, whilst the other two departments, namely, Economic Development and Tourism and Education conduct their workshops twice a year. The Department of Education conducts its workshops during its anti-corruption campaigns whilst the Department of Agriculture, Conservation, Environment and Rural Development conducts its workshops simultaneously when it presents workshops on the COC. This practice reflects an uneven initiative to enhance professional ethics in the province and should be corrected.

4.3 Effectiveness of Existing Provincial Specific Anti-Corruption Structures

4.3.1 Effective anti-corruption forum: The findings of the study show that the Province has a vibrant Provincial Anti-Corruption Forum (PACF) which was established and launched in 2003. The forum has three rotating Chairpersons from each of the three respective sectors comprising the forum, which are Civil Society, Business and the Public Sectors. The PACF has also launched four district Anti-Corruption Fora. Such initiatives represent good practice amongst provinces to cascade the anti-corruption coalition approach down to district level.

4.3.2 Cooperation with other anti-corruption agencies: The findings of the study show that there is only informal cooperation between government departments and other anti-corruption law-enforcement agencies. For an example, there is informal cooperation between the OTP and the SAPS. Given how complex crime and corruption can be, this is a poor response in view of the resources available from other crime fighting agencies in the country.

4.4 Difficulties and Weaknesses with Respect to the Management of Corruption

4.4.1 Investigative procedures: The findings of the study show that only five departments indicated that they have procedure manuals for the investigation of fraud and corruption and only four (33%) of these submitted documentary evidence to that effect. These departments are Education; Agriculture, Conservation, Environment and Rural Development; Public Safety and Social Development. Such omissions by erring departments could lead to weak investigative capacity. During the review of verification of such procedure manuals it was established that they are in the languages predominantly spoken in the province, i.e. Setswana, Afrikaans and English.

4.4.2 Resources allocated by departments to deal with corruption: According to the findings of the study, only four (33%) of the twelve departments, namely, Education; Social Development; Human Settlements and the OTP, have a dedicated budget to ensure effective investigation of corruption in the departments. Of these four departments, only two, namely, Education and Social Development reported that their budgets were sufficient. Unfortunately no proof was provided by the departments to validate the existence of dedicated budgets for their anti-corruption investigations.

4.4.3 Systematic approach to fighting corruption: The findings of the study show that six departments (50%) viz. Health; Social Development; Economic Development and Tourism; Education; Agriculture, Conservation, Environment and Rural Development and the OTP have databases on reported cases of fraud and corruption. This means that the rest of the departments have no systematic way of monitoring corruption prevention and combating.

4.4.4 Corruption cases in the North West Province: According to the findings of the study, corruption cases are dealt with in the respective departments without fear or favour. However, examples of prosecuted cases, as part of the outcome of disciplinary hearings, are not contained in the departments’ 2005/06 or 2006/07 annual reports which would lend credence to this claim. Departments need to reflect cases of corruption dealt with in annual reports, which would serve as evidence and records for dealing with such cases.

5. RECOMMENDATIONS

The following are the recommendations of the study:

5.1 It is recommended that departments in the province put in place plans to comply with anti-corruption acts like the Promotion of Access to Information Act and the Protected Disclosures Act. These acts are both pioneering and constitutional initiatives to promote good governance and as such need to become part of the ethos of public servants in the North West Province. Such plans should be in place by September 2012.

5.2 It is recommended that anti-corruption units be established in the six departments where they do not exist. Plans to do so must be in place by September 2012.

5.3 It is also recommended that departments conduct at least one workshop on the Code of Conduct during a financial year. Such workshops will enlighten public
5.4 It is further recommended that Fraud Prevention Plans be implemented urgently by the departments of Local Government and Traditional Affairs and Public Works, Roads and Transport as these departments are vulnerable to fraud and corruption.

5.5 The PSC found that there is no approved provincial anti-corruption strategy/policy in place. Therefore, it is recommended that the NWPG departments must develop and implement fraud and anti-corruption strategies to suit their respective environments.

5.6 As only a 100% compliance rate is acceptable, it is recommended that departments put mechanisms in place to encourage full compliance (by the due date) with the FDF by all senior managers in the province. Where necessary, disciplinary actions should be instituted against defaulters in accordance with provisions of the PSR.

5.7 The PSC is of the view that the poor response to the NACH in the investigation of and feedback to cases will have the undesirable effect of undermining trust in the ability of the NACH to combat corruption effectively. It is, therefore, recommended that the province investigates all allegations of corruption emanating from the NACH in an efficient and expeditious manner and provide feedback to the PSC accordingly.

5.8 Furthermore, it is recommended that departments should develop whistle-blowing policies in line with the Protected Disclosures Act. An awareness and education strategy on whistle-blowing should be developed and communicated to all staff in the province.

6. CONCLUSION

The findings of the study show that the state of professional ethics in the North West Provincial Government varies from one department to another. There are departments that have adequate systems in place to ensure that the state of professional ethics is effective. However, there are also departments that do not have such systems. Furthermore, there is no uniformity in the application of the anti-corruption initiatives and fraud prevention plans in the North West Provincial Government. It is hoped that the provincial administration through the Office of the Premier would note the findings and recommendations contained in this report and put systems in place to improve the state of professional ethics in the NWPG.
1.1 BACKGROUND

Governments world-wide are increasingly concerned about the nature and extent of corruption in their respective countries. Similarly, in South Africa, various initiatives have been put in place to respond to the challenge posed by corruption. Recognising that public servants may be susceptible to unethical behaviour in the delivery of services, the South African government has enacted a comprehensive array of legislation and policy frameworks and created supporting institutions in its endeavours to build integrity and fight corruption both within the Public Service and society at large.

The implementation of the legislation, policies and strategies developed by government rests with individual departments both at national and provincial level. As part of its oversight mandate, the PSC assesses the extent to which departments implement these frameworks and promote professional ethics and integrity. The PSC has to date conducted assessments of the state of professional ethics in four provinces, namely, the Free State, KwaZulu-Natal, Limpopo and the Western Cape.

The current report is, therefore, the fifth in this series of assessments and it focuses on the state of professional ethics in the North West Provincial Government (NWPG). It is envisaged that the findings and recommendations contained in this report will reinforce good practice and contribute towards effective implementation of the Public Service Anti-Corruption Strategy (PSACS) for the province.

1.2 OBJECTIVES OF THE STUDY

The broad aim of the study was to assess the state of professional ethics in the NWPG. The following were the specific objectives of the study:

- To assess the level of compliance with national norms and standards in respect of combating and prevention of corruption.
- To assess the effectiveness of professional ethics and anti-corruption measures in the NWPG.
- To assess the effectiveness of existing provincial specific anti-corruption structures.
- To identify the difficulties and weaknesses with respect to the prevention and combating of corruption in the province.
- To recommend effective mechanisms for the management and promotion of professional ethics in the NWPG.

1.3 MANDATE OF THE PSC

The PSC’s mandate is derived from the Constitution, Act 108 of 1996, and the Public Service Commission Act, No.46 of 1997. In terms of Section196(4)(b) of the Constitution, read in conjunction with Sections 9 and 10 of the Public Service Commission Act, No. 46 of 1997, the PSC is empowered to investigate, monitor and evaluate the organization and administration, and personnel practices of the Public Service. Therefore, in terms of the relevant provisions of the Constitution and the Public Service Commission Act, the PSC conducted an assessment of the state of professional ethics in the North-West Province as part of its mandate to promote professional ethics and investigate and evaluate public administration practices.

1.4 OUTLINE OF THE REPORT

The structure of the report is as follows:

- **Chapter 2** presents the methodology used during the study.
- **Chapter 3** outlines the relevant ethical imperatives.
- **Chapter 4** presents the findings of the study.
- **Chapter 5** contains the recommendations and conclusion of the study.
Chapter Two

Methodology

2.1 INTRODUCTION

This chapter presents the scope and methodology of the study. The chapter also presents the limitations of the study.

2.2 SCOPE OF THE STUDY

The study covered all twelve (12) departments in the NWPG. These are: Health; Social Development; Economic Development and Tourism; Provincial Treasury; Local Government and Traditional Affairs; Education; Agriculture, Conservation, Environment and Rural Development; Public Safety; Human Settlements; Public Works, Transport and Roads; Sport; Arts and Culture and the Office of the Premier.

2.3 DATA COLLECTION TOOL

A questionnaire focusing on critical elements required in the promotion of professional ethics in line with the PSACS and the fight against corruption was designed and applied as a data collection tool. The questionnaire contained the following key areas:

- Existence and functioning of anti-corruption fora;
- Provincial and departmental anti-corruption strategies;
- Promotion of the Code of Conduct;
- Existence of an effective fraud prevention plan;
- Minimum anti-corruption capacity and its objectives;
- Investigative procedures;
- Effective reporting lines (whistle-blowing);
- Anti-corruption workshops;
- Cooperation with other anti-corruption agencies;
- Systematic approach to fighting corruption;
- Implementation of anti-corruption regulations/laws in the NWPG;
- Compliance with financial disclosure requirements in the NWPG;
- Corruption cases in the NWPG (Office of the Premier);
- Resources allocated by departments to deal with corruption; and
- Responsiveness to the National Anti-Corruption Hotline (NACH).

2.4 DATA COLLECTION PROCESS

Questionnaires were forwarded to all Heads of Department with a covering letter informing them of the study. Following the receipt of the completed questionnaires, interviews were conducted with officials who completed the questionnaires in the respective departments.
to ensure clarity of the information provided. The data obtained through the responses from the questionnaires and information from interviews was analysed.

Of the twelve (12) respondents who completed the questionnaire in the respective departments, (11) (92%) were senior managers and only one was a deputy manager. The majority had more than five years experience in their current positions.

2.5 DATA ANALYSIS

Data was analysed according to the themes generated from the objectives of the study.

2.6 LIMITATIONS OF THE STUDY

The following limitation was experienced:

• Despite numerous follow-ups, three departments did not submit relevant documentation to support the responses provided. These departments are Public Works, Transport and Roads; Human Settlements and Sport, Arts and Culture.

In spite of this limitation, the PSC is satisfied that the study had yielded sufficient information to make an informed assessment of the state of professional ethics in the NWPG.
3.1 INTRODUCTION

This chapter discusses the indicators against which the departments in the NWPG have been assessed to determine their levels of compliance with and promotion and maintenance of professional ethics.

3.2 ETHICAL IMPERATIVES

The PSC maintains that the creation of a value-driven, transparent and accountable Public Service underscored by professional ethics is dependent on a defined regime of policy, institutional governance and management structures and processes. These structures and processes inform the imperatives that are key to an integrity-driven Public Service. The following ethical imperatives are currently applicable in the South African Public Service. These are the imperatives that have been used by the PSC to analyze the state of professional ethics in the previous studies conducted:

- Implementation of Legislative framework;
- Compliance with the Code of Conduct;
- Compliance with the Financial Disclosure Framework;
- Performance of Anti-Corruption Fora;
- Development of Provincial and Departmental Anti-Corruption strategies;
- Implementation and maintenance of Fraud Prevention Plans;
- Responsiveness to the National Anti-Corruption Hotline;
- Standardised investigative procedures;
- Minimum Anti-Corruption Capacity and Objectives;
- Co-operation with other Anti-Corruption agencies; and
- Maintenance of an Anti-Corruption data-base.

3.3 IMPLEMENTATION OF THE LEGISLATIVE FRAMEWORK

In South Africa, since the dawn of democracy, the new democratic government has strived to put in place a comprehensive legislative and regulatory framework to promote integrity in the Public Service. Such legislative and regulatory frameworks always seek to promote transparency and accountability in government. The ethical imperatives referred to above operate within this legislative and regulatory framework.

The legislative and regulatory framework as indicated in Table 1 below has been enacted to assist with the fight against corruption through the promotion of transparency and accountability, two key constitutional requirements for effective governance in the Public Service. In order to give proper effect to these laws, departments develop secondary legislation in the form of policies and regulations, which then deal with circumstances peculiar to the respective departments. Consequently, the PSC also deemed it necessary to determine whether departments had developed applicable policies and manuals to ensure effective implementation of the laws concerned, hence a study of this nature.

The requirements of the various instruments and policies imposed are outlined below:

Table 1: Legislative and Regulatory Framework

<table>
<thead>
<tr>
<th>Matter Discussed</th>
<th>Applicable Legislation/ Regulation</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Finance</td>
<td>Public Finance Management Act, Act No. 1 of 1999(^6)</td>
<td>Establishes the framework for accountable management of public funds and provides for criminal prosecution of Heads of Department if found guilty of financial negligence, unauthorized, fruitless or wasteful expenditure.</td>
</tr>
<tr>
<td>Transparency</td>
<td>The Promotion of Access to Information Act, Act No. 2 of 2000(^7)</td>
<td>Promotes transparency in government as well as the private sector.</td>
</tr>
<tr>
<td>Accountability</td>
<td>The Promotion of Administrative Justice Act, Act No. 3 of 2000(^8)</td>
<td>Promotes fair administrative procedures and redress for citizens. The act requires government to follow fair procedures when taking decisions that affect the public or an individual. Citizens have the right to request written reasons for decisions they disagree with, which enables one to judge whether the decision was influenced by corruption.</td>
</tr>
<tr>
<td>Whistle Blowing</td>
<td>The Protected Disclosures Act, Act No. 26 of 2000(^9)</td>
<td>Promotes whistle-blowing as a preventative anti-corruption measure and protects whistle-blowers from “occupational detriment” as a result of blowing the whistle in good faith.</td>
</tr>
<tr>
<td>Corruption</td>
<td>The Prevention and Combating of Corrupt Activities Act, Act No. 12 of 2004(^10)</td>
<td>Provides effective legislation to combat corruption in all its forms. Reinroduces the common law act of bribery.</td>
</tr>
</tbody>
</table>


\(^8\) Republic of South Africa. The Promotion of Access to Information Act, Act No 2 of 2000.


<table>
<thead>
<tr>
<th>Matter Discussed</th>
<th>Applicable Legislation/ Regulation</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial Misconduct</td>
<td>Treasury Regulation 4.3</td>
<td>Monitors the incidents and trends of financial misconduct and make recommendations thereon.</td>
</tr>
<tr>
<td>Financial Disclosure</td>
<td>Chapter 3 of the Public Service Regulations, 2001</td>
<td>Promotes integrity in the Public Service through the careful management of potential conflicts of interest through financial disclosures. All senior managers in the Public Service are required to disclose their financial interests to their Executive Authorities, copies of which must be provided to the PSC for scrutiny.</td>
</tr>
<tr>
<td>Anti-Corruption Strategy</td>
<td>Public Service Anti-Corruption Strategy</td>
<td>Provides a framework for the Public Service through which corruption is addressed in a systematic and coordinated manner using a three-fold approach of preventing, combating and creating awareness of corruption.</td>
</tr>
<tr>
<td>Professional Ethics</td>
<td>Code of Conduct for the Public Service</td>
<td>The Code of Conduct and its explanatory manual is a useful guide in the promotion of good governance and ethical conduct of public servants. It promotes honesty and integrity in the workplace.</td>
</tr>
</tbody>
</table>

### 3.5 COMPLIANCE WITH THE FINANCIAL DISCLOSURE FRAMEWORK

Senior managers in the Public Service are expected to deal with public funds in a transparent and accountable manner, leading to public trust in their actions. Given this expectation, senior managers need to maintain a high standard of professional ethics. Their integrity and that of their departments must be beyond reproach. Therefore, senior managers should avoid private interests that would be in conflict with their official duties and decision-making processes. It was within this context that the Financial Disclosure Framework (FDF) for senior managers was introduced and regulated in the South African Public Service. The main focus of the FDF is to manage and prevent actual conflicts of interest from occurring. The FDF has been incorporated as part of Chapter 3 of the Public Service Regulations (PSR).

Chapter 3 of the PSR, therefore, requires all members of the Senior Management Service (SMS) to annually disclose their registrable interests to their Executive Authorities (EAs) with a view to address any potential conflict of interests relating to their day-to-day responsibilities that may arise. Regulation C.1 provides that “every designated employee shall, not later than 30 April of each year, disclose to the relevant executing authority, on the form determined for this purpose by the Commission, particulars of all her or his registrable interests in respect of the period 1 April of the previous year to 31 March of the year in question”.

Moreover, in terms of Chapter 3 of the Public Service Regulations, any person who assumes duty as a designated employee after 01 April in a year shall make such disclosure within 30 days after assumption of duty in respect of the period of 12 months preceding his or her assumption of duty.

### 3.6 ESTABLISHMENT AND PERFORMANCE OF ANTI-CORRUPTION FORA

Coalitions against corruption play a key role in ensuring a holistic approach to preventing and fighting corruption. In this context, active involvement of business and civil society in the Public Service’s anti-corruption efforts has been an important formula for the promotion of ethical standards. Ever since its launch in 2001, the National Anti-Corruption Forum (NACF) has demonstrated the importance of such coalitions in championing a collaborative approach in the fight against corruption. The need to replicate this structure at provincial level became evident and this was encouraged by the NACF in its various meetings.

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12 Republic of South Africa. National Treasury Regulation according to which Departments are to report financial misconduct cases to the Public Service Commission.

13 Republic of South Africa. Chapter 3 of the Regulations to the Public Service Act No 94 of 1994 as amended.


15 Republic of South Africa. Chapter 2 of the Regulations to the Public Service Act No 94 of 1994 as amended.

16 Republic of South Africa. Chapter 2 of the Regulations to the Public Service Act No 94 of 1994 as amended.

17 Republic of South Africa. Chapter 3 of the Regulations to the Public Service Act No 94 of 1994 as amended.
The advantage of a collaborative approach means that government, business and civil society are united in preventing and combating corruption in the country. Furthermore, the direct benefit of this approach is that it minimizes collusion between unethical business persons, members of civil society and public officials in corrupt practices. The effectiveness of a provincial anti-corruption forum is, therefore, important to ensure effective maintenance of ethical standards and an integrity-driven Public Service.

### 3.7 DEVELOPMENT OF PROVINCIAL AND DEPARTMENTAL ANTI-CORRUPTION STRATEGIES

In order for the fight against corruption to be effective, a systematic and sustained approach is necessary. For this reason, the Public Sector Anti-Corruption Strategy (PSACS) was developed to provide a holistic and integrated approach in the fight against corruption to be established in every government department. However, one of the key principles of the PSACS is that there should be public service tailor-made strategies which, while operating independently, should be linked to national strategies of prevention, combating and raising awareness of corruption at both a provincial-wide and departmental level. This should include detection, investigation and effective prosecution of acts of corruption. As such, a clear strategy informed by wide consultation with provincial stakeholders should be put in place to ensure full co-operation amongst the provincial departments.

### 3.8 IMPLEMENTATION AND MAINTENANCE OF FRAUD PREVENTION PLANS

Government departments are prone to the modern-day risks of globalisation and syndicated crime. In addition, departments are also risk-sensitive to internal fraud and corruption. Risk identification and management strategies serve as instruments of preventing acts of fraud and corruption. In this respect the PFMA provides that departments maintain: “effective, efficient and transparent systems of financial and risk management and internal control”. Accordingly, departments are required to undertake risk assessments on a regular basis in order to mitigate such identified risks. Furthermore, the mitigation of these risks should be contained in a fraud prevention plan to address the prevention of any acts of corruption.

### 3.9 EFFECTIVE WHISTLE-BLOWING MECHANISMS

Organisational culture leads to many employees “knowing what goes on” and often this includes wrong-doing within organisations. It is, therefore, imperative for departments to have an adequate system in place that would allow whistle-blowing. The PSACS requires departments to “establish a system or systems that encourage and allow employees to report corruption”18. In order to make it effective, such a system requires confidentiality of reporting, accurate recording of allegations and an institutionalised arrangement for pursuing allegations. The Protected Disclosures Act, Act 26 of 2000 (PDA), protects potential whistle-blowers from “occupational detriment” if they make disclosures of any unethical conduct in good faith19. Protection of those wishing to report suspected corrupt activities should, therefore, be guaranteed and such guarantees can be provided through an effective policy implementing the PDA.

### 3.10 RESPONSIVENESS TO THE NATIONAL ANTI-CORRUPTION HOTLINE (NACH)

Many whistleblowers prefer to report alleged corruption anonymously. The NACH provides a safe, anonymous method to do this either via telephone, fax, sms or email. The PSC has been mandated by Cabinet to manage the NACH in the Public Service. Cases received from the NACH are forwarded to provincial and national departments for investigation. Departments are required to provide feedback to the PSC within 40 days after receiving a case of alleged corruption. Feedback received from departments is captured on the Case Management System of the PSC to provide callers with progress on investigations. It is, therefore, expected of the NWPG to expeditiously investigate allegations of corruption and provide appropriate feedback to the PSC within a 40 day time-span.

### 3.11 INVESTIGATIVE PROCEDURES

The success of investigations against corruption allegations depend on the rigour with which they are investigated. This includes the prompt and proper handling of cases. For example, there were forty (40) cases which were referred to the NWPG during the 2010/2011 financial year but as at 31 January 2011 no feedback had been received. Successful investigations of such cases can only be done through the development and approval of standardised procedures of investigation, which will ensure a minimum level of quality of the outcome of such investigations. Further, it will also assist investigators to follow accepted procedures for the successful prosecution of allegations of corruption.

To assist this process the PSC developed a Toolkit in 2006 as a mechanism to improve responsiveness to the NACH20. The toolkit provides detailed guidelines on the development of investigative procedures for departments. The assessment of the anti-corruption units of departments sought to establish the existence of such investigative procedures and whether the relevant officials had received training in these procedures. It requires the NWPG to follow such procedures in order to assure the successful outcome of investigations of alleged corruption.

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3.12 MINIMUM ANTI-CORRUPTION CAPACITY AND OBJECTIVES

The repeated nature and high level of fraud and corruption threats require all Public Service departments and entities to have a certain minimum level of anti-corruption capacity to respond accordingly. This will enable departments to respond effectively and efficiently to most fraud and corruption threats except those of a complex nature which may require the assistance of specialist agencies. This, inter alia, includes the development of departmental anti-corruption strategies, the promotion of professional ethics, the implementation of whistle-blowing mechanisms and the role of managers in the prevention of corruption.

The PFMA places the responsibility of establishing minimum anti-corruption capacity within departments on accounting officers and such capacity should include an investigating capability for incidents of fraud and corruption, providing mechanisms that encourage reporting of corruption and where necessary, refer allegations of corruption to other anti-corruption agencies for investigation.

3.13 COOPERATION WITH OTHER ANTI-CORRUPTION AGENCIES

Not all cases of fraud and corruption can be handled by the respective departments as this is not their core function. Crime and corruption have become complex issues for departments to deal with because of the globalised nature of national and international networks of syndicated and organised crime. Such specialised crime demands a specialised response by departments. For this reason, fighting corruption in a holistic and integrated manner may be enhanced through cooperation agreements with specialised anti-corruption agencies of the state. Accordingly, the effectiveness of departments’ fight against corruption can be enhanced through entering into formal agreements between law enforcement agencies and the departments.

3.14 MAINTENANCE OF AN ANTI-CORRUPTION DATABASE

Effective combating of corruption requires that departments keep a database of corruption-related cases. Such a database will allow departments to know the type of cases that are mostly reported and to analyze trends of such cases. Databases on corruption-related cases would also assist to establish responsive strategies to address such cases. Establishment of corruption-related databases is a fulfillment of the provisions of the Minimum Anti-Corruption Capacity (MACC) requirements which stipulate that all departments should develop such a database.
4.1 INTRODUCTION

This chapter presents the findings of the study. The findings are presented in line with the themes derived from the objectives of the study.

4.2 COMPLIANCE WITH ANTI-CORRUPTION LEGISLATION IN THE NORTH WEST PROVINCIAL GOVERNMENT

Compliance with national norms and standards in respect of combating and prevention of corruption was assessed according to the following areas:

4.2.1 Implementation of Anti-Corruption Regulations/Laws in the North West Provincial Administration

The study sought to establish the state of implementation of anti-corruption laws and regulations by departments in the province. The findings of the study show that departments in the NWPG have satisfactorily implemented the Public Finance Management Act (PFMA) and the Prevention of Corrupt Activities Act (PRECCA). However, the findings also show that the departments have either poorly implemented or did not implement the Protected Disclosures Act (PDA), Promotion of Access to Information Act (PAIA) and Promotion of Administrative Justice Act (PAJA).

Table 2 below shows the extent to which departments have put in place the necessary policies, manuals and delegations to facilitate the implementation of anti-corruption laws.

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of department</th>
<th>PDA (policy)</th>
<th>PAIA (manual)</th>
<th>PAJA (policy)</th>
<th>PRECCA (policy)</th>
<th>PFMA (delegations)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Health</td>
<td>-</td>
<td>√</td>
<td>√</td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>2.</td>
<td>Social Development</td>
<td>√</td>
<td>√</td>
<td>√</td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>3.</td>
<td>Economic Development and Tourism</td>
<td>-</td>
<td>-</td>
<td>√</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Provincial Treasury</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Local Government and Traditional Affairs</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Education</td>
<td>√</td>
<td>-</td>
<td>-</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>7.</td>
<td>Agriculture, Conservation, Environment and Rural Development</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>8.</td>
<td>Public Safety</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>9.</td>
<td>Human Settlements</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>√</td>
</tr>
<tr>
<td>10.</td>
<td>Public Works, Transport and Roads</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>√</td>
</tr>
<tr>
<td>11.</td>
<td>Sport, Arts and Culture</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>√</td>
</tr>
<tr>
<td>12.</td>
<td>Office of the Premier</td>
<td>-</td>
<td>√</td>
<td>-</td>
<td>√</td>
<td>√</td>
</tr>
</tbody>
</table>

As reflected in Table 2 above, the PSC found that only two departments, namely, Education and Social Development had a policy in place on the PDA and that staff members of such departments were consulted during conceptualisation and formulation of this policy. The other ten departments do not have such a policy.

In terms of PAIA, only the departments of Social Development and the OTP have manuals in place to enable the public access to records under their control. Furthermore, only the Department of Social Development has translated this manual into the three languages which are predominant in the province, namely, Setswana, English and Afrikaans. Furthermore, the manuals were also filed with the Human Rights Commission (HRC) in accordance with Section 6 of the Legal Deposit Act, 1997.

Four departments, namely, Health; Agriculture, Conservation, Environment and Rural Development; Social Development and the OTP, indicated that they had received requests for information from members of the public and that such requests were registered and filed appropriately. However, departments could not verify if feedback was provided to members of the public within 30 days as required. Only three departments had Deputy Information Officers duly appointed. The non-appointment of Deputy Information Officers by departments may result in requests for information not being attended to properly and timeously as required by law.
In spite of the fact that the PAJA was also introduced in 2000, it was found that only the Department of Social Development has a well-consulted policy in place and had work-shopped at least 23 staff members at levels 13 -16 on the policy. All the other 11 departments indicated that they have not yet implemented PAJA, and this is despite the PSC having recommended on two occasions that the NWPG departments must ensure full implementation of PAJA\(^2\).

The PRECCA was enacted in 2004, replacing the old Corruption Act of 1992. Amongst its provisions, it requires departments to report any act of corruption involving an amount of R100 000 or more to the SAPS for investigation. Seven of the 12 departments in the NWPG have developed policies pertaining to PRECCA\(^2\). This constitutes a 53% compliance rate. However, only five of the seven departments, namely, Education; Health; Economic Development and Tourism; Agriculture, Conservation, Environment and Rural Development and the OTP consulted with stakeholders during the development of the policies, and only two of these departments, Education and Social Development, have PRECCA as part of their induction process.

Eleven departments (11) have delegations in place in accordance with the PFMA as well as supply chain management policies. The only department which indicated that it has neither the PFMA delegations nor a supply chain policy is Local Government and Traditional Affairs. This is a cause for concern since the PFMA holds Heads of Department accountable for effective financial management in their respective departments. Nine (9) of the eleven (11) departments reported that they take decisive action against officials and service providers who violate the basic tenants of the PFMA.

The majority of the departments (8 out of 12) in the province have a database of all service providers, except for the departments of Public Works, Transport and Roads; Education; Agriculture, Conservation, Environment and Rural Development and the Provincial Treasury. These departments indicated that they do not have their own database but use the provincial database for service providers and relied on the National Treasury database of defaulters to identify those service providers who have been blacklisted as defaulters by the SIU. The provincial database of service providers are kept by the Provincial Treasury. These departments indicated that they do not have their own database but use the provincial database for service providers and relied on the National Treasury database of defaulters to identify those service providers who have been blacklisted as defaulters by the SIU. The provincial database of service providers are kept by the Provincial Treasury of a province to ensure uniformity. The PSC’s study during the 2009/2010 financial year shows that there was 100% compliance by all 12 provincial departments with the filing of financial statements by 31 July 2004\(^2\).

Cabinet recognised that departments needed their own “first-line” of defense against corruption. Accordingly, and in line with the PSACS, it issued a directive in September 2003. In this regard, departments needed to establish dedicated anti-corruption units. Departments are required to establish a whistle-blowing mechanism, establish a system to track the progress of corruption allegations and implement a programme to promote adherence to prescripts.

**Table 3** below shows that only six (6) departments in the province have established dedicated anti-corruption units, five (5) of which have clearly defined strategic objectives. The six departments are: Health; Public Works, Roads and Transport; Education; Agriculture, Conservation, Environment and Rural Development; OTP and Social Development. Only the Department of Agriculture, Conservation, Environment and Rural Development does not have clearly defined strategic objectives for such units.

\[\text{Table 3: Departments with dedicated anti-corruption units and strategic capability}\]

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of department</th>
<th>Dedicated units</th>
<th>Number of staff that are competent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>1.</td>
<td>Health</td>
<td>√</td>
<td>-</td>
</tr>
<tr>
<td>2.</td>
<td>Social Development</td>
<td>√</td>
<td>-</td>
</tr>
<tr>
<td>3.</td>
<td>Economic Development and Tourism</td>
<td>-</td>
<td>√</td>
</tr>
<tr>
<td>4.</td>
<td>Provincial Treasury</td>
<td>-</td>
<td>√</td>
</tr>
<tr>
<td>5.</td>
<td>Local Government and Traditional Affairs</td>
<td>-</td>
<td>√</td>
</tr>
</tbody>
</table>


### 4.3 Effectiveness of Professional Ethics and Anti-Corruption Measures

The study sought to assess the effectiveness of professional ethics and anti-corruption measures in the province. To this end, the following key areas were assessed:

- Promotion of the Code of Conduct;
- Existence of an effective Fraud Prevention Plan;
- Provincial departmental policies or anti-corruption strategy;
- Compliance with financial disclosure requirements in the North West Province;
- Responsiveness to the National Anti-Corruption Hotline (NACH);
- Effective reporting lines; and
- Anti-corruption workshops.

#### 4.3.1 Promotion of the Code of Conduct

In South Africa, public servants and office bearers are guided by the Code of Conduct (COC). The COC places the public interest first and demands high levels of integrity, honesty and accountability while dealing and interacting with citizens. It is, therefore, crucial that every government department should promote this code. The COC was promulgated in 1997 and it is contained in Chapter 3 of the Public Service Regulations (PSR). The code sets down norms and standards to promote ethics and professional delivery of services to the public. It was designed to guide officials and public office bearers during the execution of their duties. In this assessment, the PSC sought to establish the extent to which departments uphold the code by promoting the values and principles espoused therein and whether they use the COC in their disciplinary processes.

The findings of the study show that only five (42%) of the 12 departments had provided every official with a copy of the Explanatory Manual on the Code of Conduct (the manual contains a copy of the COC and detailed explanations of the various aspects of the COC). These departments are Economic Development and Tourism; Agriculture, Conservation, Environment and Rural Development; Provincial Treasury; Social Development and the OTP. The Provincial Treasury indicated that all new employees are provided with a copy during induction.

In order to address the lack of investigative capacity in the province, the NWPG established a provincial Misconduct Investigation Unit (MIU) within the Office of the Premier, to deal with investigations in totality, including instituting disciplinary processes. Another unit, the Forensic Accounting and Investigation Unit was also established within the Provincial Treasury, to investigate cases of complex fraud and corruption. However, the continued lack of investigative capacity and skills has remained unaddressed by individual departments.

The Department of Public Safety indicated that it has located anti-corruption as an activity within the Risk Management Unit. Similarly, the Department of Economic Development and Tourism has indicated that whilst it does not have an Anti-Corruption Unit, there are two staff members at supervision level within the Security Services Unit and Risk Management, who are responsible for issues related to anti-corruption. The Department of Local Government and Traditional Affairs reported that it does not have the necessary dedicated resources, both human and financial, to establish an anti-corruption unit.

In order to address the lack of investigative capacity in the province, the NWPG established a provincial Misconduct Investigation Unit (MIU) within the Office of the Premier, to deal with investigations in totality, including instituting disciplinary processes. Another unit, the Forensic Accounting and Investigation Unit was also established within the Provincial Treasury, to investigate cases of complex fraud and corruption. However, the continued lack of investigative capacity and skills has remained unaddressed by individual departments.
an ethical environment. The study found that out of 12 departments in the province, only four (33%) had conducted workshops on the COC. These departments are Agriculture, Conservation, Environment and Rural Development; Economic Development and Tourism; Education and Social Development.

The prevention of corruption does not only refer to the development of systems which seek to make it difficult to commit fraud and corruption, but also includes addressing the “human factor”. This includes promotion and training on codes of conduct. In this way systems and personnel together present a holistic preventative approach. Departments have an obligation to induct new recruits and re-orientate old officials on the importance of the COC. In the absence of such an approach, newly recruited employees in the departments, who did not participate in workshops on the COC, may not be aware of their expected conduct as espoused in the COC and may, therefore, use it as an excuse when they are subjected to disciplinary measures. Induction processes provide appropriate mechanisms through which new recruits can be acquainted with the COC and, therefore, elicit their commitment from an early stage to adhere to specified norms and standards.

The study shows that seven (58%) departments namely, Agriculture, Conservation, Environment and Rural Development; Economic Development and Tourism; Education; Social Development; provincial Treasury; Public Works, Transport and Roads and Office of the Premier, use the COC in their disciplinary processes. The provisions contained in the COC are applied during the formulation of charges against employees who are subjected to disciplinary action.

### 4.3.2 Existence of an Effective Fraud Prevention Plan

The study sought to establish whether departments have effective fraud prevention plans, and it was found that ten (83%) of the departments did have Fraud Prevention Plans (FPPs). The two departments that indicated that they do not have FPPs were the departments of Public Works, Transport and Roads and Local Government and Traditional Affairs. It should, however, be noted that although the departments of Sport, Arts and Culture and Human Settlements indicated that they had FPPs, these were not submitted to the PSC despite numerous follow-ups. The absence of FPPs in the above-mentioned departments suggests that such departments are not able to anticipate fraud risks and this could expose them to corruption. Table 4 below shows the existence of FPPs and whether such plans are reviewed by the respective departments.

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of department</th>
<th>Existence of FPPs</th>
<th>Plans Reviewed</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Health</td>
<td>Yes</td>
<td>✓</td>
<td>-</td>
</tr>
<tr>
<td>2.</td>
<td>Social Development</td>
<td>Yes</td>
<td>✓</td>
<td>-</td>
</tr>
<tr>
<td>3.</td>
<td>Economic Development and Tourism</td>
<td>Yes</td>
<td>-</td>
<td>✓</td>
</tr>
<tr>
<td>4.</td>
<td>Provincial Treasury</td>
<td>Yes</td>
<td>✓</td>
<td>-</td>
</tr>
<tr>
<td>5.</td>
<td>Local Government and Traditional Affairs</td>
<td>No</td>
<td>-</td>
<td>✓</td>
</tr>
<tr>
<td>6.</td>
<td>Education</td>
<td>Yes</td>
<td>✓</td>
<td>-</td>
</tr>
<tr>
<td>7.</td>
<td>Agriculture, Conservation, Environment and Rural Development</td>
<td>Yes</td>
<td>✓</td>
<td>-</td>
</tr>
<tr>
<td>8.</td>
<td>Public Safety</td>
<td>Yes</td>
<td>✓</td>
<td>-</td>
</tr>
<tr>
<td>9.</td>
<td>Human Settlements</td>
<td>Yes</td>
<td>✓</td>
<td>-</td>
</tr>
<tr>
<td>10.</td>
<td>Public Works, Transport and Roads</td>
<td>No</td>
<td>-</td>
<td>✓</td>
</tr>
<tr>
<td>11.</td>
<td>Sport, Arts and Culture</td>
<td>Yes</td>
<td>✓</td>
<td>-</td>
</tr>
<tr>
<td>12.</td>
<td>Office of the Premier</td>
<td>Yes</td>
<td>✓</td>
<td>-</td>
</tr>
</tbody>
</table>

It is of concern that there is no FPP in the Department of Public Works, Transport and Roads where significant amounts of resources are involved in infrastructure development interventions. This also implies that departmental employees may not be aware of fraud detection and reporting mechanisms and this may lead to an environment conducive to fraudulent activities. The absence of FPPs predisposes the department to great risk and also has the potential to undermine the effectiveness of efforts to fight corruption.

The study further found that eight (67%) departments have a senior manager accountable and responsible for the implementation of the FPP. Both the departments of Public Works, Transport and Roads and Local Government and Traditional Affairs reported not having a senior manager accountable and responsible for the implementation of the FPPs. However, only five (42%) of the departments do promote awareness of the FPP among the officials on a regular basis. The Department of Health indicated that work was in progress to commence with its FPP awareness campaign whilst the Department of Agriculture, Conservation and Environment indicated that awareness raising was conducted simultaneously with COC workshops which were being conducted on a regular basis.
It is important to note that credible FPPs need to be based on sound risk assessment processes. Table 5 below provides a list of departments that conducted risk assessments.

### Table 5: Departments that conducted risk assessments in the NWPG

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of department</th>
<th>Risk Assessment conducted</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Health</td>
<td>√</td>
<td>Annually</td>
</tr>
<tr>
<td>2.</td>
<td>Social Development</td>
<td>√</td>
<td>Annually</td>
</tr>
<tr>
<td>3.</td>
<td>Economic Development and Tourism</td>
<td>√</td>
<td>Twice a year</td>
</tr>
<tr>
<td>4.</td>
<td>Provincial Treasury</td>
<td>√</td>
<td>Annually</td>
</tr>
<tr>
<td>5.</td>
<td>Local Government and Traditional Affairs</td>
<td>-</td>
<td>Annually</td>
</tr>
<tr>
<td>6.</td>
<td>Education</td>
<td>√</td>
<td>Annually</td>
</tr>
<tr>
<td>7.</td>
<td>Agriculture, Conservation, Environment</td>
<td>√</td>
<td>Annually</td>
</tr>
<tr>
<td></td>
<td>and Rural Development</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Public Safety</td>
<td>√</td>
<td>Annually</td>
</tr>
<tr>
<td>9.</td>
<td>Human Settlements</td>
<td>√</td>
<td>Annually</td>
</tr>
<tr>
<td>10.</td>
<td>Public Works, Transport and Roads</td>
<td>√</td>
<td>Annually</td>
</tr>
<tr>
<td>11.</td>
<td>Sport, Arts and Culture</td>
<td>√</td>
<td>Annually</td>
</tr>
<tr>
<td>12.</td>
<td>Office of the Premier</td>
<td>√</td>
<td>Annually</td>
</tr>
</tbody>
</table>

Except for the Department of Local Government and Traditional Affairs which reported that it does not conduct risk assessments, 10 (83%) of the 12 departments indicated that they conduct risk assessments on an annual basis while the eleventh one, the Department of Economic Development and Tourism, conducts risk assessments twice a year and has risk assessment strategies in place.

Since it did not conduct any risk assessment and does not have an FPP, the Department of Local Government and Traditional Affairs is imminently at high risk of fraud. The department must ensure that a risk assessment strategy is put in place and implemented regularly at the Department of Local Government and Traditional Affairs. The NWPG needs to urgently address this matter as the impression may be created that tax-payers’ money is at serious risk and that the department does not seem to care about good governance and effective financial management.

#### 4.3.3 Provincial and Departmental Anti-Corruption Strategies

The study sought to establish whether departments in the province had developed and implemented anti-corruption strategies. The Public Sector Anti-Corruption Strategy (PSACS) requires that a holistic and integrated approach to fighting corruption be established in each government department. The PSACS requires a strategic mix of preventative and combative activities and the effective implementation of anti-corruption prescripts and legislation underpinned by an effective anti-corruption strategy for the province. Such a strategy guides departments to introduce effective measures to deal with corruption and fraud. In this regard, the study sought to establish the existence of departmental anti-corruption strategies which would address corruption and promote professional ethics in the respective departments.

The study found that all departments utilise the anti-corruption strategy/policy of the OTP, which was disseminated to all provincial departments. However, the policy/strategy document submitted by the OTP titled “Office of the Premier: Fraud and Corruption Prevention Strategy” approved in November of 2009, is for the OTP only and not the province. This is clearly stated on page 8 of the document: “This policy applies to all employees, stakeholders, contractors, vendors/suppliers and other parties doing business with the Office of the Premier”.

Based on the above, it may, therefore, be concluded that there is no approved provincial anti-corruption strategy/policy in place. The respondent from the OTP however, confirmed that this is the strategy/policy document utilized by all other departments and that no training has been offered to departmental representatives to assist in the promotion and understanding of this strategy/policy.

Departments should develop and implement tailor-made anti-corruption strategies which reflect their respective needs. This means that such strategies will be informed by department specific risk assessments and FPPs.

#### 4.3.4 Compliance with Financial Disclosure Requirements in the North West Province

The Public Service Regulations require that all senior managers declare their registrable interests to their respective Executive Authorities (EAs) and file copies of duly completed financial disclosure forms with the PSC. In the Public Service, senior managers are entrusted with public funds. Non-compliance with the Financial Disclosure Framework...
may create perceptions of conflicts of interest, which may lead to corruption, favoritism and unethical behavior. The public needs to know and believe that tax payers’ money is in good hands. Any conflicts of interest by senior managers need, therefore, to be dealt with in a manner which engenders public trust. Management of conflict of interests is consequently crucial in enhancing the credibility of the Public Service as the custodian of public trust. Actual conflicts of interest can also hamper service delivery as well as create a fertile environment for corruption.

According to the records at the disposal of the PSC, the number of financial disclosure forms received for the financial year 2009/2010 by the due date of 31 May 2010 was 108 out of a possible 280 forms which translates to 39%. As at 10 December 2010, the province had submitted 250 out of a possible 280 forms which represents 89% of the total. In the past, the province generally managed to submit about 90% of the disclosure forms by the due date. The compliance rate of 39% represents a regression of 51%, which is regrettable.

![Figure 1: Submission of the Financial Disclosure Forms by North West Province by 31 May for the 2007/2008, 2008/2009 and 2009/2010 Financial Years.](image)

4.3.5 Responsiveness to the National Anti-Corruption Hotline (NACH)

The NACH was established to encourage reporting of allegations of corruption in a manner that ensures privacy and confidentiality. According to the findings of the study, the turn-around time in handling NACH cases in the NWPG is a cause for concern.

Table 6 below shows that there has been a poor response to cases referred to departments in the province. Since the inception of the NACH, 289 cases have been referred to different departments in the province through the Office of the Premier. As at 31 October 2010, the province’s overall feedback rate since the inception of the NACH was 26% whilst 17% of cases was closed. Departments with the highest number of reported cases were Education; Local Government and Traditional Affairs; Public Works, Transport and Roads and Health. The fact that only 49 out of 289 cases have been closed is of concern as it may lead to complainants questioning the effectiveness of the NACH as well as provincial government’s commitment to fighting corruption.

![Figure 1](image)

Table 6 below shows statistics on NACH cases referred to departments spanning the period 1 September 2004 to 31 March 2010.

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of department</th>
<th>Number of cases referred</th>
<th>Feedback received</th>
<th>Number of cases closed</th>
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<tbody>
<tr>
<td>1.</td>
<td>Education</td>
<td>67</td>
<td>20</td>
<td>10</td>
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<tr>
<td>2.</td>
<td>Health</td>
<td>45</td>
<td>7</td>
<td>7</td>
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<td>3.</td>
<td>Provincial Treasury (Finance)</td>
<td>11</td>
<td>2</td>
<td>4</td>
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<tr>
<td>4.</td>
<td>Office of the Premier</td>
<td>8</td>
<td>-</td>
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<tr>
<td>5.</td>
<td>Economic Development and Tourism</td>
<td>7</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>6.</td>
<td>Sport, Arts and Culture</td>
<td>7</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>7.</td>
<td>Social Development</td>
<td>7</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>8.</td>
<td>Human Settlements</td>
<td>13</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>9.</td>
<td>Local Government and Traditional Affairs</td>
<td>54</td>
<td>13</td>
<td>2</td>
</tr>
<tr>
<td>10.</td>
<td>Agriculture, Environment and Rural Development</td>
<td>8</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>11.</td>
<td>Public Safety</td>
<td>18</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>12.</td>
<td>Public Works, Transport and Roads</td>
<td>44</td>
<td>15</td>
<td>14</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>289</strong></td>
<td><strong>76</strong></td>
<td><strong>49</strong></td>
</tr>
</tbody>
</table>

The study found that whilst the OTP keeps a database of NACH cases referred to all departments in the province, only two departments indicated that they had their own
dedicated databases on NACH cases, namely, Social Development and Agriculture, Conservation, Environment and Rural Development. Six of the departments, namely, the OTP; Social Development; Provincial Treasury; Education; Agriculture, Conservation, Environment and Rural Development and Public Works, Transport and Roads indicated that they have a dedicated official who is responsible for the management of the NACH. Four of the six departments, namely, Education; Social Development; the OTP and Agriculture, Conservation, Environment and Rural Development, indicated that they had a system in place to manage feedback of allegations.

In spite of all of the above, the province’s poor response to finalising of the corruption cases is worrying. This finding may suggest that the dedicated officials are not managing to perform effectively or that there is no monitoring of cases to ensure their effective finalisation.

4.3.6 Effective Reporting Lines

The Protected Disclosures Act, 2000 (Act No. 26 of 2000) protects whistle-blowers from any harassment, victimisation and intimidation if they report fraud and corruption activities. Further, the PSACS requires that departments establish systems that encourage and allow employees and citizens to report fraudulent activities as and when these are identified.

The study found that out of twelve (12) departments, six (6) have developed departmental policies on whistle-blowing. The Department of Agriculture, Conservation, Environment and Rural Development indicated that its policy was part of the fraud and anti-corruption plan and strategy whilst the Department of Sport, Arts and Culture reported that it was contained in the FPP. No documentary evidence was received from the Departments of Human Settlements and Sport, Arts and Culture and it may, therefore, be assumed that the departments do not have a policy on whistle-blowing. The number of departments that have policies on whistle-blowing is six (6), which translates to a compliance rate of 50%.

The findings of the study show that of the six (6) departments that have policies on whistle-blowing, only two (2), namely, Social Development and the Office of the Premier have their policies forming part of their induction programmes, which ensures that there is internalisation of the reporting of corruption among officials.

4.3.7 Anti-Corruption Workshops

Five (42%) of the 12 departments in the province reported that they do conduct workshops on whistle-blowing. Three of these, namely, Agriculture, Conservation, Environment and Rural Development; Social Development; and the OTP do this annually, whilst the other two departments, namely, Economic Development and Tourism; and Education, conduct their workshops twice a year. The Department of Education conducts its workshops during its anti-corruption campaigns whilst the Department of Agriculture, Conservation, Environment and Rural Development conduct its workshops when they do workshops on the COC. The finding shows that eight departments do not conduct training or promotion on the COC or any other preventative measures.

The findings show that the OTP took a laudable step to initiate and conduct an anti-corruption workshop for all senior managers in the province, conducted in August 2010 by the Human Rights Commission (HRC) and the Open Democracy Advice Centre (ODAC). At this workshop, the implementation of PAIA and PAJA were emphasized and it was agreed, amongst others, that the Provincial Anti-Corruption Forum (PACF) must facilitate and fast-track the implementation of these two pieces of legislation.

4.4 EFFECTIVENESS OF EXISTING PROVINCIAL SPECIFIC ANTI-CORRUPTION STRUCTURES

The study also sought to assess the effectiveness of existing provincial specific anti-corruption structures in the province. The following areas were central to the assessment:

- Existence and functioning of anti-corruption fora; and
- Cooperation with other anti-corruption agencies.

4.4.1 Existence and Functioning of Anti-Corruption Fora

The province has a vibrant Provincial Anti-Corruption Forum (PACF) which was established and launched in 2003. The forum has three rotating Chairpersons, each representing the three respective sectors, namely, government, business and civil society. It consists of 40 members with strong representation from the civil society sector, including various community-based organisations as well as traditional leaders. Government representatives include the Premier and four Members of the Executive Council (MECs). The MECs were deployed by the Premier in order to demonstrate the province’s commitment to the anti-corruption coalition and to ensure that it is effective. The PACF does not have a dedicated Secretariat to render support, instead, interim secretariat services are provided by staff in the Office of the Premier (OTP).

The purpose of the forum is to:

- advise government on provincial and local initiatives on the implementation of strategies to combat corruption;
• share information and best practice on sectoral anti-corruption work; and
• advise sectors on the improvement of sectoral anti-corruption strategies.

The PACF has been active in holding regular meetings on a quarterly basis, whilst it launched the following four district fora:

Table 7: Launching of the district fora

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of District</th>
<th>Launch date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Dr Kenneth Kaunda</td>
<td>16 &amp; 17 Sept 2010</td>
</tr>
<tr>
<td>2</td>
<td>Dr RS Mompati</td>
<td>30 Sept &amp; 1 Oct 2010</td>
</tr>
<tr>
<td>3</td>
<td>Bojanala</td>
<td>14 &amp; 15 Oct 2010</td>
</tr>
<tr>
<td>4</td>
<td>Ngaka Modiri Molema</td>
<td>28 &amp; 29 Oct 2010</td>
</tr>
</tbody>
</table>

According to the findings of the study, awareness campaigns were held in the local areas prior to the launch in each district where community members were educated on issues of fraud and corruption. Community members were also invited to talk about their concerns and to raise suggestions on how best to combat corruption.

Furthermore, during the different launches, all district forum members signed an ethics pledge titled “An integrity pledge to the people of the North West Province”. Therefore, there is some level of dedication to the promotion of professional ethics in the NWPG, and it is hoped that such dedication will bear fruit, especially against combating corruption in the province.

4.4.2 Cooperation with Other Anti-Corruption Agencies

Corruption and fraud have become more complex due to syndicates and organised crime. In view of this, the PSACS requires that departments enter into formal agreements with other law enforcement agencies like the South African Police Service (SAPS), the Directorate of Priority Crimes Investigation (the Hawks), the National Intelligence Agency (NIA) and the Special Investigating Unit (SIU), to ensure that cases of alleged corruption that involve syndicates or are complex, are not neglected due to lack of appropriate investigation skills.

Although six (6) of the departments indicated that they had formal agreements in place with anti-corruption agencies, no documentary evidence could be provided to the PSC. It was established during an interview with a senior official at the OTP that close working relations with the South African Police Service (SAPS) had been established. It was indicated that the two offices meet on a monthly basis to discuss progress on reported cases as well as to find best approaches to finalise such cases. It may, therefore, be assumed that there is only informal cooperation between government departments and other anti-corruption law-enforcement agencies.

4.5 DIFFICULTIES AND WEAKNESSES WITH RESPECT TO THE MANAGEMENT OF CORRUPTION IN THE PROVINCE

The study also sought to identify the difficulties and weaknesses with respect to anti-corruption initiatives in the province. To this end, the following areas were looked at:

- Investigative procedures;
- Resources allocated by departments to deal with corruption;
- Systematic approach to fighting corruption; and
- Corruption cases in the North West Province (Office of the Premier).

4.5.1 Investigative Procedures

In order for anti-corruption units to be effective, they should have investigative procedures in place that provide a standard for good practice on how, when, and by whom investigations should be conducted. While each case to be investigated needs to be dealt with on its own merits, standard methodologies and approaches allow for a systematic, consistent and objective investigative method to be followed.

The study found that whilst five departments confirmed that they had procedure manuals for the investigation of fraud and corruption, only four (33%) of these departments submitted documentary evidence to that effect. These departments are Education; Agriculture, Conservation, Environment and Rural Development; Public Safety and Social Development. Human Settlements, did not submit any evidence. However, two of these five departments, namely, Human Settlements and Agriculture, Conservation, Environment and Rural Development, indicated that their procedure manuals have not yet been approved by the relevant authorities.

Furthermore, of the five departments that have investigative procedure manuals, only two, namely, Education and Social Development reported that they have trained and have conducted re-fresher training for their officials on the procedure manual to be applied when investigating cases of fraud and corruption.

4.5.2 Resources Allocated by Departments to Deal with Corruption

The availability of resources, both human and financial, plays a significant role in ensuring that fraud and corruption are effectively and efficiently dealt with by departments. The ability and readiness of departments to deal with reported cases of fraud and corruption using dedicated financial resources for this purpose were assessed. The study found that only four (33%) of the 12 departments, namely, Education; Social Development;
Human Settlements and the OTP had a dedicated budget to capacitate the investigation of corruption. Of these four departments, only two, namely, Education and Social Development reported that the budget was sufficient.

4.5.3 Systematic Approach to Fighting Corruption

In the absence of proper data recording systems, corruption cases and regular review of the effectiveness of such systems may lead to poor monitoring, haphazard handling of cases, inappropriate outcomes and in some instances, cases that are not attended to at all. A formal data-base of reported fraud and corruption and investigations is, therefore, crucial for effective monitoring of all corruption-related cases. Such systems also afford the province and departments the ability to establish a profile of the nature of allegations and thus allows for appropriate updating of risk assessments.

The findings of the study show that of the twelve (12) departments, six (50%) departments, namely, Health; Social Development; Economic Development and Tourism; Education; Agriculture, Conservation, Environment and Rural Development and the OTP, have databases on reported cases of fraud and corruption. Five (42%) of these departments indicated that they provide progress reports to management. Furthermore, only five (5) departments indicated that they review their systems on an annual basis.

In the NWPG, the OTP receives and in turn forwards cases to respective departments for further investigation. The fraud and corruption database kept by the OTP, therefore, includes all departments in the province. The OTP is thus better placed to follow-up and also encourage departments to deal expeditiously with cases referred to them for investigation. Having this provincial database is also beneficial for monitoring common trends of reported cases and to address such potential risks as part of updating a provincial anti-corruption strategy, once developed. As proof that the OTP does monitor the database, letters were sent to all MECs at the beginning of July 2010, under signature of the Premier, urging them to encourage their HoDs to give attention to referred cases of fraud and corruption.

Table 8 below shows the departments with databases on fraud and corruption cases in the province.

Departments that do not keep databases and those that do not conduct reviews of such databases run the risk of not identifying cases that are of higher risk. It is critical that such departments develop databases urgently and ensure that such databases are reviewed at least once a year, to assess their relevance and accuracy in capturing the necessary information.
5.1 INTRODUCTION

This chapter presents the recommendations and conclusion of the study. The recommendations are presented according to the themes derived from the objectives of the study.

5.2 RECOMMENDATIONS

5.2.1 Compliance with Anti-Corruption Legislation in the North West Provincial Government

5.2.1.1 Implementation of anti-corruption regulations/laws in the NWPG

It is recommended that departments in the province put in place plans to comply with Anti-Corruption Acts like the Promotion of Access to Information Act and the Protected Disclosure Act. These are both groundbreaking and basic initiatives to promote good governance and as such need to become part of the ethos of public servants in the North West Province. Policies, where they lack, should be put in place during the 2012/2013 financial year.

5.2.1.2 Minimum anti-corruption capacity and its objectives

It is recommended that anti-corruption units be established in the six departments where they do not exist. Plans to do so must be in place by September 2012.

5.2.2 Effectiveness of Professional Ethics and Anti-Corruption Measures in the North West Provincial Government

5.2.2.1 Promotion of the Code of Conduct

It is also recommended that departments conduct at least annual workshops on the Code of Conduct as such workshops will enlighten public servants about required ethical conduct and empower departments to be able to use the Code of Conduct effectively in disciplinary cases.

5.2.2.2 Effective fraud prevention plans

It is further recommended that FPPs be implemented urgently by the departments of Local Government and Traditional Affairs and Public Works, Roads and Transport as these departments open themselves to fraud and corruption. FPPs should be implemented by September 2012.
5.2.2.3 Provincial and departmental policies or anti-corruption strategy

The PSC found that there is no approved provincial anti-corruption strategy/policy in place. Therefore, it is recommended that the NWPG departments must develop fraud and anti-corruption strategies to suit their respective environments by September 2012.

5.2.2.4 Compliance with financial disclosure framework

As only a 100% compliance rate is acceptable, it is recommended that departments put mechanisms in place to encourage full compliance (by the due date) with the FDF by all senior managers in the province. Where necessary, disciplinary actions should be instituted against defaulters in accordance with provisions of the PSR. These mechanisms must be fully implemented during the 2012/2013 financial year.

5.2.2.5 Responsiveness to the National Anti-Corruption Hotline (NACH)

Response to the NACH needs to be improved dramatically. The PSC is of the view that the poor response to the NACH will have the undesirable effect of undermining trust in the ability of the NACH to combat corruption effectively. It is, therefore, recommended that the province investigate all allegations of corruption emanating from the NACH in an efficient and expeditious manner and provide feedback to the PSC accordingly.

Given that the provincial departments lack investigative capacity to deal with allegations of corruption, the province will have to address this challenge with speed. This could be done by sharing resources or centralising investigative capacity. Such an approach should assist with the handling of cases received from the NACH. Plans in this regard should be in place by September 2012.

5.2.2.6 Effective reporting lines

Whistle-blowing is a key strategy to address corruption and maladministration in the Public Service. It is recommended that departments should develop whistle-blowing policies in line with the PDA. An awareness and education strategy on whistle-blowing ought to be developed and communicated to all staff in the province. The provincial departments must, therefore, ensure that clear whistle-blowing policies, consulted with employees, are developed and once approved, are sufficiently communicated to employees. Plans in this regard should be in place by September 2012.

5.2.3 Difficulties and Weaknesses with respect to the Management of Corruption in the Province

5.2.3.1 Systematic approach to fighting corruption

In order to improve monitoring and stream-lining the cases of alleged corruption, it is recommended that the province establishes a central data-base of reported fraud and corruption cases. Such a data-base may assist to monitor the most common cases of corruption and updating of risk assessments. The PSC recommends that such a data-base be established by September 2012.

5.2.3.2 Co-ordination of capacity

In order to address capacity constraints and to co-ordinate existing capacity in promoting professional ethics and fighting corruption in the province, the PSC recommends that a political principal be appointed to champion such a specific role in the province.

5.3 CONCLUSION

The findings of the study show that the state of professional ethics in the province varies from one department to another. There are departments that have adequate systems in place to ensure that the state of professional ethics is effective. However, there are also departments that do not have such systems. Furthermore, there is no uniformity in the application of the anti-corruption initiatives and FPPs in the province. It is hoped that the provincial administration through the OTP would note the findings and recommendations contained in this report to improve the state of professional ethics in the NWPG.
# PUBLIC SERVICE COMMISSION REGIONAL OFFICES

<table>
<thead>
<tr>
<th>Eastern Cape</th>
<th>Free State</th>
</tr>
</thead>
<tbody>
<tr>
<td>91 Alexandra Road</td>
<td>62 Fedsure Building</td>
</tr>
<tr>
<td>King William’s Town</td>
<td>3rd Floor, St Andrew Street</td>
</tr>
<tr>
<td>5601</td>
<td>Bloemfontein</td>
</tr>
<tr>
<td>Tel: (043) 643-4704</td>
<td>9301</td>
</tr>
<tr>
<td>Fax: (043) 642-1371</td>
<td>Tel: (051) 448-8696</td>
</tr>
<tr>
<td></td>
<td>Fax: (051) 448-4135</td>
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<td>Ten Sixty-Six Building</td>
<td>iDUBE Building</td>
</tr>
<tr>
<td>16th Floor, 35 Pritchard Street</td>
<td>Ground Floor, 249 Burger Street</td>
</tr>
<tr>
<td>Johannesburg</td>
<td>Pietermaritzburg</td>
</tr>
<tr>
<td>2001</td>
<td>3201</td>
</tr>
<tr>
<td>Tel: (011) 833-5721</td>
<td>Tel: (033) 345-9998</td>
</tr>
<tr>
<td>Fax: (011) 834-1200</td>
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<th>Mpumalanga</th>
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<tr>
<td>19 Russel Street</td>
<td>Woolworths Building</td>
</tr>
<tr>
<td>Nelspruit</td>
<td>1st Floor, cnr Chapel &amp; Lennox Streets</td>
</tr>
<tr>
<td>1200</td>
<td>Kimberley</td>
</tr>
<tr>
<td>Tel: (013) 755-4070</td>
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</tr>
<tr>
<td>Fax: (013) 752-5814</td>
<td>Tel: (053) 832-6222</td>
</tr>
<tr>
<td></td>
<td>Fax: (053) 832-6225</td>
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<thead>
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<th>Limpopo</th>
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<td>Kirk Patrick Building</td>
<td>Mmabatho Post Office Building</td>
</tr>
<tr>
<td>4D Schoeman Street</td>
<td>Ground Floor, University Drive</td>
</tr>
<tr>
<td>Polokwane</td>
<td>Mmabatho</td>
</tr>
<tr>
<td>0699</td>
<td>2788</td>
</tr>
<tr>
<td>Tel: (015) 291-4783</td>
<td>Tel: (018) 384-1000</td>
</tr>
<tr>
<td>Fax: (015) 291-4683</td>
<td>Fax: (018) 384-1012</td>
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<th>Parliamentary Office</th>
</tr>
</thead>
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<tr>
<td>Sanlam Golden Acre Building</td>
<td>Sanlam Golden Acre Building</td>
</tr>
<tr>
<td>21st Floor, Adderley Street</td>
<td>21st Floor, Adderley Street</td>
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<tr>
<td>Cape Town</td>
<td>Cape Town</td>
</tr>
<tr>
<td>8001</td>
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</tr>
<tr>
<td>Tel: (021) 421-3980</td>
<td>Tel: (021) 418-4940</td>
</tr>
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