

MOSIRELETSI WA SETŠHABA • MOŠIRELETŠI WA SETŠHABA
MUSIRHELELI WA VANHU • MUTSIRELEDZI WA TSHITSHAVHA
OPENBARE BESKERMER • UMKHUSELI WOLUNTU • UMWIKELI WOMPHEKATHI
UMVIKELI WEMPHAKATSI • UMWIKELI WESITJHABA

NATIONAL OFFICE

Private Bag X677 Pretoria 0001 • Hillcrest Office Park, 175 Lunnon Street, Hillcrest, 0083

Tel: (012) 366 7000 Fax: (012) 362 3473

Please quote this reference in your reply: Report No. 10 of 2010/11

5 July 2010

Honourable M S Sokatsha
MEC for Health
Private Bag X5049
KIMBERLEY
8300

Dear Honourable Sokatsha

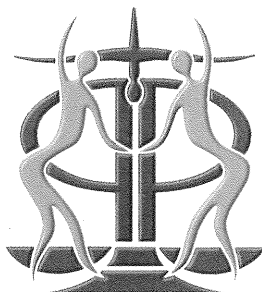
REPORT NO. 10 OF 2010/11: AN INVESTIGATION INTO AN ALLEGATION OF MALADMINISTRATION RELATING TO THE APPOINTMENT OF MS C M JACOBS BY THE NORTHERN CAPE PROVINCIAL DEPARTMENT OF HEALTH

Attached hereto is my report on an investigation into an allegation of maladministration relating to the appointment of Ms C M Jacobs by the Northern Cape Department of Health for your information.

Best wishes

**ADV T N MADONSELA
PUBLIC PROTECTOR
OF THE REPUBLIC OF SOUTH AFRICA**

15/07/2010



MOSIRELETSI WA SET ŠHABA • MOŠIRELETŠI WA SETŠHABA
MUSIRHELELI WA VANHU • MUTSIRELEDZI WA TSHITSHAVHA
OPENBARE BESKERMER • UMKHUSELI WOLUNTU • UMWIKELI WOMPHAKATHI
UMVIKELI WEMPHAKATSI • UMWIKELI WESITJHABA

NATIONAL OFFICE

Private Bag X677 Pretoria 0001 • Hillcrest Office Park, 175 Lunnon Street, Hillcrest, 0083
Tel: (012) 366 7000 Fax: (012) 362 3473

Please quote this reference in your reply: Report No. 10 of 2010/11

5 July 2010

Ms C M Jacobs
36 Thutlo Street
P O Mankurwane
KIMBERLEY
8345

Dear Ms Jacobs

REPORT NO. 10 OF 2010/11: AN INVESTIGATION INTO AN ALLEGATION OF MALADMINISTRATION RELATING TO THE APPOINTMENT OF MS C M JACOBS BY THE NORTHERN CAPE PROVINCIAL DEPARTMENT OF HEALTH

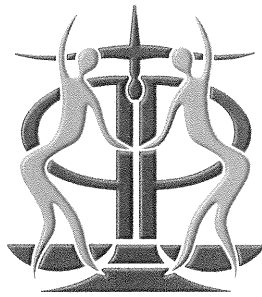
Please be advised that this office has concluded its investigation into your complaint.

A report on the investigation is attached hereto.

Best wishes

**ADV T N MADONSELA
PUBLIC PROTECTOR
OF THE REPUBLIC OF SOUTH AFRICA**

15/07/2010



MOSIRELETSI WA SET ŠHABA • MOŠIRELETŠI WA SETŠHABA
MUSIRHELELI WA VANHU • MUTSIRELEDZI WA TSHITSHAVHA
OPENBARE BESKERMER • UMKHUSELI WOLUNTU • UMWIKELI WOMPHAKATHI
UMVIKELI WEMPHAKATSI • UMWIKELI WESITJHABA

NATIONAL OFFICE

Private Bag X677 Pretoria 0001 • Hillcrest Office Park, 175 Lunnon Street, Hillcrest, 0083
Tel: (012) 366 7000 Fax: (012) 362 3473

Please quote this reference in your reply: Report No. 10 of 2010/11

5 July 2010

Dr D G Theys
Acting Head of Department
Department of Health
Private Bag X5049
KIMBERLEY
8300

Dear Dr Theys

REPORT NO. 10 OF 2010/11: AN INVESTIGATION INTO AN ALLEGATION OF MALADMINISTRATION RELATING TO THE APPOINTMENT OF MS CM JACOBS BY THE NORTHERN CAPE PROVINCIAL DEPARTMENT OF HEALTH

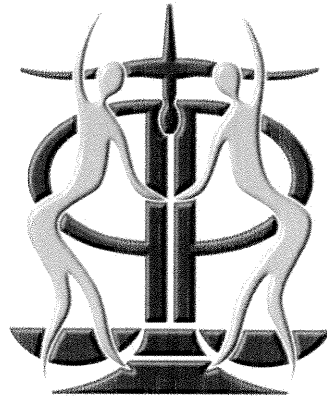
Attached hereto is my report on an investigation into an allegation of maladministration relating to the appointment of Ms C M Jacobs by the Northern Cape Department of Health for your information.

Best wishes

**ADV T N MADONSELA
PUBLIC PROTECTOR
OF THE REPUBLIC OF SOUTH AFRICA**

15/07/2010

**REPORT OF THE PUBLIC PROTECTOR IN TERMS OF SECTION
182(1)(b) OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH
AFRICA, 1996 AND SECTION 8(1) OF THE PUBLIC PROTECTOR
ACT, 1994**



**PUBLIC PROTECTOR
SOUTH AFRICA**

REPORT NO. 10 OF 2010/11

**REPORT ON AN INVESTIGATION INTO AN ALLEGATION OF
MALADMINISTRATION RELATING TO THE APPOINTMENT OF MS CM
JACOBS BY THE NORTHERN CAPE PROVINCIAL DEPARTMENT OF
HEALTH**

INDEX

Executive Summary	4
1. INTRODUCTION	8
2. BACKGROUND	8
3. THE COMPLAINT	8
4. POWERS AND JURISDICTION OF THE PUBLIC PROTECTOR TO INVESTIGATE THE COMPLAINT	9
5. THE INVESTIGATION	10
6. CONSULTATION WITH DEPARTMENTAL OFFICIALS	11
7. CORRESPONDENCE WITH MS MHJ	11
8. CONSULTATION WITH THE HUMAN RESOURCES MANAGER OF THE DEPARTMENT	12
9. CONSULTATION WITH COLONEL MAHLANGU OF THE SPECIAL COMMERCIAL BRANCH: SAPS	13
10. LEGISLATIVE FRAMEWORK	13
11. OBSERVATIONS	17
12. FINDINGS	18

13. REMEDIAL ACTION

20

14. MONITORING

22

Executive Summary

- (i) The Public Protector received a complaint from Ms Cikizwa Mildred Jacobs (the Complainant) in which she alleged that she received an IT3A form (a tax directive for income received without being taxed) from the Northern Cape Provincial Department of Health (the Department) indicating that for the period 1 March 2006 to 15 January 2007, she was an income earning employee of the said Department. The Complainant further stated that she was perturbed by the content of the IT3A form as she had never been in the employ of the Department.

- (ii) The Public Protector found the following:
 - (a) The Complainant was indeed appointed by the Department as a Nursing Assistant in a Learnership post, but the Department failed to inform her accordingly. As a result the Complainant was prejudiced;

 - (b) The post to which the Complainant was appointed was a temporary post which translated into a twelve month renewable contract. The Department was paying and renewing a contract of an employee who never reported for duty;

 - (c) Salary payments (stipend) that were meant for the Complainant were also erroneously paid into the bank account of Ms MHJ in addition to her own stipend for the duration of the contract period i.e. from October 2004 to January 2007. Ms MHJ, was appointed on the same date as the Complainant, in the Auxiliary Nurse Learnership Programme on a twelve (12) month contract at the Kgalagadi District Department of Health; and

 - (d) Ms MHJ received a stipend of double the amount that she was entitled to.

- (e) The Head of the Department did not comply with the provisions of the Public Service Regulations,- Paragraph B1(g) – by failing to ensure that the Complainant is advised of her appointment and provided with a written contract of employment, including the terms and conditions of employment;
 - (f) The Head of the Department failed to ensure that the person appointed to and remunerated in the post of Nursing Assistant complied with the terms and conditions of appointment and employment by reporting for duty and faithfully and diligently remained at her work station for the contracted office hours.
 - (g) The Head of Department failed to ensure that a contract was signed by the Complainant and reviewed on the basis of assessed performance.
 - (h) The expenditure incurred by the Department in respect of the remuneration paid to the Complainant (albeit erroneously in someone else's account) for 27 months, without receiving any value or services in return, does not amount to the effective, efficient and economical use of resources as intended by the PFMA.
 - (i) The failure to complete proper documents and payment of a salary to a non-existent (ghost) employee constitutes maladministration as envisaged in the Public Protector Act.
 - (j) Due to the maladministration, Ms Jacobs was prejudiced in that she lost income and was subjected to an administrative inconvenience with SARS. The state also incurred fruitless expenditure.
- (iii) The specific remedial action to be taken is that:

-
- (a) The Department should issue a letter of apology to the Complainant;
 - (b) The Department should pay Ms Jacobs a sum equivalent to the amount she would have received had she taken up the post she was lawfully appointed to;
 - (c) The Department should compensate the Complainant for any costs she has incurred in trying to resolve this matter;
 - (d) The Department should provide the Complainant with a letter that confirms that during the period 1 March 2006 to 15 January 2007 (the period mentioned in the IT3A, tax document) the Complainant was not an active income earning employee of the Department, for tax purposes; and
 - (e) The Department should consider the Complainant for another learnership or contract post for a year, should she be available or interested.
- (iv) The additional recommendations are as follows:
- (a) The Acting Head of the Department of Health must take effective and appropriate steps in terms of Section 38(1)(b)(c)(g) and (h) of the Public Finance Management Act, 1999 (PFMA) to deal with any unauthorised, irregular or fruitless and wasteful expenditure incurred in this matter, including the recovery of such expenditure and taking the necessary steps against any official that might have failed to comply with the provisions of the Act or benefitted unlawfully from any contraventions thereof.
 - (b) The matter must be reported to the Departmental Audit Committee, as well as the Office of the Auditor-General.

- (c) The Head of the Department must take the necessary steps to perform an audit of the appointments and contracts of employment of all the persons appointed on the same learnership project for the period 2004 to 2007.

REPORT ON AN INVESTIGATION INTO AN ALLEGATION OF MALADMINISTRATION RELATING TO THE APPOINTMENT OF MS C M JACOBS BY THE NORTHERN CAPE PROVINCIAL DEPARTMENT OF HEALTH

1. INTRODUCTION

1.1 The report is submitted to Ms C M Jacobs (the Complainant), the Member of the Executive Council responsible for Health in the Northern Cape Province and the Acting Head of the Department of Health: Northern Cape Province in terms of section 182(1)(b) of the Constitution of the Republic of South Africa, 1996 (the Constitution) and section 8(1) of the Public Protector Act, 1994 (the Public Protector Act). It relates to an investigation by the Public Protector into an allegation of maladministration relating to the appointment of the Complainant by the Department of Health: Northern Cape Province (the Department).

2. BACKGROUND

2.1 The Complainant, at the time of approaching the Public Protector was unemployed and had never worked before. During 2004, the Complainant applied for a Nursing Assistant, Learnership post within the Department of Health, however her application was never responded to.

3. THE COMPLAINT

3.1 The Public Protector received a complaint from the Complainant in which she alleged that she received an IT3A form (a tax directive for income received without being taxed) from the Department indicating that for the period between 1 March 2006 and 15 January 2007, she was an income earning employee of the Department.

3.2 The Complainant stated that she had never been employed in her lifetime, let alone by the Department.

3.3 She raised the matter with the Department, but to no avail and she then decided to approach the Public Protector as she feared that she might find herself indebted to SARS for something she knew nothing about.

4. POWERS AND JURISDICTION OF THE PUBLIC PROTECTOR TO INVESTIGATE THE COMPLAINT

4.1 In terms of section 182 of the Constitution and section 6(4) of the Public Protector Act, the Public Protector is empowered to investigate any conduct in state affairs, or in the public administration in any sphere of government that is alleged or suspected to be improper or to result in an impropriety or prejudice, to report on that conduct and to take appropriate remedial action.

4.2 Improper conduct includes allegations of mal-administration, the abuse or unjustifiable exercise of power, an improper or dishonest act in respect of public monies, improper or unlawful enrichment, improper prejudice or complaints of undue delay.

4.3 The Public Protector can at any time, prior to, during or after an investigation make any appropriate recommendation to the affected body or authority.

4.4 The subject of this complaint therefore falls within the jurisdiction of the Public Protector.

5. THE INVESTIGATION

5.1 The investigation was conducted in terms of sections 6 and 7 of the Public Protector Act and comprised:

5.1.1 An assessment of the complaint and relevant allegations:

5.1.2 Consultation with the following officials:

5.1.2.1 Mr D Gaborone (Chief Financial Officer: Department of Health);

5.1.2.2 Mrs P Shushu (Assistant Director: HR: Department of Health);

5.1.2.3 Mrs B Markram (Senior Administrative Officer);

5.1.2.4 Ms Z Thantsi (Human Resources Manager: Department of Health); and

5.1.2.5 Colonel Mahlangu of the Special Commercial Branch: SAPS.

5.1.3 Correspondence with:

5.1.3.1 Mrs R K Williams (Registrar: Henrietta Stockdale Nursing College);

5.1.3.2 Mr D Gaborone (Chief Financial Officer: Department of Health); and

5.1.3.3 Ms MHJ (former Learnership, Nursing Assistant).

5.1.4 Consultation and correspondence with the Complainant.

5.1.5 The relevant provisions of the following legislation were considered:

5.1.5.1 The Public Protector Act, 1994;

5.1.5.2 The Public Service Act, 1994;

5.1.5.3 The Public Service Regulations, 2001;

5.1.5.4 The Public Finance Management Act, 1999.

6. CONSULTATION WITH OFFICIALS FROM DEPARTMENT

6.1 A meeting was convened with the Department after written and telephonic attempts to obtain a written response from the office of the Chief Financial Officer, had failed to produce the required response. The officials mentioned in paragraph 5.1.2 above, attended the meeting in question. It was evident that the Complainant shared an initial and surname with one of the persons who had also applied for the same learnership programme, Ms MHJ.

7. CORRESPONDENCE WITH MS MHJ

7.1 Ms MHJ responded to a letter from the Public Protector dated 2 July 2008 wherein she was requested to provide this office with copies of her bank statements for the period 4 October 2004 to 15 January 2007. In an undated fax, received on 18 July 2008, she responded as follows:

“Na aanleiding van U skrywe aan my. Die Bank kan my help maar dan moet ek geld in betaal wat ek nie het nie. Ek is bereid om terug betaling te maak. Kontak my asseblief by.”

8. CONSULTATION WITH THE HUMAN RESOURCES MANAGERS OF THE DEPARTMENT

8.1 In a meeting held with the Human Resources Manager, Ms Zoleka Thantsi she acknowledged that the Department made a mistake by failing to inform the Complainant that her application was successful since she was even allocated a persal number. She also confirmed that Ms MHJ received two stipends from the Department from 2004 to 2007. She is currently unemployed since the learnership programme ended.

8.2 A subsequent meeting was held with the Acting Human Resources Manager Mr S Vilakazi after Ms Thantsi was removed from that post. The meeting was meant to seek clarity on certain issues. The following was established during the said meeting:

8.2.1 The Department failed to detect the irregular payment for more than two years because there were no internal controls, but that a Security and Risk Management Unit was established in the second quarter of 2009 and is currently being populated with staff members;

8.2.2 No formal documents were signed when the employment contracts of both Ms MHJ and the Complainant were extended. The Department started to suspect foul play and a certain Mr Thupane was suspended but he later resigned at the end of October 2008. Allegedly applicants who had declined the Department's employment offer were appointed as "ghost" workers and their salaries paid into his bank account. The matter was reported to the South African Police Service (SAPS) and Colonel Mahlangu, the Provincial Commander Special Commercial Branch, is dealing with the matter;

8.2.3 The initial appointment of Ms MHJ was captured by Mr Thupane and approved by Mr Jordan, but the extension of the employment contract was done by Mr Thupane and approved by Mr Agbesie;

8.2.4 Contracts for all other persons on the same learnership project were extended although no formal extension documents were signed; and

8.2.5 Ms MHJ was re-employed by the Department from 1 July 2008 to date at the District Office in Mothibistad as a Nursing Assistant.

9. CONSULTATION WITH COLONEL MAHLANGU OF THE SPECIAL COMMERCIAL BRANCH: SAPS

9.1 The Public Protector contacted Colonel Mahlangu about the case that was reported to them by the Department and he confirmed that a case against Mr Thupane was reported to them and that initial investigations were conducted. He advised that Mr Vilakazi is to sign the necessary statements, following which the SAPS will then arrest Mr Thupane and place the cases on the court roll. According to Colonel Mahlangu the witness in the matter under investigation where Mr Thupane appointed a “ghost” worker, had moved to England.

10. LEGISLATIVE FRAMEWORK

10.1 The Public Service Act, 1994

10.1.1 Composition of public service

Section 8(1)(b) and (2) provide that:

“The public service shall consist of persons who are employed-
(1)(b) additional to the establishment of the departments;
(2) Subject to the prescribed conditions, any person referred to in
subsection (1) may be employed permanently or temporarily and in a full-
time or part-time capacity.”

10.1.2 Wrongly granted remuneration

Section 38(2)(b)(i) provides that:

“(2) If an employee contemplated in subsection (1) has in respect of his
or her salary, including any portion of any allowance or other
remuneration or any other benefit calculated on his or her basic salary or
scale of salary or awarded to him or her by reason of his or her salary-...
(b) been overpaid or received any such other benefit not due to him or
her-
(i) an amount equal to the amount of the overpayment shall be recovered
from him or her by way of deduction from his or her salary of such
instalments as the relevant accounting officer, may determine if he or she
is in the service of the State, or, if he or she is not so in service, by way
of deduction from any moneys owing to him or her by the State, or by
way of legal proceedings, or partly in the former manner and partly in the
latter manner;”

10.2 The Public Service Regulations, 2001

10.2.1 PART VII: PROCEDURES FOR APPOINTMENT, PROMOTIONS AND TERMINATION OF SERVICE

Paragraph B1(a)-(g) of Part VII provides that:

“An executing authority-

- (a) may appoint employees on a permanent or temporary basis, either full-time or part-time;*
- (b) may, where the employment is temporary, appoint an employee under a special contract, on a casual basis or on a seasonal basis;*
- (c) may not appoint any person under the age of 16 years;*
- (d) shall determine the health requirements for incumbency of a post, in any case where it is in the requirements of the post;*
- (e) may appoint a casual employee for a period not exceeding 12 months;*
- (f) shall require an employee to be subjected to security clearance only where the duties attached to the post are such as to make security clearance necessary; and*
- (g) shall ensure that each employee upon appointment, is provided with a written contract of employment, including the terms and conditions of her or his service.”*

10.3 The Public Finance Management Act, 1999

10.3.1 Accounting officers

Section 36(2)(a) provides that:

“(2) Subject to subsection (3)-

(a) the head of department must be the accounting officer for the department;”

10.3.2 General responsibilities of accounting officers

Section 38(1)(b),(c),(g) and (h) provides that:

“38(1)(b)

The accounting officer for a department, trading entity or constitutional institution- is responsible for the effective, efficient, economical and transparent use of the resources of the department, trading entity or constitutional institution;

(c) must take effective and appropriate steps to-

(i) collect all money due to the department, trading entity or constitutional institution;

(ii) prevent unauthorised, irregular and fruitless and wasteful expenditure and losses resulting from criminal conduct; and

(iii) manage available working capital efficiently and economically;...

(g) on discovery of any unauthorised, irregular or fruitless and wasteful expenditure, must immediately report, in writing, particulars of the expenditure to the treasury and in the case of irregular expenditure involving the procurement of goods or services, also to the relevant tender board;

(h) must take effective and appropriate disciplinary steps against any official in the service of the department, trading entity or constitutional institution who-

(i) contravenes or fails to comply with a provision of this Act;

(ii) commits an act which undermines the financial management and internal control system of the department, trading entity or constitutional institution; or

(iii) makes or permits an unauthorised expenditure, irregular expenditure or fruitless and wasteful expenditure;”

10.3.3 The provisions of the aforementioned legislation establish the legitimacy of the Department in appointing and retaining the services of temporary employees provided that the said employees are furnished with a contract outlining the terms and conditions of service.

10.3.4 The provisions also impose an obligation on the Accounting Officer to recover wrongly made payments to Ms Jacobs.

11. OBSERVATIONS

Following an investigation the following observations were made:

- 11.1 To verify the information contained in the IT3A form of the Department, with the complaint, the Complainant was interviewed and it was established that on more than one occasion since the year 2002, she applied for posts in the Department of Health. The last time was for a Learnership post in the year 2004.
- 11.2 According to the records of the Department, the Complainant was appointed in a Nursing Assistant (Learnership) post at the Galeshewe Day Hospital on a temporary basis with effect from 4 October 2004 on a twelve month contract and her service was terminated on 15 January 2007, the reason being recorded as "CONTRACT EXPIRY". The aforementioned implied that the contract of the Complainant was subsequently extended for a further period.
- 11.3 The IT3A form (which reflects the employment period of the Complainant as 1 March 2006 to 15 January 2007) presented to the Public Protector was for the tax period in question only.
- 11.4 No stipend payments were made to the Complainant as her bank details had been erroneously captured as that of another person who was also appointed on the same date. The identity of this person is known to the Department and it was confirmed that double stipend payments were made in respect of the said person (alias Ms MHJ).

- 11.5 Mrs H.J. Scholtz recorded the appointment of the Complainant on the system, and Mrs Markram approved the appointment. At the stage of approval there would have been accompanying source documents. However, at the date of enquiry these documents could not be traced by the Department. The appointment of Ms MHJ was recorded by Mr Thupane, and approved by Mr Jordan. The extension of the contract was done by Mr Thupane, and approved by Mr Agbesie.
- 11.6 The Complainant never signed a contract of employment, nor did she receive a letter of appointment, while this was not the case with Ms MHJ even though both women were appointed on the same date.
- 11.7 While the Department has argued that the capturing of incorrect bank details was a human error, the Department was paying a stipend to an employee for a period exceeding two years, while the employee had never reported for a single day of duty is indicative of gross negligence in the management of human resources within the Department.
- 11.8 Although a case was reported to the SAPS, the said case only related to the improper enrichment due to the unlawful appointment of a person who had declined the Department's offer and it had nothing to do with the current matter.
- 11.9 The Department has since established a Security and Risk Management Unit to deal with similar matters and to avoid recurrence of such matters.

12. FINDINGS

12.1 Factual findings

The following factual findings were made:

- 12.1.1 The Complainant was indeed appointed by the Department as a Nursing Assistant in a Learnership post, but the Department failed to inform her accordingly. As a result the Complainant was prejudiced;
- 12.1.2 The post to which the Complainant was appointed was a temporary post which translated into a twelve month renewable contract. The Department was paying and renewing a contract of an employee who never reported for duty;
- 12.1.3 Salary payments (stipends) that were meant for the Complainant were also erroneously paid into the bank account of Ms MHJ in addition to her own stipend for the duration of the contract period i.e. from October 2004 to January 2007. Ms MHJ, was appointed on the same date as the Complainant, in the Auxiliary Nurse Learnership Programme on a twelve (12) month contract at the Kgalagadi District Department of Health; and
- 12.1.4 Ms MHJ received a stipend of double the amount that she was entitled to.

12.2 Key findings

- 12.2.1 The Head of the Department did not comply with the provisions of the Public Service Regulations, Paragraph B1(g) – by failing to ensure that the Complainant is advised of her appointment and provided with a written contract of employment, including the terms and conditions of employment;
- 12.2.2 The Head of the Department failed to ensure that the person appointed to and remunerated in the post of Nursing Assistant complied with the terms and conditions of appointment and employment by reporting for duty and faithfully and diligently remained at her work station for the contracted office hours;

- 12.2.3 The Head of Department failed to ensure that a contract was signed by the Complainant and reviewed on the basis of assessed performance;
- 12.2.4 The expenditure incurred by the Department in respect of the remuneration paid to the Complainant (albeit erroneously in someone else's account) for 27 months, without receiving any value or services in return, does not amount to the effective, efficient and economical use of resources as intended by the PFMA.
- 12.2.5 The failure to complete proper documents and payment of a salary to a non-existent (ghost) employee constitutes maladministration as envisaged in the Public Protector Act; and
- 12.2.6 Due to the maladministration, Ms Jacobs was prejudiced in that she lost income and was subjected to an administrative inconvenience with SARS. The state also incurred fruitless expenditure.

13. REMEDIAL ACTION

13.1 Specific Remedial Action

In terms of the provisions of Section 182(1)(c) of the Constitution and Section 6(4)(C)(ii) of the Public Protector, the remedial action to be taken by the Head of the Department is the following:

- 13.1.1 The Department should issue a letter of apology to the Complainant;
- 13.1.2 The Department should pay Ms Jacobs a sum equivalent to the amount she would have received had she taken up the post she was lawfully appointed to;

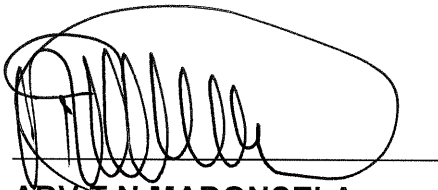
- 13.1.3 The Department should compensate the Complainant for any costs she has incurred in trying to resolve this matter;
- 13.1.4 The Department should provide the Complainant with a letter that confirms that during the period 1 March 2006 to 15 January 2007 (the period mentioned in the IT3A, tax document) the Complainant was not an active income earning employee of the Department, for tax purposes; and
- 13.1.5 The Department should consider the Complainant for another learnership or contract post for a year, should she be available or interested.

13.2 Additional Recommendations

- 13.2.1 The Acting Head of the Department of Health must take effective and appropriate steps in terms of Section 38(1)(b)(c)(g) and (h) of the PFMA to deal with any unauthorised, irregular or fruitless and wasteful expenditure incurred in this matter, including the recovery of such expenditure and taking the necessary steps against any official that might have failed to comply with the provisions of the Act or benefitted unlawfully from any contraventions thereof.
- 13.2.2 The matter must be reported to the Departmental Audit Committee, as well as the Office of the Auditor-General.
- 13.2.3 The Head of the Department must take the necessary steps to perform an audit of the appointments and contracts of employment of all the persons appointed on the same learnership project for the period 2004 to 2007.

14. MONITORING

- 14.1 The Head of the Department should submit a report regarding action to be taken in response to this report by 31 July 2010.
- 14.2 The Head of the Department should submit a report indicating action taken with regard to implementation of this report by 30 September 2010.
- 14.3 The Public Protector will monitor the implementation process on an ongoing basis.



ADV T N MADONSELA
PUBLIC PROTECTOR
OF THE REPUBLIC OF SOUTH AFRICA

DATE: 15/07/2010

Assisted by: Mr. B.G. Sithole, Provincial Representative and Mr. E.B. Minnaar,
Investigator, Northern Cape Province