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Department:
Trade, Industry and Competition
REPUBLIC OF SOUTH AFRICA

THE NATIONAL ASSEMBLY

QUESTION FOR WRITTEN REPLY

QUESTION NO. 1732

Mr R W T Chance (DA) to ask the Minister of Trade, Industry and Competition:

- 1) With reference to the compensation awarded to whistleblowers and mistreated employees of the National Lotteries Commission (NLC), what total (a) amount of compensation was awarded and (b) number of staff members who (i) are still in the employ of the NLC and (ii) have left the NLC were awarded reparation;
- 2) What is the breakdown of the total amount of compensation awarded to the current and former staff members through (a) payment of school fees of children of the specified staff members, (b) provision of (i) food, (ii) spa vouchers and (iii) counselling and (c) any other relevant category of in-kind compensation provided? NW1941E

REPLY:

I have been advised by the National Lotteries Commission (NLC) as follows:

1) Total compensation and beneficiary breakdown for whistleblowers and mistreated employees

Whistleblowing is not a remunerative or commercial activity and does not, in law or practice, give rise to an entitlement to compensation from a public institution absent a statutory provision or judicial determination. All participants engaged voluntarily in the Reparative Measures Process, which was expressly designed as a non-judicial, restorative, and ethical process, and not as a mechanism for the adjudication of damages or liability. Participants could opt out of the process at any time and follow other avenues.



- a) No remuneration was awarded. To do so would be inconsistent with the Public Finance Management Act, 1999 (PFMA) and National Treasury prescripts, particularly insofar as they prohibit:
- unauthorised expenditure;
 - the creation of contingent or unfunded liabilities; and
 - financial commitments not grounded in statute, contract, or court order.
- b) Non-financial awards (confidential settlement agreements) were offered to three (3) current and three (3) former NLC employees.

2) Breakdown of compensation provided to current and former NLC staff

The NLC is unable to provide a breakdown of the value of non-financial awards at this stage. Each settlement agreement differs based on the reports and recommendations. The NLC has not yet concluded the process. Once we have finalised this, the AGSA will audit, and the NLC will release those figures.

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