

NATIONAL COUNCIL OF PROVINCES

QUESTION 349-2012

FOR WRITTEN REPLY

**DATE OF PUBLICATION IN THE INTERNAL QUESTION PAPER: 27 JULY 2012:
INTERNAL QUESTION PAPER No. 20-2012**

Mr. R A Lees (DA-KZN) to ask the Minister of Arts and Culture:

- (1) What is the current status in respect of certain cases (details furnished);
- (2) What are the outcome of the (a) internal and (b) forensic audits that were carried out during the (i) 2009-10 and (ii) 2010-11 financial year;
- (3) Whether any financial links were found between the bidders, and persons in either or both audit reports; if not, what is the position in this regard; if so, what action were recommended in the reports;
- (4) Whether all such recommendations were implemented; if not, why not; if so, what are the relevant details;
- (5) What (a) is the breakdown of the total costs incurred by his department (i) in the (aa) 2009-2010, (bb) 2010-2011 and (cc) 2011-2012 financial years and (ii) from April 2012 up to latest specified date for which information is available, including all (aa) forensic audit, (bb) court and (cc) disciplinary hearings costs, (b) are the details of the (i)advocates and (ii) attorneys that were used in these cases from 1 September 2010 to date and (c) is the total amount paid towards legal services to date?

CW452E

REPLY:

- (1). Disciplinary processes were completed and both Dr Graham Dominy and Mr Clive Kirkwood were found guilty and dismissed. The matter went for arbitration and is currently pending at the Labour Court.
- (2)(a)(i). The internal audit revealed that Dr Dominy and Mr Kirkwood did not declare their relationship with Ms Venter , a former employee of the Department at National Archives and the General Manager at the company that won the bid as required by procurement procedures for tenders. Secondly, Content at Work (Pty) Ltd did not declare that they had or were aware of any relationship between their General Manager (Ms Venter) and employees employed by the Department who might be involved with the evaluation and or adjudication of the bid. Lastly, CIPRO information search and ITC check done on Dr Dominy revealed no directorship status in Content at Work (Pty) Ltd. (ii) No further internal audit was carried out during the year 2010/11.
- (b)(i). The outcome of the forensic audit during 2009/10, indicated that Dr Graham Dominy misrepresented facts in his request to attend the International Council of Archives (ICA) conference in Malta in November 2009 by indicating that he headed the Preservation Programme of the ICA while his term of office had ended in 2007. Furthermore, Dr Graham Dominy was not consistent in declaring his relationship with KPMG and had infact declared it once although KPMG had tendered three times after his e-mail soliciting work for his wife.
Graham
In one instance, Dr ~~Clive~~ Dominy awarded KPMG the highest score on tender where he did not declare his relationship with KPMG.

Mr Clive Kirkwood failed to declare his previous working relationship with Ms Louisa Venter, a former colleague in the Department and the General Manager of Content at Work, one of the bidders. Mr Clive Kirkwood further failed to ensure that the minutes of the meeting of the Bid Evaluation

Committee (BEC) that took place on 10 December 2008 were a true reflection thereof prior to presentation of the same to the Bid Adjudication Committee (BAC).

- (ii). We never carried out any further forensic audits during the 2010/11 financial year.

- (3) No financial links were found between bidders, a financial link was found between Dr Graham Dominy and KPMG, (c) a financial link was also found between Mr Clive Kirkwood and Louisa Venter and/or Content at Work together with Mr Grabe, it was recommended that the department take corrective measures against both Dr Graham Dominy and Mr Clive Kirkwood,

- (4) Yes, the recommendations were implemented, Dr Dominy and Mr Kirkwood were charged.

- (5) (a). The breakdown of the total costs incurred by the department is as follows:-
 - (i)(aa).forensic audit **R239 128.11**, (ii) court R0.00 and (iii) costs for disciplinary hearings R0.00;

 - (bb)(i). forensic audit R0.00, (ii) court R0.00 and (iii) costs for disciplinary hearings **R193 996.00**;

 - (cc)(i). forensic audit R0.00, (ii) court R0.00 and (iii) costs for disciplinary hearings **R574 589.00** to date.

- (b). The matter has been handled by the Office of the State Attorney, Pretoria from September 2010 to May 2012. It is currently handled by Magaga Incorporated.

- (c). The total cost for legal services from September 2010 to date is **R768 585.00**.