

3. Conclusion of deliberations by discussion team

3.1 Is SA legislation providing for measures to deal with fraudulent activities, specifically in the area of procurement, sufficient, effective and dealing with the scourge of fraud and corruption?

- Based on international best practice and are good;
- Does the Protected Disclosures Act sufficiently protect a whistle blower? Answer is no and departments need to establish mechanisms and procedures to sufficiently protect such whistle blowers;
- Is everyone sufficiently aware of what the various laws provide and how they must deal with it and/or react thereto? Answer is no; there is a need to draft a summary of the various relevant pieces of law in order to educate, both internally as well as external stake holders.



Conclusion of deliberations by discussion team (continued)

3.2 Conflicts in procurement legislation, pertaining to the attainment of socio-economic objectives (BEE)

- Is 90:10 and 80:20 sufficient in order to attain the BEE targets of Government? **No, but the feedback from Treasury that there is currently a comprehensive re-alignment process between the PPPFA and BBEE as well as other relevant pieces of law, on the go;**
- Applicability of the PPPFA to the disposal of State land? **No, it does not mandate or allow it, the PPPFA and Supply Chain management Regulations, however, does - which is ultra vires;**
- Can functionality criteria be used in view of it not being authorised by the PPPFA? **Currently a debate between the CIDB and Treasury to clarify - it is hoped that it will similarly, be clarified by the current alignment exercise by Treasury;**
- Are all entities and officials sufficiently capacitated and knowledgeable on the application of supply chain management principles and procedures? **No, there is a clear need for ongoing training in the supply chain management area.**

