

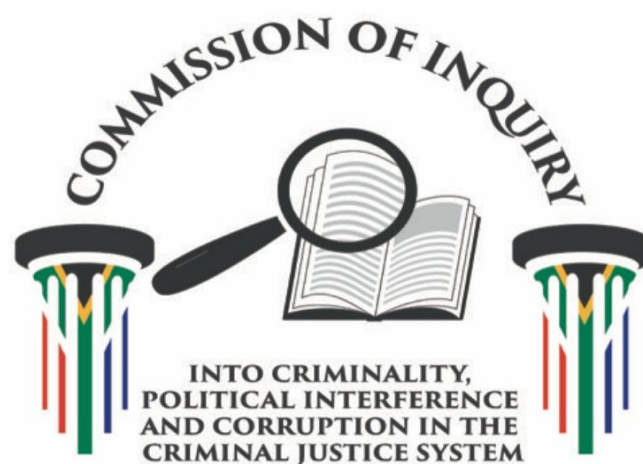
**JUDICIAL COMMISSION OF INQUIRY INTO CRIMINALITY,**  
**POLITICAL INTERFERENCE AND CORRUPTION IN THE**  
**CRIMINAL JUSTICE SYSTEM**

**HELD AT**

**BRIGITTE MABANDLA JUSTICE COLLEGE**

**7 APRIL 2026**

**DAY 85**



**PROCEEDINGS HELD ON 7 APRIL 2026**

**CHAIRPERSON:** Good morning, Mr Sikhakhane. Your mic is off.

**ADV SIKHAKHANE:** Morning, Chairperson and Commissioners.

**CHAIRPERSON:** Thank you. Welcome back, everybody, both those physically present before us and those watching remotely.

**ADV SIKHAKHANE:** Thank you, Chairperson. I will be  
10 assisted by Advocate Mosikili. Today we have Chief Yolande Faro, who is the Chief of Police for the Tshwane Metropolitan Police Department. She is going to give evidence in that stream. She has prepared a statement, but maybe she could take an oath. You can administer the oath for us, Chair.

**CHAIRPERSON:** Thank you. What do we call you? Do we call you Commissioner or do we call you Chief?

**COMMISSIONER FARO:** Good morning, Chairperson and Commissioners. You may call me Commissioner.

20 **CHAIRPERSON:** Commissioner.

**COMMISSIONER FARO:** Thank you, Chair.

**CHAIRPERSON:** Good morning, Commissioner. Do you swear that the evidence you are going to give is the truth, the whole truth, nothing but the truth? If so, please raise your right hand and say so help me God.

**COMMISSIONER FARO**: So help me God.

**CHAIRPERSON**: Thank you. Yes, Mr Sikhakhane.

**YOLANDE CATHERINE RENEE FARO**: (duly sworn states)

**EXAMINATION BY ADV SIKHAKHANE**: Thank you, Chair. Chair, apologies, you may have seven files before you and the witness has them, but I will try to keep it to a minimum.

**CHAIRPERSON**: Which ones should we have immediately?

**ADV SIKHAKHANE**: At this point, please take File 1, which has got the statement and annexures.

10 **CHAIRPERSON**: Yes.

**ADV SIKHAKHANE**: Could you also take that?

**CHAIRPERSON**: Thank you. You will take us to the rest when the time comes.

**ADV SIKHAKHANE**: Indeed, Chairperson.

**CHAIRPERSON**: Thank you.

**ADV SIKHAKHANE**: Ms Faro, I do apologise, I may say Commissioner and Chief, I will try to stick to one. Commissioner Faro, you have got the statement that is 23 pages in front of you, starting at page 1. Could you confirm  
20 whether that is your statement and you stand by it?

**COMMISSIONER FARO**: Yes, I do and I stand by it.

**ADV SIKHAKHANE**: Please go to the last page, page 23 of that statement. Is that your signature?

**COMMISSIONER FARO**: Yes, it is.

**ADV SIKHAKHANE**: All right. In terms of process, what I

would like us to do is for you to go through your statement, which you have prepared, take us through with the Commissioners and the public, and explain where you need to or elaborate where you need to. At this point, we will try and not interfere a lot, but at some point the Commissioners may well ask questions or I may have questions. And thereafter, we will then probe in line with our terms of reference and questions. Thank you. Please start.

**CHAIRPERSON:** Before you start, Commissioner, Mr  
10 Sikhakhane, please pull the mic closer to you if your devices will permit. Thank you.

**ADV SIKHAKHANE:** Is that fine? Thank you. Please proceed.

**COMMISSIONER FARO:** Thank you, Chairperson. Thank you, Commissioners. I will start with my table of content. A, I will do an introduction. Then I will do a background and appointment and my role as the TMPD. C, I will do procurement and best practices and asset protection to TMPD, also known as APSS. I will then also touch on D,  
20 TMPD 02/2016/2017, security services, request for additional funding, aftermath of stopping ad hoc services, and under E, I will touch on TMPD 01/2024/2025, land invasion, and then I will start with my concluding remarks:

“A, introduction

I, the undersigned, Yolande Catherine

Renee Faro, do hereby make oath and say that I am an adult female residing in Pretoria. My place of work is the Tshwane Metro Police Department Headquarters, and that is in Pretoria West, having assumed the role of the Commissioner of Tshwane Metro Police on the 1<sup>st</sup> of October 2023. Save where otherwise stated, or where it appears from the context to the contrary, the facts contained herein are within my personal knowledge and are to the best of my knowledge and belief both true and correct, and I do swear positively thereto. In respect of my time before my appointment, I rely mostly on documents which I have access to be virtue of my position and which are under my control. Over the course of my position, I have consulted officials under me to obtain more information and context in relation to certain matters, particularly set out below. Where I make reference to the regulatory framework, that is based on my interpretation and how such has been

applied. I do not understand that the statement requires me to make legal submissions, and accordingly refrain from doing so.

10 I depose to the statement to assist the Judicial Commission of Inquiry into Criminality, Political Interference and Corruption in the Criminal Justice System, arising from the specific allegation made public by Lt-Gen Mkhwanazi on 6 July 2025. I do not intend to be verbose in that statement, and will try to deal with specific areas of concern relevant to the terms of reference of the Commission.

20 Recently, I have observed certain things within the Tshwane Metro Police Department, also TMPD, which has led me to take certain corrective steps, and where necessary consequence management are in progress. However, over the past weeks, I have come to learn with great shock and dismay on what was apparently taking place in the TMPD, whether it was before my tenure,

or whether it was now in this time.

It is not, it would seem, issues of irregularities, but clear systems of syphoning of money and criminal activities...” ...[intervenes].

**CHAIRPERSON**: Sorry, Commissioner. I am just thinking you are saying syphoning of money, both before and during your tenure, a matter that you, or rather is a matter you became aware of now, now recently. What do you think a  
10 Commissioner needs to do to be aware of such a phenomenon as and when it arises?

**COMMISSIONER FARO**: Chairperson ...[intervenes].

**CHAIRPERSON**: Well, I am just thinking if there was no Madlanga Commission, when would you have become aware of this phenomenon?

**COMMISSIONER FARO**: Chairperson, I will indicate in terms of the stopping at the ad hoc, and I will explain when it will be – it will make sense and the picture will get clearer.

20 **CHAIRPERSON**: Okay.

**COMMISSIONER FARO**: In terms of the – I was appointed as the Commissioner of Tshwane Metropolitan Police Department, and the matter that we are referring to, it mostly is the APSS. So I will definitely, I will delve into that, and I will also recommendations and then also

corrective measures and also moving forward. I will definitely put it in my statement and I will go into detail in that regard.

**CHAIRPERSON**: All right, let us leave it for then.

**COMMISSIONER FARO**: Thank you, thank you Commissioner.

**ADV SIKHAKHANE**: Maybe just to follow up from what the Chairperson is saying, would I be correct to say that you, as the Chairperson may well be saying, is that you have been  
10 following the Commission and the testimonies of witnesses?

**COMMISSIONER FARO**: When I had time, I did follow the Commission. I have a little bit of insomnia, so yes I did, but not all the time. But obviously when it became alarming to me was 18 March at the end of the Commission and then 19 March, and then I will also then say what action I took immediately on 20 March. So yes, mostly was for me concerning.

Although it is concerning when it comes to any law enforcement department, because you do look into it and  
20 then see if those things are happening in your department. So you do not just look into, look at the Commission where other matters was highlighted and you think it is, as long as they do not mention my department, it is not in my department. You do need to go and go see what is happening in your department.

So in terms of that, yes, I did follow the Commission.

**ADV SIKHAKHANE:** Thank you. Please continue.

**COMMISSIONER FARO:**

“The structure of the statement is as follows:

8.1. First I deal with my appointment, that will be.

10 8.2. Second I deal at a high level with the procurement prescripts and my understanding.

8.3. Third I will deal with TMPD 02/2016/2017, which is the controversial tender for physical guarding of the City of Tshwane assets.

20 8.4. Fourth I deal with TMPD 01/2024/2025, which relates to the prevention of unlawful occupation and illegal occupiers of the City's assets. May note the name of that tender is land invasion.

8.5. Fifth and last, I would then like the Commission to allow me to make some concluding remarks.

9. I want to again just put it on record, I will assist the Commission as best as I

can, including elaborating beyond the statement as may be required, and also if I have the information with me, but also if I do not have it, I will also submit if I have to.”

So let me start with my background and appointment:

10 “I am currently, as I said, employed as the Chief of Police for the Tshwane Metropolitan Police Department from the 1<sup>st</sup> of October 2023. I started my law-enforcement career in Cape Town in 1998. I was employed by the City of Cape Town Traffic Services, and I was working my way up until I was a Deputy Commissioner. From Deputy Commissioner, I was acting as the Chief of Police from February 2016 until I left the employ of the City of Cape Town to start up, operationalise the Nelson  
20 Mandela Bay Metro Police Department. They were established, but they were not operationalised yet.”

So during that time, when I was in Nelson Mandela Bay, coming from Cape Town, going to Nelson Mandela Bay, it was quite a rude awakening. When I came to Nelson

Mandela Bay, in terms of the staff, in terms of resources, in terms of putting systems in place, et cetera. I was there until I had a five-year contract, and I was there until my contract obviously ran out. Then I applied by the City of Tshwane when I saw the position in the newspaper for the Chief of Police position at the Tshwane Metropolitan Police Department. I was successful, and I started there first, as I said, 1<sup>st</sup> of October 2023:

My qualifications include a National Diploma in Policing, and also a BTEC degree in Policing, both from UNISA. I have a Traffic Diploma, *cum laude*, that I obtained at Gene Louw Traffic College in Brackenfell in Cape Town, and then I also did my Municipal Police Qualifications at SAPS Phillipi College, also in Cape Town.

Currently, Commissioners, I am the only female Metropolitan Police Commissioner in the country and also the National Chairperson of the Metropolitan Police Commissioners Forum, which is convened on a quarterly basis around the country where Metropolitan Police Departments are established. And I was also appointed as the Gauteng Province Community Safety Champion of Integration.

I am in possession of my security clearance certificate, which is on the level of top secret. It was renewed on the 3<sup>rd</sup> of December 2025, and it will be valid

till the 31<sup>st</sup> of December 2030. I will now move over to my role at the TMPD. TMPD was established in April ...[intervenes].

**ADV SIKHAKHANE**: Sorry, Commissioner, just to check mathematically, would you say that is over 15 years or so experience in the Municipal Policing environment?

**COMMISSIONER FARO**: It is actually more.

**ADV SIKHAKHANE**: More? Okay, thank you.

**COMMISSIONER FARO**:

10                    “The TMPD was established in April 2002  
in terms of section 64(a) of the South  
African Police Service Act, number 68 of  
1995, as amended. Like other Metro  
Municipal Police Service, the TMPD's  
functions include traffic policing, bylaw  
enforcement, and crime prevention. I am  
appointed as Executive Head of the  
TMPD, as per section 64(c) of the Act,  
and in my role as such, I am the Chief of  
20                    Police for the TMPD. I exercise control  
over the entire TMPD, and I am  
accountable to the Chief Executive  
Officer or the City Manager, as per  
section 64(b) of the Act. I am an  
employee and official within the City of

Tshwane Municipality Directorate  
Community Safety. My rank and my  
designation is that of Commissioner.”

**ADV BALOYI SC:** Commissioner, before you proceed. In practical terms, what does it mean that you are accountable to the City Manager? In practical terms, what does that mean?

**COMMISSIONER FARO:** Thank you, Commissioner. That is in terms of the SAPS Act. The City Manager will be my  
10 administrative head. I ask the question because we have had a debate, if you like, in respect of Ekurhuleni where there were issues about the power to appoint and the delegation of powers being removed and moved around the instance of the City Manager, and it turned on what does it mean that the Chief of Police is accountable to the City Manager.

Does it mean the City Manager can, for example, step in and make appointments, where the Act says you are responsible for making appointments as Chief of Police, but  
20 the City Manager is an accounting officer, and therefore the bearer, ultimately, of authority as CEO of the institution. Can she step in and make appointments that the SAPS Act says you are responsible for? So when I say practically, what does it mean? I am trying to resolve that question.

**COMMISSIONER FARO:** Thank you, Commissioner.

Although I am the only one that is accountable to the City Manager, the City Manager cannot step in and start appointing my subordinates. If you look at the Act, if I am coming to that, is that by my functions is the next step under 64(c)(2)(a) to (h) is my functions under the Act.

And it clearly says that I am responsible for recruitment, appointment, promotion, and the transfer of members of the Municipal Police Services straight out of the Act, Commissioner. So the City Manager is just responsible  
10 for my appointment, and then my appointment must be endorsed by the City Council. So you take it to Council, and then they will endorse my appointment.

So no, he cannot. The Act is very, very clear. I am responsible for recruitment, appointment, promotion, and the transfer of members of the TMPD.

**ADV BALOYI SC:** Thank you.

**COMMISSIONER FARO:** Thank you, Commissioner:

“My role and functions are set out in  
Section 64(c)(2)(a) to (h).”

20 And I am just going to briefly, I am not going to put everything down, which I think is important for the Commission:

“I must maintain an impartial,  
accountable, transparent, and efficient  
Municipal Police Service.”

Number two, I already, but I will reiterate:

“I am responsible for the recruitment, appointment, promotion, and the transfer of members of the Municipal Police Service.

3. I am responsible for managing discipline of the Municipal Police Service.”

And then number four is just in terms of the annual policing  
10 plan, that I must make sure that that plan will set out the priorities and objectives of the TMPD for the following financial year, provided that that plan, insofar as it relates to prevention of crime, shall be developed in cooperation with SAPS.

So that plan we do every year each and every Commission on their own, but you must do it hand-in-hand with the Provincial Commissioner wherever you are deployed. And the Provincial Commissioner will sign off your annual police plan. Then in terms of 16.5:

20 “Perform such duties as may from time to time be imposed by the Chief Executive Officer, City Manager of the municipality.”

So that means that the City Manager can request or impose certain duties. And I am the only one, as you can see Commissioner, 16.5 is not saying and the Metro Police

officers. It is only myself when it comes to the City Manager. Then in terms of 17:

“Over and above the aforesaid, my responsibilities are set out in my employment contract and relevant instrument, which the applicable regulations and performance standards and plans.”

Meaning that I sign a performance agreement and there is  
10 certain performance targets that I must meet. I must also, that is also hand-in-hand with the IDP of your municipality, the SDP, and you must make sure that you perform accordingly. Then in terms of 17:

“Over and above the aforesaid, my responsibilities are set out...”

I think I have just, I have mentioned that one.

**ADV SIKHAKHANE**: Sorry, Commissioner, maybe before you go further, I just wanted to highlight, would part of those instruments include the MFMA, the Municipal Finance  
20 Management Act?

**COMMISSIONER FARO**: Yes, yes, it was also the Municipal Finance Management Act.

**ADV SIKHAKHANE**: Okay.

**COMMISSIONER FARO**: Operational budget as well as capital budget.

**ADV SIKHAKHANE:** Thank you.

**COMMISSIONER FARO:** Then in terms of 18:

“Consequently, I have ultimate responsibility for all the operations of the TMPD as prescribed by the Act in executing of my duties. I am assisted by four appointed Deputy Commissioners and I have got one vacant Acting Deputy Commissioner post.”

10 If the Commissioners will just allow me, I just want to elaborate a little bit when it comes to that in terms of the responsibilities of the Deputy Commissioners that was appointed.

I have got a Deputy Commissioner Nomsa Nhlapho. She is responsible for regional policing. Now regional policing in the City of Tshwane, I have got seven regions in the City of Tshwane, of which region one is my Soshanguve, my Rietgat, Loate, Mabopane, Rosslyn, Winterveld and Ga-Rankuwa. That is region one.

20 Region two in terms of the City of Tshwane is my Hammanskraal, Wonderboom, Sinoville, Temba, et cetera. Reason 3 is where we are, CBD, Sunnyside, Hatfield, Arcadia, Atteridgeville. And region four, Centurion, Olieven, that is my region four and all the others that goes with it.

Region five and seven is together because if you

look at Cullinan is region five and then we just put it together with Bronkhorstspuit. And then number six, this is Mamelodi and Eersterust.

Those are the regions that Deputy Commissioner Nomsa Nhlapho is responsible for. She has got 36 regional offices, came like the police stations we have in the City of Tshwane. She must make sure that she has got the deployment where the community are. So that we make sure that you are in the region and not deployed maybe  
10 from the headquarters in Pretoria West. In terms of region three, Pretoria West is also part of region three.

Then in terms of Deputy Commissioner Sean Bolhuis, he will also come before this Committee because he was the caretaker from 1<sup>st</sup> of July 2024 until 28<sup>th</sup> of February 2025 of the APSS. So Deputy Commissioner Sean Bolhuis is responsible for training innovation and he is also standing in as being my staff officer.

Training and innovation is not only for when we have basic intake. It is also to make sure the skills of the  
20 Metro Police are sharpened and we make sure that they are aware of if there is any regulation that changed or any Act and then refresh the training. Firearm shooting training, all of that to make sure that the officer can do his or her work outside.

In terms of the Deputy Commissioner Umashi

Dlamini, his responsibilities is administration and support of which finance, fleet, HR related matters as well as internal affairs. Then there is Deputy Commissioner Revo Spies. I am sure everybody knows Revo Spies by now ...[intervenes].

**CHAIRPERSON**: Sorry. 18.3, Deputy Commissioner Umashi Dlamini, does procurement fall under any of what you have itemised?

**COMMISSIONER FARO**: Just say again, Commissioner.

10 **CHAIRPERSON**: Does procurement fall under any of the matters that you have itemised?

**COMMISSIONER FARO**: In terms of Deputy Commissioner Umashi Dlamini?

**CHAIRPERSON**: Yes.

**COMMISSIONER FARO**: Yes. Deputy Commissioner Umashi Dlamini is responsible for all administration and support, even if it comes to ARTO, if it comes to uniform, if it comes to supply chain management. So anything other than the operational field and APSS, he is responsible for.

20 **CHAIRPERSON**: Ja, you are probably aware why I am asking that question. I am asking that question because evidence of the exchange of emails between Deputy Commissioner Dlamini and the CFO, Mr Mnisi, has been led before this Commission and that evidence related to procurement. So that is why I am asking the question that I

have just asked.

**COMMISSIONER FARO**: Yes, he is also responsible for procurement is also falling under him.

**CHAIRPERSON**: Thank you.

**COMMISSIONER FARO**: But I am sure, Commissioner, when we come to that, we will zoom in and then I can actually put it in context.

**CHAIRPERSON**: All right.

**COMMISSIONER FARO**: In terms of the way he was  
10 responsible and then if that also is part of his duties.

**CHAIRPERSON**: Thank you.

**COMMISSIONER FARO**: I will assist the Commission in that regard.

**CHAIRPERSON**: Thank you.

**COMMISSIONER FARO**: In terms of Deputy Commissioner Revo Spies, he is responsible for the asset protection and security services, the department within the Tshwane Metro Police department. So if I say he is responsible for asset protection and security services, I refer to the assets of the  
20 municipality, whether it is the reservoirs, whether it is the substations, whether it is the libraries, whether it is any building of the municipality.

He must make sure that there is no vandalism, no theft, no break-ins and he must work hand-in-hand with the COO, which is the custodian of those assets. He is also

responsible for the personnel to make sure they are safe where they are. That is his function.

In terms of 8.5, Deputy Commissioner position for specialised policing is currently vacant. However, I have got an Acting Deputy Commissioner there, Simon Motshwane. Now, the Specialised Services is all the units within the Tshwane Metro Police Department, whether it is the freeway, whether it is the social crime prevention, whether it is cable theft, whether it is the ones that is  
10 dealing with the drug-related matters, all those units is under the Deputy Commissioner of Specialised Services.

**CHAIRPERSON:** And there are overlaps between that and the 18.1, the Deputy Commissioner responsible for regional policing?

**COMMISSIONER FARO:** The deputy responsible for regional policing is performing the three functions. She must make sure that her region, she is doing the traffic enforcement, the bylaw enforcement and the crime prevention.

20           However, when something is complex, we send the units in. Because if you are only going to be work shifts so if I am going to deal with a complaint and I am on rest day and I am on night shift, then that complaint never gets dealt with.

          But if I give, for example, a bylaw complaint where

you need to issue a fine, you need to follow up after seven days, you need to make sure you then, because otherwise, if you do not have that unit, sometimes the staff is not – I am on rest day, I do not hand over, the next one is giving a fine again and that complaint gets never, ever solved. They specialise in whatever complaints that we are dealing with and they also make sure that whatever the complaint is, it is a long-term complaint, it runs its conclusion.

**CHAIRPERSON:** Thank you.

10 **COMMISSIONER FARO:** So you are correct, they do overlap. I do encourage, if there is a certain plan, that if you have a drug problem in your region, you must make sure that you sit with your counterpart, whether it is the dog unit, whether it is the unit that also assists with the drug-related, if it is at schools that you want maybe talks, you get social crime prevention, that is a unit. So all that, we encourage to do that because they will not be able to do all of those on their own. Thank you, Commissioner.

**ADV SIKHAKHANE:** Sorry, Commissioner. Thank you.

20 Just to interrupt you before you go to paragraph 19, can I just ask you a few questions around your Deputy Commissioners?

**COMMISSIONER FARO:** Yes, you may.

**ADV SIKHAKHANE:** If all of them, that is Nomsa, Saun Bolhuis, Umashi and Revo Spies and the acting, how long

have they been with the TMPD individually?

**COMMISSIONER FARO**: I appointed two, three deputies in my, since 1<sup>st</sup> of October 2023 to date.

**ADV SIKHAKHANE**: Sorry, beg your pardon?

**COMMISSIONER FARO**: I appointed three of the deputies. I appointed Deputy Commissioner Nomsa Nhlapo on 1 June 2024, together with Deputy Commissioner Sean Bolhuis, they were appointed the same date. In terms of Deputy Commissioner Revo Spies, I appointed him 1<sup>st</sup> of March  
10 2025.

Then in terms of Deputy Commissioner Umashi Dlamini, when I came he was already at the TMPD Metro Police Department. And then in terms of the Acting Deputy Commissioner Simon Motshwane, I have appointed him to act in that position until I am going to fill that position.

**ADV SIKHAKHANE**: And how long was Umashi Dlamini, how long has he been?

**COMMISSIONER FARO**: I think very, very long, since the inception of the TMPD.

20 **ADV SIKHAKHANE**: Okay.

**COMMISSIONER FARO**: He has been a Deputy Commissioner in a very, very long time. He has been Staff Officer with the then Chief, the late Chief Ngubeni. And then he was with Deputy, he was with Commissioner Johanna Nkomo. And so he is really for a very, very, very

long time in the Tshwane Metro Police Department. He is the longest serving Deputy Commissioner.

**ADV SIKHAKHANE**: Longest serving, okay. And then in terms of Mr Spies or Commissioner Spies, we understand that he had retired. Can you just explain how he got back to your unit?

**COMMISSIONER FARO**: He applied, the post was advertised.

**ADV SIKHAKHANE**: Okay.

10 **COMMISSIONER FARO**: And he was the most competent person in the interview. He was exemplary in the interview.

**ADV SIKHAKHANE**: Okay.

**COMMISSIONER FARO**: So he was the best candidate.

**ADV SIKHAKHANE**: Was the best candidate.

**COMMISSIONER FARO**: Definitely the best candidate. That is why he was appointed.

**ADV SIKHAKHANE**: Thank you.

**ADV KHUMALO SC**: Just before you leave the issue of the Deputies, good morning Commissioner Faro.

20 **COMMISSIONER FARO**: Good morning Commissioner Khumalo.

**ADV KHUMALO SC**: In what I have renumbered 13.1, you say you are in possession of security clearance and you say it is a top level clearance. It is on page 5 of your statement. So I wanted to ask you, do your deputies also

have in their possession the security clearance?

**COMMISSIONER FARO:** Commissioner, I am going to be very honest with you. Not all of the deputies have got the clearance, the SSA clearance.

**ADV KHUMALO SC:** Why is that? Is it a requirement or is it not a requirement?

**COMMISSIONER FARO:** As I said, it is a teething process to get your clearance. That is why I am doing my clearance through SSA. It is a very long process also to do  
10 it. However, the commissioners of the Metro Police, the deputies of the Metro Police, the brigadiers of the Metro Police, they should all have this clearance.

I know some of the deputies do not have. It was brought under my attention some were supposed to go. One was supposed to go and did not go. I know of that. In terms of the others, I know that they do have. And then maybe this must be renewed.

**ADV KHUMALO SC:** But if they are your subordinates, is it  
20 not your responsibility to ensure that they have security clearance? Because in the earlier paragraphs, I think it is paragraph 7, you raise an issue about criminality and you say it shocked and dismayed you because the issues that have come out of this Commission, according to you, amount to syphoning of money and criminal activities. And one of the people against whom these accusations are

levelled is a deputy within the TMPD. So why has he not been subjected to a form of vetting or security clearance?

**COMMISSIONER FARO**: Commissioner, that is one of the things that we will have to sharpen up. I think we must be honest when we come to this Commission. Maybe we have taken it for granted. This is one of the things that must be compulsory. When I applied by the City of Tshwane, it was compulsory.

10 It was in the advertisement or one of the requirements that said that you must be security cleared. So I think it is important that this is one of the things that we will have to sharpen on and then we should be from the start and ...[intervenes].

**ADV KHUMALO SC**: Commissioner, can you please flag that it really should not wait for recommendations from this Commission? You are responsible for appointment of deputies, so you should look into that. You do not have to wait for a report from this Commission. And then on the issue of the members of the TMPD, I am not talking about  
20 the deputies now. I am talking about the entire force. Can you just give us a number, more or less, of how many are there, TMPD?

**COMMISSIONER FARO**: How many do I? I will give you also – I went to go – I knew you were going to ask that question. So I went to go make sure that I have the totals.

I have got 3 626 Tshwane Metro Police Department officers. But I made sure because, remember, Commissioner, some retire, some are not with us anymore, some resigned. So I wanted the current total. So the current total is 3 626. And then I have got administrative staff. That is 245. And then I have got APSS as 1 271.

**ADV KHUMALO SC:** And can you tell us if they have been subjected to vetting or if it is a requirement within TMPD that your 3 626 officers should be vetted?

10 **COMMISSIONER FARO:** Yes, Commissioner, we do that on an annual basis because we make sure that we do that because you cannot get your firearm licence renewed. We do not want to give somebody a firearm that has got a section 102 or section 103 against them. So we make sure that the fingerprints are taken. I have got a division that only does that.

And we make sure that we test you and make sure that you are vetted. So yes, Commissioner, that is being done. I can promise you that. And we have picked up quite  
20 a lot of things. If you obtain or are arrested when you maybe are on leave, you will not pick it up. If it is that it is maybe in uniform, it is easier. So that is a mechanism for us as well in Tshwane that we picked it up. So I can guarantee you that, yes, we are very strict when it comes to that.

**ADV KHUMALO SC:** I think you will agree with me that we do not want criminals within the force.

**COMMISSIONER FARO:** Commissioner, one thing that I hate is a criminal in uniform.

**ADV KHUMALO SC:** And then the last one, sorry, I have to go back to the issue of security clearance, and I do not want you to reveal state secrets here. Maybe let us just keep it to what the terms of reference of this Commission are and maybe the allegations against Deputy  
10 Commissioner Dlamini.

What does it entail if somebody has to undergo this process and they get a security clearance? What is it that SSA is looking for? And please do not disclose their security and do not disclose how they go about the process. I am just looking at what are they looking for to ensure that the wrong people do not get appointed to the senior positions.

**COMMISSIONER FARO:** Commissioner, I will just – it is very ...[indistinct] because I just received my top secret.  
20 Meaning, I must make sure that I keep that top secret and I am not arrested. So, Commissioner, obviously they look at your financials. They also look at your associates. They look at quite a few things. I think it is a very, very good, you go with this top secret, you go for polygraph as well. You are subjected to a polygraph. They interview also

people that you previously worked with, obviously family members, et cetera. But it is quite an extensive process and it is a very good process.

Within SSA, they also do the lifestyle audit, I will say. So, I will say it is a very, very good assessment that they do and it is something that should be written in your advert. So, before you even, if you look at the advert and we know from the start you have got integrity. If you do not want the job and you must go for your clearance, you must  
10 not even apply. Stay whatever you want to do.

So, I think it is important that we must bring it in. Like you have said, Commissioner, we need to put it from certain levels. We need to put it in the advertisement and make sure you are either going to object yourself to one because we do know it is a process that we say that we will start the process with you, or that you will come with – with my one, they wanted me to come with my security clearance already.

**ADV KHUMALO SC:** Thank you.

20 **ADV SIKHAKHANE:** Thank you, Commissioner. Please proceed. Apologies, perhaps before you go there, the 18.5, that is the vacant position. How long has it been vacant?

**COMMISSIONER FARO:** This position has been vacant for a while. We did start the process. I think we have started the process already, I am speaking under correction, twice

or thrice. However, I am not just going to appoint somebody because I must fill the position. I want to make sure the person is fit for purpose.

So, if I am going to appoint a Deputy Commissioner for Specialised Services, it will be a person that will be able to perform the function. So, I will rather, if the candidates are not fit, I will rather then make sure that we re-advertise. So, that is the only reason why the position has not been filled yet.

10 **ADV SIKHAKHANE**: Just to be clear, how long is a while?

**COMMISSIONER FARO**: When I came, it was already vacant.

**ADV SIKHAKHANE**: Okay, thank you.

**COMMISSIONER FARO**: Can I continue?

**ADV SIKHAKHANE**: Please.

**COMMISSIONER FARO**:

20 “The TMPD is a Municipal Police Service of the City of Tshwane, and we receive a budget allocation from the City to run its operations and to fulfil its mandate. As such, the officials of the TMPD work closely with City officials from other departments, both administratively and operationally. The TMPD does not procure services on its own. Instead, it

is the City supply chain management finance department that does the procurement and management of contracts, authorising services and payments of such services.”

However, we do play a role that we have to make sure that in the department of Deputy Commissioner Dlamini, that he needs to process the invoices and create certain documents in order to go to the CFO accounts payable, and then he  
10 must also make sure there is checks and balances before it goes to the department of the CFO, who is responsible for the payment if they are happy with whatever documents is submitted to them or on the system.

**CHAIRPERSON:** Payments are at a later stage of the process, that is after appointments have been made. In this sentence, you say that the TMPD provides input into the procurement process from inception. What role exactly does it play at those earlier stages, that is before an appointment has been made?

20 **COMMISSIONER FARO:** Are you referring to the tenders, Commissioner?

**CHAIRPERSON:** Let us look at, maybe you will clarify what you mean. Let us look at your last sentence of paragraph 20.

**COMMISSIONER FARO:** Yes, that is what I mean.

**CHAIRPERSON:**

“However, the TMPD as the end user will provide input into the procurement process.”

I understand that you referred to stages before the actual appointment. Because when you substantiate it, you referred to a role that is played by Deputy Commissioner Dlamini's section, that role relating to payments.

**COMMISSIONER FARO:** Yes.

10 **CHAIRPERSON:** So my point is, payments are at a very late stage, which is the procurement process has actually been finalised, a contract is in place, and then there are payments to the successful bidder once services have been provided. So what I am saying is, you refer to procurement process, which I understand to refer to a stage before an appointment.

**COMMISSIONER FARO:** Commissioner, there is also – Chairperson, there is a stage before as a technical. If you want to procure any equipment, you as the technical expert  
20 will have to assist, especially when it comes to the beginning stage BSC, or bid specifications, BSC. You need to assist them with what exactly is the product that you as the law enforcer wants, because the person, the civilian person will not know.

So you will obviously, we will start with what is the

end, what do you want the product to do, and then from then you obviously work your way back. So there we assist with technical expertise. However, when it comes to the supply chain management, it is completely with a CFO. And it is also, he is also the Chairperson of the BAC, and then et cetera.

But we must give that technical, and even if we give the technical advice, there is always somebody from supply chain management that also guide them in terms of  
10 the supply chain management policy.

**CHAIRPERSON:** Just to make sure I understand, what you have referred to specifically is the bid specification.

**COMMISSIONER FARO:** Specification.

**CHAIRPERSON:** Because TMPD will actually be the client in this instance.

**COMMISSIONER FARO:** Yes.

**CHAIRPERSON:** And therefore they should be involved in the bid specification, what exactly is required. You have specified that. Is there anything else that you would  
20 mention in which TMPD participates before the actual appointment, before the conclusion of a contract?

**COMMISSIONER FARO:** It should only be, as I said, there is a technical advice to assist with that. But it should not be to be part of the supply chain management when it is their role. That is their role. So we should not be involved

in that part.

**CHAIRPERSON**: Not in the bid evaluation, not in the bid adjudication. Not at those stages of the process?

**COMMISSIONER FARO**: It must be the Department of the CFO that must be involved in all of that. Because there is, if people are also like if this is the – they take it to the CFO, will identify where it must go, and then they will do it in terms of if you are meeting the requirements of the, obviously of the advertisement or what, of the product. And  
10 there are things that is non-negotiable, you must meet it. And then, so they will do that type of, make sure that whoever is there is compliant in terms of what they are looking for.

**CHAIRPERSON**: Thank you, thank you.

**ADV BALOYI SC**: Commissioner, you are discussing the tender process, as I understand it. Can I just ask a slightly different question? We have had evidence about the procurement of ad hoc security services. Now, as I understood the evidence, the companies that are required  
20 or that are requested to provide that service are already on a panel, right?

**COMMISSIONER FARO**: Correct.

**ADV BALOYI SC**: So you have done that tender process, and now you have a panel and you must select ad hoc services from that panel. What is the role or the

involvement of Deputy Commissioner Dlamini in that process of selecting who the companies that are invited to now provide ad hoc services at any site?

**COMMISSIONER FARO**: Commissioner, that should be what APSS. That should be strictly what the Asset Protection Security Service Department, because that is why you have got people appointed there that will fulfil that role.

**ADV BALOYI SC**: So that will fall under Deputy  
10 Commissioner Spies?

**COMMISSIONER FARO**: Yes, 100%, Commissioner.

**ADV BALOYI SC**: Okay. Maybe then explain a little bit more, what do you mean when you say that Deputy Commissioner Dlamini is involved with procurement? You have clarified the payment processes, invoices. But apart from that, what does it mean that he is responsible for procurement?

**COMMISSIONER FARO**: His role is administration and support. Meaning if you are an operational person, you will  
20 not know the SCM processes or procurement processes or how to get to the procurement. So he is there to support, assist them to – if I am Specialised Services and I require maybe dog food, for example, he must assist me and I am the person that know what the dogs need.

If they need nutrition, if they need a vet, when must

they get the injections, et cetera. So I will have that. He will make sure that I do it the correct way, because as operational person, you will not know how to follow that. So they will – he will have to assist, but they can also do it on their own, but they can go to him to ask for assistance as well.

**ADV BALOYI SC:** Sticking with that example, that kind of procurement, it does not go to the City. It is something that gets sorted out at TMPD level. Is that what your  
10 explanation means?

**COMMISSIONER FARO:** No, all procurement goes to the City. We do not ourselves procure. No, no, Commissioner. All procurement processes are finalised by the CFO.

**ADV BALOYI SC:** Okay.

**COMMISSIONER FARO:** It goes to the CFO. It goes to the BAC.

**ADV BALOYI SC:** Okay.

**COMMISSIONER FARO:** All procurement. There is nothing that TMPD on their own will have their own little BACs and  
20 that.

**ADV BALOYI SC:** Yes.

**COMMISSIONER FARO:** We will just be the, as I said, we will assist in attending because we are the expert and we will also assist in getting the specifications right. However, everything is with the CFO. We do not have a department.

He does not have his own department. He is also not a CFO.

**ADV BALOYI SC:** Okay, just to make sure I understand. So the administrative person or operational person that you say must obtain or get dog food, that is a person sitting at the City, not TMPD?

**COMMISSIONER FARO:** Not TMPD.

**ADV BALOYI SC:** Okay, thank you. That clarifies it. Thank you.

10 **COMMISSIONER FARO:** At the City.

**ADV KHUMALO SC:** I think we sort of got lost, Commissioner Faro, because when Commissioner Baloyi asked you a question, she had moved on from a normal tender process and was asking about ad hoc security services. And the question was, in that process, does TMPD play a part?

And I had understood the evidence we heard before the Easter break to be that the person who issues purchase orders is actually somebody from the TMPD. So I am a  
20 little confused now when you say it is the City, it is not TMPD, because then how does Mr Mnisi, and we will come to him later on, how does he get involved in all these things that we have come to know about?

**COMMISSIONER FARO:** Commissioner, yes, I think there is a little bit of confusion. If it is, remember that tender or

that month-to-month is already in place.

**ADV KHUMALO SC:** Yes.

**COMMISSIONER FARO:** So yes, there will be a creation by our side. However ...[intervenes].

**ADV KHUMALO SC:** And when you say your side, TMPD?

**COMMISSIONER FARO:** It will be TMPD, it will be by administrative, it will be under administrative and support.

**ADV KHUMALO SC:** Yes.

**COMMISSIONER FARO:** They will create that.

10 **ADV KHUMALO SC:** Yes.

**COMMISSIONER FARO:** But in order for them, and then the invoice must come, the person responsible by APSS must make sure the invoice that he must make sure it gets stamped. And yes, we did deploy 10 security guards ad hoc at the Madlanga Commission. And then it must be verified, because we also have people that go check. We must make sure that you check and it is verified. So once that invoice, then you are supposed to only process that invoice.

20 **ADV KHUMALO SC:** So to that extent, TMPD does play a part in procurement?

**COMMISSIONER FARO:** Yes, if it comes to that part. But when it comes to payment, it goes to the CFO to pay after also he is satisfied that the documents, that we have done our checks and balances.

**ADV KHUMALO SC:** And, Commissioner, why are you

trying to implicate the Madlanga Commission now? You are putting us on trial, and that was not the purpose of the question.

**COMMISSIONER FARO:** I have got a punchline when I am done.

**ADV KHUMALO SC:** Are you forcing Chair to come and give evidence now?

**COMMISSIONER FARO:** I have got a punchline, Commissioner, when I am done.

10 **ADV KHUMALO SC:** Thank you.

**ADV SIKHAKHANE:** Can I just interfere or continue so that we follow this? Are you saying that in the entire procurement process, other than at specification stage, the TMPD does not play a role? For example, no one from TMPD would sit in the BEC committee, in the Bid Evaluation Committee?

**COMMISSIONER FARO:** Bid Evaluation Committee is the – the Chairperson there is the CFO if it comes to the City of Tshwane. He is the Chairperson of the Bid Evaluation  
20 Committee.

**ADV SIKHAKHANE:** I am just following up from the question from the Chair. Would there be someone from the TMPD?

**COMMISSIONER FARO:** TMPD play a role with, like we said, with the bid specifications. Like today, Deputy

Commissioner Spies in the BEC, he will be there. But with the Bid Evaluation Committee, the Chairperson there is the CFO. So, yes, we do play a role. However, the Chairperson is there, the CFO is the Chairperson there.

**ADV SIKHAKHANE**: Okay, thank you.

**ADV BALOYI SC**: And the Bid Evaluation Committee is Chaired by the CFO. You mean the Bid Adjudication Committee?

**COMMISSIONER FARO**: The BAC, the BAC.

10 **ADV BALOYI SC**: BAC?

**COMMISSIONER FARO**: BAC.

**ADV BALOYI SC**: Yes, thank you.

**COMMISSIONER FARO**: BAC, he is the Chairperson.

**ADV SIKHAKHANE**: And who is the ...[intervenes].

**CHAIRPERSON**: Just to make – please go ahead.

**ADV SIKHAKHANE**: No, that is fine. I was just following up.

**CHAIRPERSON**: All right, all right. Just to make sure I understand, I understood perfectly when you said that the  
20 TMPD plays a role in the bid specification process. That I understood. Because it is the client, as it were, and it is TMPD that knows what they want.

**COMMISSIONER FARO**: Ja.

**CHAIRPERSON**: Now you said Deputy Commissioner Spies is at the BEC. B-E? Bid Evaluation Committee, not

adjudication.

**COMMISSIONER FARO**: No.

**CHAIRPERSON**: So B-E-C.

**COMMISSIONER FARO**: Yes.

**CHAIRPERSON**: What role exactly does he play there? Is he a member of the BEC? Or does he have observer status?

**COMMISSIONER FARO**: Obviously, he will have to make sure also when he is there as the product expert. Let me  
10 put it that way.

**CHAIRPERSON**: Is he a member? Is he a member?

**COMMISSIONER FARO**: Yes, he will then be a member. And he will be then appointed by the City Manager ...[indistinct].

**CHAIRPERSON**: Okay. That is exactly what I was trying to establish earlier when I asked you what role exactly the TMPD plays, and what you emphasised was the role that it plays in the bid specification process. So I now hear something additional, which is participation even in the  
20 BEC.

**COMMISSIONER FARO**: Yes.

**CHAIRPERSON**: Is there anything else that you may have left out? Just in the procurement process.

**COMMISSIONER FARO**: If you appoint, although you have an administration and support, but if you have a product

expert, that person will be the project manager from TMPD. I just wanted to add that, and it will come into context later. So if ...[intervenes].

**CHAIRPERSON**: Please repeat that, I am not sure.

**COMMISSIONER FARO**: If you say Deputy Commissioner Spies is now by the BEC, so it will not be that the Deputy Commissioner of Admin and Support is running that role. It will be Deputy Commissioner Spies because it is in relation to his product, or his area of, or his scope.

10 **CHAIRPERSON**: Yes.

**COMMISSIONER FARO**: So that is why he is there, I just wanted to make that clear. That is why he is there.

**CHAIRPERSON**: So if it relates to some other section, it will be another deputy, a relevant deputy.

**COMMISSIONER FARO**: You are correct, Chair.

**CHAIRPERSON**: Thank you. Thank you.

**COMMISSIONER FARO**: Relevant to the product.

**CHAIRPERSON**: Thank you, Commissioner.

20 **ADV SIKHAKHANE**: Can I just, I do apologise that we said we will try and not interrupt you, but I just want to clarify a few things, Chair, and I would not want to set you with picking up files, but I will just put it on the record. That is File 2 and page 1. Please just assist. Now this is at specification level for the initial tender, the security tender. Let us just, page 1 of File 2. Are you there, Commissioner?

**COMMISSIONER FARO**: I am there.

**ADV SIKHAKHANE**: Thank you. So you will see that that relates to the security tender TMPD 02/2015/2016.

**CHAIRPERSON**: The number before the year is 2015/2016 ...[intervenes].

**ADV SIKHAKHANE**: 2015/2016 ...[intervenes].

**CHAIRPERSON**: Is smudged on my copy, I assume.

**ADV SIKHAKHANE**: Apologies, Chair, I am just making one point.

10 **CHAIRPERSON**: Yes.

**ADV SIKHAKHANE**: It is not relevant as such, but ...[intervenes].

**CHAIRPERSON**: But from the content, do you agree with Mr Sikhakhane that that is the tender?

**COMMISSIONER FARO**: I just want to, Commissioner, as you can see there if you go to contact person, for example, and the way you – the person there, as I explained now, that was the product expert.

20 **CHAIRPERSON**: Before you go there, do you want to please confirm what Mr Sikhakhane wanted you to confirm, which is the tender number, whether it is what, 02, Mr Sikhakhane?

**ADV SIKHAKHANE**: Apologies, it looks like 02.

**COMMISSIONER FARO**: This is 02.

**CHAIRPERSON**: Yes. Okay.

**ADV SIKHAKHANE:** Yes.

**CHAIRPERSON:** All right.

**ADV SIKHAKHANE:** Essentially, my point is that, obviously, this relates to gardening services. But what we see there is a certain, as a contact person, as you started, is Director Malatji. Who is Director Malatji?

**COMMISSIONER FARO:** Director Malatji is the Director for Protection Services by APSS.

**ADV SIKHAKHANE:** And ordinarily, does he report to you?

10 **COMMISSIONER FARO:** He reports to Deputy Commissioner Spies.

**ADV SIKHAKHANE:** Okay. And then, so this is at this point of specification. If we go further, at page 202, I do apologise.

**CHAIRPERSON:** Where do we see here, Mr Sikhakhane, that this is about the specification? Just refer us to the relevant part.

20 **ADV SIKHAKHANE:** Apologies, Chair. I think it is literally from the point where it is starting from a compulsory briefing session for the tender. But it is not that there is a word that says specification.

**CHAIRPERSON:** All right. All right, please continue.

**ADV SIKHAKHANE:** Thank you. But I will refer you to it, Chair.

**CHAIRPERSON:** Okay.

**ADV SIKHAKHANE:** But at 202, this is where this tender is being at valuation level and it states in the middle of the page, there is Bid Evaluation Committee members. You see that?

**COMMISSIONER FARO:** Yes, I see it.

**ADV SIKHAKHANE:** And you see that Mr Tshukudu Malatji is part of the BEC?

**COMMISSIONER FARO:** Yes, I see.

**ADV SIKHAKHANE:** Okay, thank you. The point I was just  
10 making is the involvement of the TMPD in the entire process. Thank you, Chair.

**ADV BALOYI SC:** Perhaps, Commissioner, Mr Sikhakhane, the answer to the Chairperson's question, you find it in File 1 at page 57. That is part of the document. It is called the Supply Chain Management Policy. If you go to page 57, and then paragraph 2 right at the bottom tells you who constitutes the BEC, and paragraph B thereof. Do you see where I am reading, Commissioner? That File 1 that had your statement.

20 **COMMISSIONER FARO:** No, that is File 2.

**ADV BALOYI SC:** The one that has your statement?

**COMMISSIONER FARO:** On my statement?

**ADV BALOYI SC:** Yes, the file that has your statement.

**COMMISSIONER FARO:** Thank you, Commissioner.

**ADV BALOYI SC:** At page 57.

**COMMISSIONER FARO**: Yes.

**ADV BALOYI SC**: So this is the Supply Chain Management Policy that we are looking at. And at 57, 2(b) it tells you who, in fact, 2 tells you who makes up the BEC. And B says:

“It will be composed of officials from the departments requiring the goods and services.”

I think that is the answer to the Chairperson's question, who  
10 is in the BEC and what is their role. You see that?

**COMMISSIONER FARO**: Yes, I see that, Commissioner.

**ADV BALOYI SC**: Thank you.

**ADV SIKHAKHANE**: I see that, Commissioner.

**ADV BALOYI SC**: Thank you, Mr Sikhakhane.

**ADV SIKHAKHANE**: Thank you, Commissioner.

**COMMISSIONER FARO**: Thank you, Commissioner.

**ADV KHUMALO SC**: Is there anything that stops Mr Mnisi from appointing an official from TMPD into the BAC? Is that precluded? Because he is the one who constitutes these  
20 committees, is there anything that stops him from appointing the same Mr Malatji to be a member of the BAC?

**COMMISSIONER FARO**: Commissioner, if I can see what you are referring to, then I can maybe. I know that evidence leader has now pointed out, in terms of the BEC as well as the B, is conditions that Commissioner Baloyi has

now made clear. If there is any way that you, if we come there, if you can just point that out for me so that I can just look at that evidence.

**ADV KHUMALO SC:** [Indistinct].

**COMMISSIONER FARO:** 57.

**ADV KHUMALO SC:** [Indistinct]... Sorry. On page 57 of Annexure YF1, Commissioner Baloyi referred you to the Bid Evaluation Committee and its composition. And the main paragraph 2 says:

10                    “All the standing BECs established by the  
   accounting officer must...”

And then B says:

                                 “Composed of officials from the  
   departments requiring goods and  
   services.”

So those are the end users. And then if you go to page 59, I am not sure if this is the rest of the policy. There seem to be the concluding pages missing, but it deals with the composition of the Bid Adjudication Committee and you see  
20 that in 24.3.

                                 And I had understood you to be saying earlier that the CFO is responsible for the procurement process. So he will appoint members of these committees. And my question was, is there anything that precludes him from appointing a Commissioner Spies or a Mr Malatji to be

members of the BAC?

So it is all tied to Chair's question, does the TMPD play any role in the procurement process? And we have established that at specifications they are there. We have established that at evaluation they should be there. The policy says so. So the last leg of it is, in the adjudication phase, is there anything that precludes the CFO from appointing a TMPD official to be a member of the Adjudication Committee?

10 **COMMISSIONER FARO**: Commissioner, my understanding is that the accounting officer is appointing. The accounting officer.

**ADV KHUMALO SC**: The City Manager?

**COMMISSIONER FARO**: The City Manager.

**ADV KHUMALO SC**: So is there anything that precludes the City Manager from appointing a Commissioner Spies to be a member of the BAC?

**COMMISSIONER FARO**: You are talking about the City Manager?

20 **ADV KHUMALO SC**: Yes. Remember we consented with whether TMPD plays any role in the adjudication process.

**COMMISSIONER FARO**: Yes.

**ADV KHUMALO SC**: And I had understood your earlier answer to be they do not play a role there. But my question is, is there anything that stops whoever the appointing

authority is from appointing a TMPD officer or any of the deputies or even you to sit in the BAC to evaluate or adjudicate a particular tender?

And to be fair to you, Commissioner, if you are not sure, maybe you can provide the answer at a later date or through a supplementary statement because it is going to be important when we make our recommendations. If we see that there are gaps in how security services are procured, then we should close that gap as well.

10 **COMMISSIONER FARO**: Yes.

**ADV KHUMALO SC**: So if you do not have an answer right now, it is unfair of me to, you know, on the spot expect you to give the answer. It is something that if you are not sure, you can deal with it at a later stage.

**COMMISSIONER FARO**: Commissioner, I would prefer to give a supplementary in that regard. I want to make 100% sure. I want to dot my I's and make sure that I look at all the – I could look at the MFMA, I look at the SCM, I really want to give a proper answer.

20 So, and you are correct, so if there is maybe recommendations that we can put in place and if it is that something has happened or it can happen in future, we will have to make sure that that does not repeat itself again or maybe if it has not happened in future, it can happen in future.

So I would prefer that I get that homework and then I will give the supplementary, a detailed one also and put also from the SCM policy and also look at all the municipal sorts of policies and how it can be done. So if I can be able to get homework, I would prefer that.

**CHAIRPERSON**: If I understand Commissioner Khumalo's question correctly, it relates to the appointment of members of the Bid Adjudication Committee. I want to take you back to the BEC, the Bid Evaluation Committee and paragraph 2  
10 at page 57, which Commissioner Khumalo referred you to.

**COMMISSIONER FARO**: Yes.

**CHAIRPERSON**: I see there is reference there to the word standing:

“All the standing BECs established by the  
accounting officer must...”

Then A, B and so on. I just want to focus on the word standing. What exactly, what is the import of that word here? Does it suggest that there are standing BECs and also ad hoc BECs or what exactly is the import of that  
20 word?

**COMMISSIONER FARO**: Commissioner, how I understand it in that relation, it must be a BEC that is obviously signed off by the accounting officer. I cannot have my own BEC. It must be standing BECs established by the accounting officer. That is how I understand it. My main two words I

am taking from there, or three words, is that it must be established by the accounting officer.

**CHAIRPERSON**: Yes. I do realise, of course, that as the Commissioner of the TMPD, you are not necessarily an expert in procurement. So perhaps we are putting you in a difficult position.

**COMMISSIONER FARO**: No, this is very good, Commissioner.

**CHAIRPERSON**: Sorry, sorry. Sorry, you said what?

10 **COMMISSIONER FARO**: I said no, Commissioner, this is very good.

**CHAIRPERSON**: Yes.

**COMMISSIONER FARO**: You cannot walk away from here and you do not learn.

**CHAIRPERSON**: Yes, yes.

**COMMISSIONER FARO**: Or maybe you have read it. I have read it a thousand times.

**CHAIRPERSON**: Yes.

20 **COMMISSIONER FARO**: But I see Commissioner is breaking it down. So it gives me, I am learning something and it is good to learn.

**CHAIRPERSON**: Yes.

**COMMISSIONER FARO**: So as you say that I am not an expert when it comes to supply chain management, obviously.

**CHAIRPERSON**: Yes, yes. Of course it does not – I am not suggesting that you know nothing about it, not at all. Perhaps when you do that supplementary affidavit, you may also just want to touch on the import of the word standing in 24.22, part of Clause 24.22. But of course if somebody with more knowledge on matters relating to procurement will be called, then it is that person who may ...[intervenes].

**COMMISSIONER FARO**: Do not give my homework away, Commissioner.

10 **CHAIRPERSON**: Give the necessary evidence.

**COMMISSIONER FARO**: So I will write it out 20 times.

**CHAIRPERSON**: Thank you.

**COMMISSIONER FARO**: And I will not forget.

**CHAIRPERSON**: Thank you, thank you. Yes, Mr Sikhakhane.

**ADV BALOYI SC**: Sorry, before that. Maybe, Commissioner, as you do that exercise, you should look – when you look at 24(1)(b), it is the one that speaks about a standing Bid Evaluation Committee and then it tells us what  
20 committees those are. I think it is services infrastructure and corporate services. Those are your standing committees.

And then when you then go on to another paragraph, 25.1.5 at page 59, it says the accounting officer may appoint other special BECs as and when the need

arises. So keep that in mind.

**COMMISSIONER FARO**: Thank you.

**ADV BALOYI SC**: But also look at the functions of the standing committees. So for example, you will find somewhere that the corporate services standing committee, BEC, is also responsible for TMPD tenders, among others. So maybe that whole 24/25, look at that as you try to resolve who is responsible for what.

**COMMISSIONER FARO**: Thank you, Commissioner, but I  
10 will do that.

**ADV BALOYI SC**: Thank you.

**ADV SIKHAKHANE**: Thank you, Commissioners. Thank you. And of course, I think other people from SCM are still going to come. Perhaps I will also try and break down these issues about the BECs.

In terms of the budgets from the specification stage onwards, do you have any knowledge how that is dealt with? So for example, for these security services, what informs the budget and what powers would the user  
20 department have in relation to budget? So for example, if it is 800 million, how would it be determined?

**COMMISSIONER FARO**: It is the amount of sites that is allocated and then how many sites that needs to be guarded. And then obviously, it will be make sure that the amount that must be paid to the service provider, how many

guards. And then that will be, that you will times that per month and then obviously by 12. So that actually informs the budget.

**ADV SIKHAKHANE:** Ja, okay. Then what I am trying to get at is whether, for example, let us take, let us say a certain official that is responsible, Mr Malatji, for example. And I am not picking up, picking on him. He would inform in the specification meeting or committee that we require this budget for these services or for this tender and then let the  
10 other members know that this is what we require, let us say 800 million. And then who has the final decision on the actual funds, that would be the value? Would it be the CFO?

**COMMISSIONER FARO:** The budget, well, it is every year. So the budget is already there. So in terms of how many, we have got, as I said, we have got insource security, that is – we have got insource and outsource security. Now the insource is the 1 271 that we have.

**ADV SIKHAKHANE:** So perhaps maybe let me clarify my  
20 question, and I do apologise. If in a scenario where the budget, is there no way of checking whether the budget requested is higher than what it should be?

**COMMISSIONER FARO:** The budget that is requested is linked to how many sites are being guarded. If there is more budget that is required, for example, if there may be –

you require more guards at the site because of vandalism and breaking. So you are only at one. But because of whatever situation, you need to require more. However, there must be a reason why you put additional guards.

That is what, when I stumbled across the ad hoc, I wanted to know what influenced ad hoc. What is your definition of ad hoc? Because you cannot just put additional guards, but nothing has happened to influence that. That is just for me logic.

10           What made you put additional guards there? That for me was the crux that I would like to go in more deeper when I come to that topic. Why I stopped the ad hoc deployment, if I will be allowed, Commissioners, if I can do that. I would really want to, what made me stop it? And I would like to go more deep into that when I come to that paragraph or that heading.

**ADV SIKHAKHANE**: Thank you. Please proceed. We will come back to it. So I think you will start with paragraph 21.

**COMMISSIONER FARO**: I am at 12 of 23.

20   **ADV SIKHAKHANE**: To your statement, if you File 1, please. Apologies. That is File 1. So paragraph 20, we are dealing with paragraph 20 of your statement?

**COMMISSIONER FARO**: Yes, paragraph 20.

**ADV SIKHAKHANE**: Proceed to paragraph 21.

**COMMISSIONER FARO**:

“In my capacity as the Chief of TMPD and the accounting officer, I do sign service level agreements drafted by legal services and supply chain management, which relates to TMPD insofar as I may be so authorised directly or through a delegation. When necessary, I delegate signing powers.”

**CHAIRPERSON**: This is probably a small matter, but I am  
10 used to the concept accounting officer in relation to  
...[intervenes].

**COMMISSIONER FARO**: To TMPD.

**CHAIRPERSON**: In this ...[intervenes].

**COMMISSIONER FARO**: To TMPD.

**CHAIRPERSON**: Is that term ever used? Is it ever used?  
I know of only one accounting officer which would be  
...[intervenes].

**COMMISSIONER FARO**: The City Manager.

**CHAIRPERSON**: The City Manager, yes.

20 **COMMISSIONER FARO**: So in my capacity as the Chief of  
Police or TMPD, I do sign service levels agreements.

**CHAIRPERSON**: I am not saying you are wrong. You know  
it better.

**COMMISSIONER FARO**: No, I think ...[intervenes].

**CHAIRPERSON**: It is just that I am not used to

...[intervenes].

**COMMISSIONER FARO**: Ja, I agree. I agree, Commissioner.

**CHAIRPERSON**: All right. So we scratch out and accounting officer.

**COMMISSIONER FARO**: And accounting officer. Agreed.

**CHAIRPERSON**: All right. Thank you.

**COMMISSIONER FARO**: Agreed, Commissioner.

**CHAIRPERSON**: Thank you.

10 **COMMISSIONER FARO**:

“I have sufficient experience in municipal policing and management of municipal policing, as stated above, since 2016. I have been at the helm of municipal police departments. This position requires you to have ultimate responsibility and oversee the running of the department.”

20 However, Commissioners, do not forget, I have deputy commissioners as per page 7. Because you cannot expect the President of the country must be responsible for the whole country. That is why he has got ministers. So the same with me.

I am not abdicating my responsibility. Definitely not. That is why I meet with my deputy commissioners Mondays, Wednesdays, and Fridays. On a Monday, Deputy

Commissioner of admin and support is only joining, because on a Wednesday, midweek, we want to see how the crime looks. Friday, prepare for the weekend. And then I have a special budget meeting every month.

There was times that I did not have it due to reasons. However, that is the measures I put in place to make sure that I can also have my finger on the pulse:

10                    “I must continue to caution that my role is management, and therefore I rely on the information provided to me from the deputy commissioners, or acting deputy commissioners, or any other person who is authorised to perform such. You must also be aware of the various dynamics that have plagued municipalities, such as fraud and corruption. Procurement best practices in terms of (c), the law regulations...” ...[intervenes].

20                    **ADV SIKHAKHANE:** Apologies, Commissioner. Chair, I am not certain the time for breaking, whether it would be 11 or quarter past 11, before we start this new topic.

**CHAIRPERSON:** 11. So you want us to adjourn now before we start the procurement best practices?

**ADV SIKHAKHANE:** Correct.

**COURT:** Let us adjourn and resume at 11:25.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**ADV SIKHAKHANE:** Thank you, Chair. Thank you, Commissioner Faro. Would you please then continue from section C, paragraph 23 of your statement. We should be able to move with some sort of speed. Please take us through.

**COMMISSIONER FARO:** Thank you. Procurement best practises:

10                    “The laws, regulations and policies relating to procurement are all well-meaning and are aiming at ensuring a fair, transparent and competitive procurement of services and goods. This originates from section 217 of the Constitution of the Republic of South Africa of 1996, which is also known as the Constitution, which demands that procurement for goods and services by

20                    an organ of state must be done in accordance with a system which is fair, equitable, transparent, competitive and cost effective. In terms of chapter 11 of the Local Government Municipal Finance Management Act, number 56 of 2003, the

MFMA deals with the procurement of goods and services for municipalities. Section 111, thereof, requires each municipality to have and implement a supply chain management policy. Successive policy must be fair, equitable, transparent, competitive and cost effective. Section 112 sets out what the policies should cover and I need not regurgitate, save to the highlight the following which is required that the policies should cover. The range of procurement processes that the municipality may use, including tenders, quotations, auctions and other types of competitive bidding. Procedures and mechanisms for each type of procurement process. Open and transparent pre-qualification processes for tenders or other bids. Bid documentation, advertising and invitations of contracts. Procedures and mechanisms for the opening, registering and recording of bids in the presence of interested persons. The evaluation of

bids to ensure best value for money. Negotiation for the final terms of contracts and approval of bids. Then compulsory disclosure of any conflicts of interest in respect of prospective contractors and exclusion of such prospective contractors from the tenders or bids. Participation of persons who are not officials of the municipality and measures for combating fraud, corruption, favouritism and unfair and irregular practises and the promotion or the promoting of the ethics of officials and other role players involved in the procurement process. The city has adopted a supply chain management policy marked herein as Annexure YF1 which is in line with the constitution and other application legislation, national and local regulations, ordinance, circulars and policies relating to procurement. The city supply chain management policy has been reviewed and amended from time to time.”

For present purposes I will rely on the latest one which has

been adopted by the council. The policy identifies the following as pillars of the city supply chain management.

Number 1 or 26.1:

[26.1] Fairness and equity.

[26.2] Transparency.

[26.3] Competitive and cost effective.

[26.4] Value for money.

Paragraph 27:

10                   “Further the policy sets out the principles which include accountability, efficiency, effectiveness, fairness, legality, transparency, responsiveness, informed decision making, integrity, consistency, competitiveness and sustainability.”

Paragraph 29:

20                   “In terms of paragraph 9 of the policy sets out the roles and responsibilities for the various role players in the procurement process. In respect of each I point out the main responsibilities:

[9.1] The council must maintain oversight over the implementation of the supply chain management policy.

[9.2] The executive mayor must

10 provide general political guidance over the fiscal and financial affairs of the municipality as per section 52 of the MFMA. In this regard he or she may monitor and oversee the exercise of responsibilities assigned to the accounting officer and the chief financial officer but may not interfere with the exercise of these responsibilities.

[9.3] The accounting officer is obliged to develop and implement the effective and efficient supply management system that is fair, equitable, transparent, competitive and cost effective for the acquisition of goods, services and works.

20

[9.4] The chief financial officer is administratively in charge of the budget and treasury office. He or she must perform budgeting, accounting and analysis,

financial reporting, cash management system, debt management, supply chain management, financial management, review and other duties as may be delegated to him or her.

10 It is imperative that there is compliance with procurement processes and principles to ensure that the city and more relatively the TMPD functions optimally and properly. Ultimately the city and/or TMPD will procure services and goods in a manner that will be cost efficient and therefore fulfil its mandate in line with the pre-approved plans. It is important to observe that all procurement related legislation, regulations and more specifically the SCM policy are clear on  
20 condemning issues that have become notorious in procurement. These include unethical conduct, fraud, corruption, manipulation of procurement, conflict of interest and misconduct by officials. It is a force that leads to tenders being

awarded corruptly and goods acquired at  
or services provided at exorbitant prices  
or at prices higher than market value.  
This will exhaust the budget and  
resources thus leading to the inability of  
the municipality or the TMPD in this case  
to meet its obligations. Moreover, when  
tenders are awarded in this fashion the  
expenditure will be irregular, fruitless  
and wasteful. The force that usually  
leads to qualified audits from the Auditor  
General.”

I now want to turn to deal with the unit which is responsible  
for asset protection. I want to start with a handover of the  
...[intervenes]

**ADV SIKHAKHANE**: Sorry, Commissioner Faro. Just  
before you move on just as a way of understanding. Within  
TMPD I would take it obviously you try and ensure that  
these values and principles are adhered to.

20 **COMMISSIONER FARO**: Yes, I agree.

**ADV SIKHAKHANE**: All right, we have seen the testimony  
of a certain Sergeant Nkosi who came before the  
Commission, and it was clear and we are still going to go  
there that he had some involvement in how TMPD procured  
services or in the procurement of services for TMPD. Just

as a request for a comment, would it be correct or wrong for Sergeant Nkosi to have been involved in that fashion?

**COMMISSIONER FARO:** Sergeant Nkosi had no right to interfere in any procurement related matters within the TMPD. He has no authority. He had no permission. I was not aware that he is busy interfering. I do not know Sergeant Nkosi. I never made contact with him. The first time I saw Sergeant Nkosi was from the Madlanga Commission. So, I want to state it categorically he had no  
10 authority to interfere in any TMPD procurement related matters.

**ADV KHUMALO SC:** Are there other Sergeant Nkosi's who are interfering in TMPD processes? We have only seen one so far. My worry is that could be the tip of the iceberg.

**COMMISSIONER FARO:** Commissioner Khumalo, if there are any other persons or persons that is interfering or think of interfering when it comes to TMPD procurement issues, we will deal with them.

**ADV KHUMALO SC:** Has any politician or political party or  
20 somebody outside of the TMPD ever given you an instruction to support any service provider or to appoint any individual to a particular position? Have you, since you have been Head of TMPD, ever received pressure from a political party or an outsider to make such appointments, whether they are HR related or procurement related?

**COMMISSIONER FARO**: None has approached me, Commissioner Khumalo, and I do not think they will.

**ADV KHUMALO SC**: You have never yourself experienced that pressure?

**COMMISSIONER FARO**: They have not approached me since I am here. I started the 1<sup>st</sup> of October 2023. None of them has contacted me. I have met with nobody on or off record. Nobody has contacted me to date, and they will not contact me after today in terms of any procurement related  
10 issues when it comes to TMPD or to assist with HR related appointments. No, Commissioner Khumalo, and I am under oath.

**ADV KHUMALO SC**: Thank you.

**ADV BALOYI SC**: Commissioner, you have answered this question from Commissioner Khumalo, and it is about procurement matters, which is also the focus of your statement. But you would also be aware of our terms of reference, that we are not just confined to looking at matters of corruption that may be limited to procurement.

20 **COMMISSIONER FARO**: Yes.

**ADV BALOYI SC**: We have a wider mandate that includes infiltration by criminal syndicates, the nature, consequence of infiltration in the facilitation of organised crimes, suppression of investigations, inducement into criminal or other unlawful activities, commission of criminal offences,

and then aiding and abetting criminal activity, failure to act on credible intelligence, benefiting financially or politically from syndicate operations.

**COMMISSIONER FARO**: Yes.

**ADV BALOYI SC**: All of that is not directly, yes, it does in the broader scheme of things, encompass procurement and corruption, but what I have read for you now very quickly is wider than that. When it comes to the TMPD, are you not aware of criminal conduct that involves members of the  
10 TMPD, even just allegations that would involve members of the TMPD, which is not necessarily about procurement?

**COMMISSIONER FARO**: Thank you, Commissioner Baloyi. Commissioner, we have a very active internal affairs within the Tshwane Metro Police Department headed by Brigadier Danny Minnaar. Yes, we came across that, especially when I came to the city of Tshwane, and we have dealt with him through consequence management, quite a few. We have to put also measures in place and make sure from the first supervisor, if your member is found wanting, that first  
20 supervisor must also be held accountable.

You should know where your member is. So, we are putting measures in place to make sure that we have a type of a credible TMPD. I do not take kindly to corruption at all, Commissioner. I do not want to see a TMPD officer that is a criminal in uniform. That is not what I want to

stand for. We are in charge of the capital city. We are supposed to be the signing staff.

So, we do put measures in place, and we are coming down harsh on those that, even if it is not to do with procurement, anything that is not within the code of conduct and the oath that they have taken, we need to make sure that we are cleaning up. I am only talking about TMPD, but we must clean up all the Metro Police departments, including all law enforcement departments.

10 We really need to have an introspect and make sure that we do that. We cannot just say it is not happening in my backyard. However, whatever we pick up, not only through the Commission, we need to make sure we put measures in place that it does not happen in your department, or in your city, or even in the country as well.

**ADV BALOYI SC:** If I may just follow up on my own question. In evidence about another municipality, Metro rather, there are suggestions, for example, that officers are implicated in truck hijackings, for example.

20 **COMMISSIONER FARO:** Yes.

**ADV BALOYI SC:** I think somewhere there has been suggestions, not necessarily for that municipality, but suggestions about involvement in cash-in-transit, facilitating those things. Is this an issue that in TMPD you have had to deal with, or you are aware of suggestions and allegations

that your officers, some, may be involved with that?

**COMMISSIONER FARO:** When I came to TMPD it was September. There was a rest of TMPD officers that was involved in a, I think it was truck hijacking, it was involved. That was my welcome to TMPD. So, we are not naive, and we know some of the officers can work together. So, we are not naive in terms of that. We do make sure that we put measures in place for that.

Complaints, when I came, yes, I received  
10 complaints like that. In the last year or two, not so much. However, we are not naive that those things are not taking place. There were certain hotspots that I had to put measures in place, whether it is only for when bribes are taken, hotspots where you wait for somebody that is coming from a pub, maybe you know people are drunk, which I, you should not be driving drunk also and not have cash in your car to make sure that you bribe officers.

I requested the officers to actually arrest people that do that. Then I will applaud them. If you arrest  
20 somebody that is bribing you, not the other way around. So yes, Commissioner, we had the complaints. We are putting measures in place definitely in that regard. I have got the integrity unit as well, and besides the internal affairs unit, the integrity unit visits the parades. The integrity unit goes to the hotspots to see where we get complaints from. They

mostly deal only with fraud and corruption cases. So yes, Commissioner, we do have to put extra measures in place. You cannot just have your normal measures in place.

**ADV BALOYI SC:** Thank you.

**ADV KHUMALO SC:** Can I just follow up on this? And Commissioner Faro, to be fair to you, you do not have to respond now, so you can do it by way of a supplementary statement. Issues arose with another municipality. There was no specific allegation against TMPD. So, remember  
10 you said you were going to deal with the vetting issue and the BECBAC issue in the supplementary.

So, can you add this to other issues? How TMPD responds to IPID's recommendations? So, in other words, if there was an investigation by IPID and they have made the recommendations that have to be implemented by TMPD, what is TMPD's attitude to that? Because we have heard from Ekurhuleni, for example, that if somebody is being charged criminally, then they do not act against that person internally.

20 They await the outcome of the criminal case before they act against somebody, even if there is clear evidence of wrongdoing, especially misconduct of a serious nature, which falls short of criminal conduct. That is the third issue, how you deal with IPID. The fourth issue, it came up but there was no specific allegation against TMPD, is the

issue of whether there are any private companies or security companies that use blue lights and have been given that authority by TMPD, if you are aware of any such cases within TMPD. So please do not respond now, it is unfair to put you on the spot, but by way of a supplementary statement you can cover those issues.

**COMMISSIONER FARO**: I will most definitely do that Commissioner Khumalo, definitely.

**ADV KHUMALO SC**: And I think the evidence leaders will  
10 assist you and remind you if needs be.

**COMMISSIONER FARO**: They do not need to remind me Commissioner Khumalo, you will have it.

**ADV KHUMALO SC**: Thank you.

**COMMISSIONER FARO**: Thank you Commissioner. May I continue?

**ADV SIKHAKHANE**: Not just to follow up on the question before one forgets, you talk about measures in place that have been put in. If you can just explain just briefly what kind of measures would those be, one. And two, when  
20 would you say those measures were effective, if you were to assist. And I am asking this because some of the things that we will go through later on would have happened after you joined. So, I just want to get clarity on that before we go further while we are dealing with this aspect.

**COMMISSIONER FARO**: You referring to in terms of

misconduct or what we are currently dealing with?

**ADV SIKHAKHANE:** Just ensuring that there is no corruption, fraud and all of those things. You spoke about having put measures in place.

**COMMISSIONER FARO:** Yes. As I said, we want to make sure that, like the Commissioner Baloyi has alluded to, corruption is not only when it comes to the tender side and that is one part of it. Corruption also when you stop a vehicle, when you accept goods and you are not issuing the  
10 that you are not supposed to issue. Corruption can be anything. Giving information you are not supposed to give to assist in a tender.

So, in terms of the discipline side, as I said, we had the integrity unit already in place. However, we also encouraged the public to report. We encouraged the public to report any form of corruption when it comes to TMPD and not only report it on social media. We want the public to be part of cleaning up any law enforcement department, obviously, but we would like them also not to participate in  
20 any form of corruption, whether it is a fine that you want to get out of or because you are driving drunk.

In terms of the procurement side that you alluded to, obviously, we have picked up. Number one, you have a deputy in charge, which is quite - as a major general, is quite a high level of accountability. It is just under the

Commission of Police. By putting a Deputy Commissioner in charge of administration of support, that is quite a huge thing. However, we all know why are we here and we all know why TMPD is here, and obviously people will also come before the Commission to explain their role in terms of what they did or what they were not supposed to do.

We have meetings, as I said, we have regular meetings in that regard. We also make sure that accountability is also for each and every Deputy  
10 Commissioner, but as I say, we are moving forward, we take everything that comes to us. Also, I am going to plan a very big workshop from the top until the full colonels so that we can look at each and every measure and make sure that whatever there is that should not have happened and cannot happen, that we will put measures in place as well, and then each and every one must take accountability for it.

**ADV SIKHAKHANE:** Thank you. Perhaps before we move on again, you talk about meetings with your Deputy Commissioners. How often do you have meetings with them  
20 or how often do you require briefings from them?

**COMMISSIONER FARO:** Three times a week, I am meeting with my Deputy Commissioners, 07:30 in the morning until completion, Mondays, Wednesdays and Fridays.

**ADV SIKHAKHANE:** And they would brief you about everything that is important and you had ask questions or

you had rely on them to give you an update?

**COMMISSIONER FARO**: Correct, correct.

**ADV SIKHAKHANE**: Thank you.

**COMMISSIONER FARO**: But it does not stop them from making contact with me after the meeting or in the in-between dates if an emergency occurs.

**ADV SIKHAKHANE**: Thank you. Please proceed to the handover of asset protection to TMPD.

**COMMISSIONER FARO**: Handover of asset protection to  
10 TMPD. This section aims to highlight the movement of the asset protection and security services unit, APSS, to Tshwane Metro Police Department in respect of this process. I highlight the following:

20 “The City of Tshwane Security Division was incorporated into the TMPD when TMPD was established in 2002. On 15 April 2021, the then-Executive Mayor of Tshwane, Councillor Randall Williams, placed the asset protection function and personnel in the office of the City Manager, reporting to Mr Nava Pillay. Then, from December 2023 till June 2024, the Asset Protection Security Services were managed by Mrs Paledi Marota, the Group Head in the office of

the City Manager. 1<sup>st</sup> July 2024, the City Manager transferred the Asset Protection Security Service back to the care of Tshwane Metro Police Department. I then instructed Deputy Commissioner Bolhuis, responsible for training and innovation, and standing in as the staff officer to oversee this process in light of the imperative need for a senior figure at the level of a rank of Deputy Commissioner to manage the process, which comprised of a wide range of junior level officials. It might also note that in terms of APSS, there is a lot of supervisory staff that is still required. This was intended to be a temporary measure while I started the process to appoint a fully-fledged Deputy Commissioner for Asset Protection Security Services. At the time of the handover of APSS back to TMPD, 1<sup>st</sup> July 2024, I did not receive a handover report. A report was then emailed to me by Group Head Paledi Marota nine months later during April 2025. What this meant,

Commissioners, is that for the longest time I could not properly acquaint myself with what was happening with APSS. However, I did not wait for a handover report to try and understand the complexity of APSS. The process of handover was not a user handover, which had clear guidelines and made the process extremely complicated, as can be seen by the email attached in the report marked herein as Annexure YF2, which is in the bundle. As I stated above, the APSS is a huge responsibility. Bearing in mind, Commissioners, I still have a TMPD to run. And as could be imagined, involves the physical security services to protecting the assets and persons of the City of Tshwane. It was imperative for me that I get someone senior in rank to temporarily oversee, as I already alluded to, and that was Deputy Commissioner Bolhuis, and he was overseeing the unit from 1<sup>st</sup> of July 2024 until 28<sup>th</sup> of February 2025, whereas 1<sup>st</sup> of March 2025, I appointed Deputy

Commissioner Revo Spies and he  
became the head of the unit.”

**ADV SIKHAKHANE**: Sorry, Commissioner, if you turn to page 60 of the file that you have, file 1, is that the report that you got, that you are referring to?

**COMMISSIONER FARO**: Just say again the annexure?

**ADV SIKHAKHANE**: YF2. F

**COMMISSIONER FARO**: YF2.

**ADV SIKHAKHANE**: At page 60.

10 **COMMISSIONER FARO**: That is correct, and if you can just go to page 65, is the email that accompanied the report.

**ADV SIKHAKHANE**: Thank you, I will note it. We will come back to it later on. Thank you, please proceed.

**ADV BALOYI SC**: Mr Sikhakhane, when you say you will come back to the report itself?

**ADV SIKHAKHANE**: To the report to interrogate it and unless the Commissioner has specific questions.

**ADV BALOYI SC**: I do have one question, but I am happy to leave it until you get back to it.

20 **ADV SIKHAKHANE**: I think in fairness, you can ask it.

**ADV BALOYI SC**: Commissioner, at page 60, that report, sorry, paragraph 3, that very first paragraph includes the implementation of the - you see where I am reading, Commissioner?

**COMMISSIONER FARO**: Is it by the ...[intervenes]

**ADV BALOYI SC:** Background.

**COMMISSIONER FARO:** Background, yes, I am the Commissioner.

**ADV BALOYI SC:** And then the very first paragraph in quotes, it says:

10                   “The implementation of the processes regarding the absorption of security guards is a critical deliverable for this administration. Extensive consultation and discussion have taken place on this matter to ensure it occurs seamlessly.”

And then the next paragraph, it says:

                  “It is for this reason that I took the decision to place this process in the office of the City Manager through Mr Pillay.”

You see where I am reading? That absorption, is that what is commonly or has been commonly referred to as insourcing of security?

20 **COMMISSIONER FARO:** Commissioner, I prefer ...[intervenes]

**ADV BALOYI SC:** Is it the same ...[intervenes]

**COMMISSIONER FARO:** Yes, Commissioner, I prefer the word in-house capacity, building in-house capacity. So yes, Commissioner, that is correct. We have 1 271 of that at the

moment. And we intend to actually build more in-house capacity so that we cannot be reliant moving forward on outsourcing.

**ADV BALOYI SC:** Yes, that actually is really my question. It is, if this big decision was made to insource, these are people that were previously provided by contractors, as I imagine. These people that are now being insourced, they were previously procured on contracted services, right?

**COMMISSIONER FARO:** Yes, yes.

10 **ADV BALOYI SC:** And now you bring them in-house. Why is it that there is still this procurement of external security that costs you nearly a billion rand if, in fact, this insourcing achieved its purpose, which is to bring the service in-house so that you are not reliant. And yet we see from your expenditure that, in fact, you are heavily reliant on external security. Can you just explain how it was conceived and how it has worked out or not worked out?

**COMMISSIONER FARO:** Commissioner Baloyi, there is two  
20 with your pension fund, it goes with your medical aid, it goes with all that you must make sure that you have your resources, whether it is uniform, whether it is the vehicles, and you must make sure that they are also trained up to a certain level.

So, the municipality can, if you look at one officer,

you will actually maybe need four if you look at the system and everything. So, you need to make sure that it is a gradual type of – to insource, it takes time. It is not easy. It might look easy, but it is not easy. If you look at the current 1 271, it was already in-house capacity was built to insource in 2019.

At the moment, but we are still busy with the training and then every year we make sure they get certain benefits. So, you need to have a proper plan in place to  
10 make sure that you – even if it is small amounts. I have already drafted a plan how I want to eventually insource, and it will take plus minus six years to seven years to completely insource.

It can be quicker. It all depends on budget permitted. However, I just took a plan that is – but if more budget becomes available, it can be quicker. And also, the training of – you need to train, you need to give uniform. The cost will be a little bit more than what we have at the moment, but the long term, as you see, I would prefer to  
20 have in-house capacity than to sit with the issues that we are sitting with at the moment.

To stay away from tenders and just make sure that we build our in-house capacity. Also, if you are going to – your infrastructure, you need to have control over your infrastructure yourself. That is what I believe. The moment

you outsource, you also do not have complete and full control over your infrastructure, which is critical.

**ADV BALOYI SC:** But is it fair looking at what it is now, which is this heavy reliance on external contractors to provide the service, is it fair to say that even after this first attempt at insourcing, which you said six years now we are still training, that in fact even after that, the city continued to be reliant on external services?

**COMMISSIONER FARO:** Yes.

10 **ADV BALOYI SC:** External services.

**COMMISSIONER FARO:** Yes, external services.

**ADV BALOYI SC:** So, it is not as if there was a gain to the city. There may have been a gain to the job security of these security guards who were previously provided by a contractor. There is that gain, but the city itself, it does not appear that since that exercise there has been any gain budgetary-wise in control of your own assets. Is that a fair summary?

**COMMISSIONER FARO:** That is fair, Commissioner.

20 **ADV BALOYI SC:** Yes.

**COMMISSIONER FARO:** You must also know that the city of Tshwane has got a lot of sites, and if you look at the infrastructure that we are protecting, your reservoirs, your substations, those are things that you cannot leave and wait for until you will be able to insource. Unfortunately, those

are the things that you must protect. So, the city is at the moment looking and busy with it. Really, to have a more vigorous plan, the city has requested me to come up with a plan that is, like I said, that I have come up with a plan.

However, if you look at budget, also how budget becomes available, it is a plan that I have to make sure in terms of the budget that I have, and then also a reduction in we have already done an assessment through Deputy Commissioner Revo Spies in terms of how many guards do  
10 you really require, for example, at the library? You do not need the same at the library that you will need at the water reservoir. So that assessment we have done already, and also a risk assessment. So, in order for us, and we started already, was there even a reduction when it comes to the security guards.

**ADV BALOYI SC:** Is there a municipality, whether a metro or not, that has successfully, if at all, absorbed otherwise outsourced security services, that has brought it in-house and it is provided solely in-house security services?

20 **COMMISSIONER FARO:** I think Nelson Mandela Bay, yes. One or two municipalities that I am aware of, that they do have their own security department within, and they actually never even had maybe outsourced. So, I think there is one or two that did not even start with outsource, that have their security division that is within the safety and security

directorate, and they look after, like I have explained, after the assets and the personnel of the municipality.

**ADV BALOYI SC:** And comparable to Tshwane? I ask because you say you are busy with that project, looking at that, and it is budget dependent, really.

**COMMISSIONER FARO:** Yes, Commissioner.

**ADV BALOYI SC:** Metros, especially maybe, that are comparable to Tshwane have you done that kind of comparison?

10 **COMMISSIONER FARO:** I have done the comparison ...[intervenes]

**ADV BALOYI SC:** And see how successful, whether anyone has done it, and how successful has it been?

**COMMISSIONER FARO:** I have done that comparison. I went even for fact-finding, but they said with the same issues that I have said, budget dependent. And then also it depends on how many sites you have. If you look at the small municipalities, easier for them, because they just have a little bit of sites. And the type of sites that you  
20 have.

Is it a site that, like I make an example, is it a library, or are we talking about a big substation that 68 percent of the city of Tshwane, if that substation is not physically guarded, will be in darkness. I am just making an example. So, I needed to do, and we have done it, myself

and Deputy Commissioner Spies, we looked at all of those. And we have plans, and I can promise you, Commissioner, starting with a new financial year we already actually started with a reduction in security, in security personnel, by doing our assessment, and looking into it, and certain security companies have received letters that we are doing reduction in security guard.

**ADV BALOYI SC:** Thank you. Thank you, Mr Sikhakhane.

**ADV SIKHAKHANE:** Thank you. Just to follow up, is  
10 Commissioner Spies, how long is he appointed? Is it on a contract basis, Spies?

**COMMISSIONER FARO:** Commissioner Spies?

**ADV SIKHAKHANE:** Yes, how long will he be at your Deputy Commissioner?

**COMMISSIONER FARO:** He is permanent.

**ADV SIKHAKHANE:** Permanent.

**COMMISSIONER FARO:** Until he feels he will leave, or he reaches the age that he cannot work anymore. So, he is permanently at the TMPD. It is not a contract position.

20 **ADV SIKHAKHANE:** Thank you. Please proceed.

**COMMISSIONER FARO:** And I think I have done the handover.

**ADV SIKHAKHANE:** Paragraph 33.

**COMMISSIONER FARO:** 33, thank you so much, evidence leader, you are so kind:

“The subject matters required services of the below-mentioned tenders were within the umbrella of asset protection and therefore fell within APSS. When Deputy Commissioner Spies took over, he actively engaged in a process of auditing and checking how the unit was operating. As he has testified, he has identified a number of irregularities and all sorts of wrongdoing within the APSS. We are taking some corrective measures in this regard, including consequence management, and we have put procedures for the request for ad hoc services in place. I must continue to caution again that my role is management, and therefore I rely on the information provided to me. I also am not very close to the details, and therefore the appropriate person to talk to operational matters are those directly responsible for a particular function or department or unit. I am not saying that I am not briefed. However, I say this to highlight that the most relevant person to

talk to APSS and the tenders below obviously was Deputy Commissioner Spies. He already appeared in front of this Commission. I do not wish to repeat also what Deputy Commissioner Spies has already said before the Commission. I have gone through his statement and documents, and they appear accurate in relation to the knowledge I have. I therefore have nothing additional to add to his statement.”

**ADV KHUMALO SC:** Can you please correct the last sentence of paragraph 34? I think what you are trying to say there is you have put controls in place to ensure that when ad hoc services are requested, it is done properly. Now, the way it reads now, that is not what it says.

**COMMISSIONER FARO:** We have put controls in place, correct, Commissioner, and also a procedure or process in how you will request or acquire ad hoc services.

20 **ADV KHUMALO SC:** To ensure that there is no abuse.

**COMMISSIONER FARO:** Yes, 100 percent, Commissioner Khumalo, 100 percent. Also to ensure that when you require ad hoc, we have a requesting department, say if it is water and sanitation, for example, you request to us, TMPD. TMPD will go do an assessment in terms of what your

request is. And based on our risk assessment, we will then obviously reply to you, or we will add, however, it will come from your budget. It will not come from a budget that I must request additional again. So that is the procedures that we also have put in place.

**CHAIRPERSON:** I understood the problem, though. I think both when Sergeant Nkosi was testifying and also when Commissioner Spies was, or rather Deputy Commissioner Spies was testifying, to be, that is, I understood the problem  
10 to be more with regard to who gets appointed to do the ad hoc services. I am not so sure that the requests, the filling in of a form, and so on, address that problem. The problem is with the allocation. I know based on what you said that, of course, it would not be the TMPD that does the allocations. But I am not sure to what extent this addresses the problem in the light of what the real problem is.

**COMMISSIONER FARO:** Are you referring to the ...[intervenes]

**CHAIRPERSON:** The allocation ...[intervenes]

20 **COMMISSIONER FARO:** The allocation from the 22 companies?

**CHAIRPERSON:** Is it Gubis85? Gubis85 is the entity that received the lion's share of all ad hoc allocations. That is why I say the problem appears to be with the allocations. So, the filling in of the forms and so on and so on, I am not

so sure to what extent, if at all, that addresses the real problem. Do you follow me?

**COMMISSIONER FARO**: Yes. Do you want me to respond, Commissioner?

**CHAIRPERSON**: Actually, I think paragraph 49 of your statement does refer to the lion's share received by Gubis85. But right now, I am addressing your attempt at addressing the problem, and I am saying I do not see that that assists in addressing the problem.

10 **COMMISSIONER FARO**: Commissioner, that was part of my one-on-one briefings with him. Although I am just now touching on that as an example, we need to look at the entire process, and not only in terms of - I just use that now as an example in terms of - because ad hoc was just ad hoc and then invoices comes. I was just using that as an example.

**CHAIRPERSON**: Yes.

**COMMISSIONER FARO**: However, you are correct, Commissioner Chairperson, we are looking at the entire  
20 food chain. We cannot just look into ad hoc into an isolation. The end of the food chain will be building completely in our capacity. That is my ultimate goal. So, we are working towards that goal, Commissioner. So, you are correct, Commissioner. We are looking into it and everything.

**CHAIRPERSON:** Thank you. Thank you.

**ADV BALOYI SC:** The - I mean, the ad hoc service, this measure that you have put in place, that there must be an application, a form that requests surely when you have this discussion with Commissioner Spies, if he is the inventor of the idea, you must have discussed how you see it being a control mechanism. If it is implemented and it is implemented successfully, how does it work to be a control mechanism? And I think that is what the Chair is trying to  
10 get out of you.

**COMMISSIONER FARO:** Yes, I think when it comes to the ad hoc, also the fact that you need to look within your budget, because previously ad hoc was over and above, and then it must come from TMPD. So, the COO is in charge of most of the infrastructure-related sites, let me put it that way. And if there is not a good enough reason for you to have ad hoc, you will not even apply for it. I can guarantee you, Commissioners, since we put the measure in place, one or two we received and it was actually needed because  
20 of external whatever measures. We have not received requests for ad hoc. So that alone tells me a lot.

**CHAIRPERSON:** Over how long a period was that? That is when you received only two?

**COMMISSIONER FARO:** Since I have stopped it, Commissioner. Since I have stopped it, I think it was just

over a year ago. It was over a year ago.

**CHAIRPERSON**: Over a year.

**COMMISSIONER FARO**: 12 March 2025.

**CHAIRPERSON**: Okay. So roughly how many of these, but I would imagine it was quite a lot, roughly how many would these ad hoc services be requested?

**COMMISSIONER FARO**: Commissioner, if I come after this, it will go to that paragraph where I will say why I stopped it. I will also give the amount. I will just give the  
10 month.

**CHAIRPERSON**: Just roughly.

**COMMISSIONER FARO**: It was 37. I think it was 20 additional than it was supposed to for one month.

**CHAIRPERSON**: Yes, yes, yes. No, no, no, obviously, there is a significant if over a period of a year there is only two. No, thank you.

**COMMISSIONER FARO**: So, I only received two and it was definitely legit in terms of that it meets the criteria.

**CHAIRPERSON**: Thank you.

20 **COMMISSIONER FARO**: Why we should put additional. So that is why I am saying that is already a control measure.

**CHAIRPERSON**: Yes, yes.

**COMMISSIONER FARO**: Because we have not received.

**CHAIRPERSON**: So, the question of who these get allocated to, which is the question I asked you earlier,

would be secondary as it were if you have this very significant reduction.

**COMMISSIONER FARO**: Hundred percent Commissioner.

**CHAIRPERSON**: All right, thank you.

**COMMISSIONER FARO**: Hundred percent.

**ADV KHUMALO SC**: Can I follow up on Chair's question? Are these security companies vetted? The security companies that the City of Tshwane TMPD uses, are they vetted?

10 **COMMISSIONER FARO**: Commissioner, we have put a security committee in place.

**ADV KHUMALO SC**: Why are you scared to say yes?

**COMMISSIONER FARO**: No, no, no, I was just a security committee in place. The committee was supposed to be in place where you have SSA you have the COO you have obviously finance there and when the unit came over, I saw that that committee is not there. We immediately put that committee in place and that is one of the things that we say the security companies must be vetted.

20 **ADV KHUMALO SC**: But are they? That is my question. Are they vetted?

**COMMISSIONER FARO**: No.

**ADV KHUMALO SC**: So, the short answer is no.

**COMMISSIONER FARO**: No, Commissioner.

**ADV KHUMALO SC**: And now to go back to Chair's point

on matters of tenders, those who benefit from tenders will obviously seek to create an environment for ad hoc services to continue. So, if you have got a reservoir or other things, even if there was no criminal activity there, if they want you to deploy security there, people will do things and I am not accusing anybody so please do not take this to mean that I am making an accusation.

But it is easy for somebody to create an environment that would necessitate the need for ad hoc  
10 services to be you know required. That is why vetting is important. You must look at who owns these companies, you know, what kind of people are they? So, are you going to take steps to put the committee back in place?

**COMMISSIONER FARO**: Definitely, Commissioner. Definitely. You are correct, Commissioner, that people can create, we are aware of that, that people can create maybe a situation, sabotage, let us call it sabotage, in order for you. And we have already put measures in place, especially with the reduction. We obviously expect that there is going  
20 to be a backlash.

People are not going to just say, I experienced it March, the 12<sup>th</sup> of March 2025. People are not just going to go say, oh no, it is fine, let us do something else. So, I am well aware of that, Commissioner. And what we do, the regional policing that I alluded to, we make sure that where

you have reservoirs that we know, you need to include it now in your plan as well. That is also part of my plan, Commissioner.

**ADV BALOYI SC:** We know from the evidence of Deputy Commissioner Spies that you, there is a tender process now that is underway. The previous or your current service providers were appointed by way of an agreed court order, so vetting would not have even been a feature, it seems. In the current process, is there a requirement for companies to  
10 be vetted?

For the companies that are successful to be vetted. And is that, and I am asking about the current tender process as what was advertised. Do bidders understand that they would be required to be vetted, and in addition, so that is one. Two, that it would be a disqualifier. Has a decision been made that it will be a disqualifier if a company is not successful, whatever that means, when it is vetted? And do bidders, have they been made to understand that? Or is that your internal thinking and  
20 processes which have not been made public to bidders?

**COMMISSIONER FARO:** Commissioner, I think if we want to get this right, we need to - we cannot wait for another three years for another tender, and then they take you to court for another six years. I think it is important we this time do it correctly. You do know that the tender went for

poverty, and then obviously the tender was not awarded, and that is why the process has been started, obviously from scratch now, where Deputy Commissioner Spies has been appointed also to run it from TMPD side.

So, I think, Commissioner, if it is not there, it should be included, Commissioner, definitely. As I said, we have got the committee, the security committee, and that was one of the recommendations from the security, actually from SSA, the person that is sitting there, even before the  
10 Commission. That is one of the recommendations, and it is already as part of our minutes that that must be done, Commissioner. So, I think we must just vote on that, Commissioner.

**ADV BALOYI SC:** So, if it is part of the recommendations already, one expects that it is part of the current process, the selection process that you are running, and bidders understand that you are going to apply that.

**COMMISSIONER FARO:** Yes, Commissioner, we will also use the minutes of that security committee as part of our  
20 terms of reference, because that committee was appointed by the city manager.

**ADV BALOYI SC:** Yes, I guess I am probing a different aspect of this, which is you do have the recommendation from that committee, and that recommendation has been approved, but that is an internal process.

**COMMISSIONER FARO:** Yes.

**ADV BALOYI SC:** Whether bidders who submitted tenders in this new process, which is still subject to evaluation, whether the bidders who participate in that know that is one of the requirements to succeed, to be awarded the tender or to be included on the panel, whether they know that is one of the requirements they must meet is really the question that I am asking. And if you do not have an immediate answer, I am happy for you to address it in a supplementary  
10 statement, or whoever is dealing with procurement and this tender in particular, if they are going to be testifying, that they should deal with that.

**COMMISSIONER FARO:** I would prefer that I add it to my homework, Commissioner Baloyi, and let me take responsibility for that as the Commissioner of TMPD.

**ADV BALOYI SC:** Okay, thank you, Commissioner.

**ADV KHUMALO SC:** Because you see, Commissioner Faro, as you said earlier, you do not want criminals in the service.

20 **COMMISSIONER FARO:** No.

**ADV KHUMALO SC:** I had Chair correcting me that it is not a force, it is a service. So, in the Metro Police Service, you do not want criminals, and you cannot in the same breath be comfortable with having security companies that have criminals in them looking after the municipality's properties

and assets, because it defeats the whole purpose.

**COMMISSIONER FARO**: Definitely, Commissioner, you are ...[intervenes]

**ADV KHUMALO SC**: So, to Commissioner Baloyi's point, going forward, it is something that should be, you can fix the past, but going forward, there is no reason you cannot have this as a requirement.

**COMMISSIONER FARO**: Definitely, Commissioner, you are correct, Commissioner. I agree with you, hundred percent.

10 **ADV SIKHAKHANE**: Thank you, Commissioners. I just wanted us to locate the statement for Commissioner Spies. It is in the small file. You do not need to refer to it. It is just item 7 of that statement. We will get to it later, of that supplementary bundle. Commissioner Faro, please proceed.

**COMMISSIONER FARO**: May I proceed?

**ADV SIKHAKHANE**: Yes.

**COMMISSIONER FARO**: Thank you. If I am correct, I am at the top of T.

20 **ADV SIKHAKHANE**: Paragraph ...[intervenes]

**COMMISSIONER FARO**: 36.

**ADV SIKHAKHANE**: Is it 36?

**COMMISSIONER FARO**: Yes.

**ADV SIKHAKHANE**: Okay, yes.

**COMMISSIONER FARO**: Thank you, you must focus,

evidence leader. TMPD 02-2016-2017 Security Services:

“At the outset, I point out the tender TMPD 02-2016-2017 was issued, adjudicated, and awarded before my time with TMPD.”

Bearing in mind, Commissioners, I only started 1<sup>st</sup> of October 2023:

10 “The tender was according to the award appointment letters managed by Director Malatji and Mr Nava Pillay within the Asset Protection Unit when it was still under the office of the city manager. In this regard, I refer to Annexure YF3. As mentioned earlier, the unit was relocated under my control within the Asset Protection and Security Services division from 1<sup>st</sup> July 2020...”

I think that should be 2024, Commissioners, not 2025. Can I ask that be corrected?

20 **CHAIRPERSON**: Yes.

**COMMISSIONER FARO**: Thank you, Chairperson:

“In this regard, I refer to Annexure YF4. Moreover, by the time I was appointed, the procurement process has run its course. The tender started on 1<sup>st</sup> March

2022 based on a court ruling that was issued on 22<sup>nd</sup> of October 2021.”

I know Commissioner Spies actually went more into detail in that regard. That is why I do not wish to delve into occurrences before my time and also prior to the APSS unit transfer to the TMPD:

10 “Where I comment, I rely on the facts again that have since come to light and/or known to me. Put simply, I will provide a high-level background and comment meaningfully on what I discovered. In terms of tender TMPD 02-2016-2017, it relates to a tender issued for the TMPD for the supply of provision of physical security services to protect the property assets and the persons of the City of Tshwane for a period of three years. A copy of the tender document and advert is attached hereto as  
20 Annexure YF5. The approved budget contract value over the three years was an amount of R800 million, spread over three years as follows. As could be seen, this is a huge figure, close to almost R1 billion. The financial

breakdown was as follows, although it was then delayed since the contract was only implemented in 2022. In 2015, 2016, the amount was R2 307 237 million...”

**CHAIRPERSON:** R237 000 000.

**COMMISSIONER FARO:** R237 000 000. Thank you, Chairperson. R2 337 632 200. Chairperson, you happy?

**CHAIRPERSON:** You did not say thousand, 632 000.

10 **COMMISSIONER FARO:** 632 200.

**CHAIRPERSON:** Yes.

**COMMISSIONER FARO:** Thank you so much, Chairperson.

**CHAIRPERSON:** We will not judge you, we have seen worse.

**COMMISSIONER FARO:**

20 “216, 217, 245 million, 949 300. 2017-2018 R254 065 600. I do not have a sufficient background in relation to the procurement of the services, evaluation of the bids and recommendations for these appointments. I therefore cannot state whether any service provider was favoured or not. It is apparent from the court order of 22<sup>nd</sup> October 2021, that the city and Lebelelang Mahlatse Trading (Pty) Ltd somehow

agreed that bidders recommended by the Bid Evaluation Committee would be appointed to provide the services. Ultimately and pursuant to the aforesaid court order, the city awarded the service to 22 service providers for three years, effected from 1 March 2022 to 28 February 2025. A new tender process started in 2024 to replace the existing tender that  
10 would have expired on 28 February 2025.”

Deputy Commissioner Spies has already come before the Commission, and I believe he has provided the relevant context. Also, at the moment, the new tender, we are busy with that process. As I said today, we are busy with the BAC and Deputy Commissioner Speece has been appointed as the responsible person. Also, Commissioners, I know you are going to ask, why is this process taking so long?

It was my same question, Commissioners. Why, if we know we do not start nine months before the time or  
20 even longer, start with the process so that we cannot wait for the tender to lapse and you go for a month to month? Commissioners, it can be, as you know, that that is what the environment has been creating for a very long time. That we allow it to lapse and then we just renew it on a monthly basis and that we want to come to an end.

We do not want that to continue in that fashion anymore. As I already alluded, ultimately my goal, sooner rather than later, is just to build in-house capacity and not have this function outsourced. Commissioners, next I address the request for additional funding as it was emailed to Deputy Commissioner Spies by Deputy Commissioner Umashi Dlamini that more funds were required.

**ADV SIKHAKHANE:** Can I just stop you and ask two questions perhaps? The report that you got, just want to  
10 confirm for the record, it included the tender for TMPD. If you go to page 61 of that file, at the bottom there, paragraph 4.2.1, it talks about appointed security service provider.

**COMMISSIONER FARO:** I am still getting there. Just repeat again, sorry Commissioner.

**ADV SIKHAKHANE:** Page 61.

**COMMISSIONER FARO:** 61. I am there.

**ADV SIKHAKHANE:** At the bottom, paragraph 4.2.1.

**COMMISSIONER FARO:** I am there, thank you.

20 **ADV SIKHAKHANE:** The city appointed 22 security service providers and then it explains the services. This is the same tender that we delivered. Now I just wanted to check, on your side, did you try and investigate anything about this tender when you got to this report?

**COMMISSIONER FARO:** In terms of the old tender?

**ADV SIKHAKHANE:** In the security tender?

**COMMISSIONER FARO:** The 2016-2017 tender.

**ADV SIKHAKHANE:** Correct.

**COMMISSIONER FARO:** Try to investigate it?

**ADV SIKHAKHANE:** Yes.

**COMMISSIONER FARO:** No, I did not investigate it. Not at all.

**ADV SIKHAKHANE:** Okay, and then in terms of your - of dealing with this report, did you ask for any briefing on it or  
10 you were happy with how it is?

**COMMISSIONER FARO:** The briefing from?

**ADV SIKHAKHANE:** From the person who compiled it or anyone else who may be involved? Or you were happy with the report itself as it stands?

**COMMISSIONER FARO:** We did request and we did have several conversations. However, we did not receive the written one which we received at a very late stage. And by the time we have received the written document, rightfully so, in what she put in an email, we had to already figure out  
20 the complexity of APSS. This also comes - the report comes a month after I have already also stumbled across in the ad hoc. Remember the ad hoc I stopped 12 March 2025. The report came April 2025.

**ADV SIKHAKHANE:** Correct.

**COMMISSIONER FARO:** And if you look at the report,

there is not much that is said even about ad hoc. If you look at the report itself.

**ADV SIKHAKHANE**: Yes, that is what I was going to ask about your satisfaction about the report.

**COMMISSIONER FARO**: Yes, the report, yes, it was broad. However, you needed to make sure that you do your proper assessment of the sites, *et cetera.*, to get more information and then also in terms of the resources. For example, APSS did not have any vehicles, for example. So, 10 the handover of the staff, all of that, and I understand the predicament that the group that Paledi was in.

She also just was overseeing and was in the office of the city manager. So, we had to obviously make sure that we do our assessments and make sure that we know APSS from start and whatever measures that we have to put in place, we have to put in place from TMPD's side.

**ADV SIKHAKHANE**: Okay, let me perhaps see if I understand it correctly. So, you got this report. This is now nine months after APSS was transferred to you. So, for that 20 period, let us assume it is some vacuum. We will come back to it. When you get this report, am I understanding you correctly to say you then did an assessment whether what it said was correct or not in terms of the sites and everything else?

**COMMISSIONER FARO**: When Deputy Commissioner

Spies was appointed, the assessment already started.

**ADV SIKHAKHANE:** Yes.

**COMMISSIONER FARO:** So, we actually started already the assessment. Remember, he was appointed 1<sup>st</sup> March 2025. Yes, he took from this report, however, most of the things in this report we already knew. Through that, we have done our own type of figuring out what APSS is about and what we need to know. We did our own type of - you need to start with your organisational structure. You need  
10 to do find out where, what, what, what was it intended. You needed to look at the function. You needed to look at what is the function of APSS. Are they performing it? All those things were done.

**ADV SIKHAKHANE:** And all these problems about ad hoc, had you identified them at the time?

**COMMISSIONER FARO:** At the time, ad hoc deployment, obviously, if you do not bring it to a person's attention, ad hoc appointment, ad hoc appointments was not done. There was no procedure in place. So, if there is no procedure in  
20 place and no written rule, that is how ad hoc deployment came about.

**ADV SIKHAKHANE:** Okay, thanks. We will come back to it.

**ADV BALOYI SC:** Can I just follow up? And based on an earlier discussion, you said that you have these meetings

on a regular basis with your Deputy Commissioners. And one of those meetings is the budget meeting that happens, I think you said monthly, the budget meeting. Is that meeting not the forum, and here you must, you must say how it works and what kind of information serves in that budget committee.

But sitting where I am sitting, I would have expected that the big expenditure on ad hoc services, not only is it big in number, but it is exhausting your budget, what you have been allocated for security services, that I  
10 would have thought it is something that comes up in your budget meeting, because you are tracking, that is where you discuss how are we doing financially.

Is that what happens? And why would you not have picked up in those budget meetings that you have a problem with ad hoc services? Even if at that time you do not know it is ad hoc services, but you see a depletion of your budget going down very quickly, should you not have picked it up there in the way that those meetings, monthly meetings,  
20 work?

**COMMISSIONER FARO**: Commissioner, in terms of the, if you have the budget and the depletion will only come close to the end, the depletion will not be immediately. So yes, in that meeting we, Watchman Services is the name, that came up a lot. It was also that we did not sometimes get the

entire budget. Maybe you get 500 000, and then by the adjustment budget you will have to actually apply or write to us to request, because you are going to run out of funding.

If you take the amount, I am talking about the amount of sites that we had to deploy at that is not ad hoc services, that alone your budget is running out already. So, you will apply for that. If it comes to the ad hoc, as I will also come to that, the ad hoc services where I pick up, yes, the ad hoc services are where an email was sent from  
10 Deputy Commissioner Dlamini to Deputy Commissioner Spies to say that we, there is 20 additional sites.

That sparks me to look at this and say, I think I sent three consecutive emails that day, to say number one, 20 additional sites, because I am thinking nobody, as you say correctly so, Commissioner, at that meetings came and said we have an issue, there was break-ins for example, or there was vandalism, or brought something to my attention that we required ad hoc deployment.

So, I wanted to know, if you look at the emails,  
20 what are these ad hoc services, and why did you require 20 additional? For me that was just a red flag. I also wanted to know who approved it, and I requested Deputy Commissioner Spies to do an investigation in that regard. I also requested him to stop it with immediate effect, and to put the process in place on how to manage and how are you

requesting ad hoc services.

Needless to say, Commissioners, if I might just continue, after I stopped at ad hoc services, and only now in hindsight I can see, a smear campaign started against me. Number one, my qualifications, it was said that I misrepresented my qualifications. Number two, it was said that I received a 450 000 voucher, I do not know from whom. A forensic investigation was done, and I welcomed it because I know it is not true.

10 I have requested that the people that do the forensic investigation not let, because Metro Police can do certified copies, I am not going to give you certified copies, I want you to go to the university to go verify my qualifications. My qualifications were verified. Number two, who will give you a R450 000 voucher? Coming from anonymous WhatsApp, that must also show that it is also lies.

**CHAIRPERSON:** You mentioned the voucher in paragraph 51 of your statement, and there is no indication who the  
20 voucher was from, or what it was for.

**COMMISSIONER FARO:** Yes, Commissioner.

**CHAIRPERSON:** The anonymous WhatsApp text you are referring to, did it mention who the voucher came from, or what it was for?

**COMMISSIONER FARO:** Commissioner, I do not know

what was the voucher for - supposed to be for, and I have never heard in my life that you can get such a big voucher.

**CHAIRPERSON**: So, there was no detail, even from the person who made the allegation.

**COMMISSIONER FARO**: The 450 000, what the voucher was for?

**CHAIRPERSON**: Yes.

**COMMISSIONER FARO**: No, there was no explanation, no, Commissioner.

10 **CHAIRPERSON**: Okay, so, you say it was an anonymous WhatsApp text.

**COMMISSIONER FARO**: Anonymous WhatsApp text.

**CHAIRPERSON**: All right.

**COMMISSIONER FARO**: But ...[intervenes]

**CHAIRPERSON**: Please continue with your response to Commissioner Baloyi.

**COMMISSIONER FARO**: Commissioner Baloyi.

20 **ADV BALOYI SC**: Let me tell you what I am struggling with. I know that you become aware, and then you give - you become aware that there is a request for further funding, and then you give the instructions as you did. We have heard that from Commissioner Spies. What I am struggling with, or what is not clear to me, is that you become aware because, at the point where Deputy Commissioner Dlamini says to Commissioner Spies, Deputy

Commissioner Spies, we have run out of money, you need to go and ask for more money. That is when you become aware, because I think you are copied or something.

**COMMISSIONER FARO**: Yes, I am copied.

**ADV BALOYI SC**: Yes, you become aware of it. But I am concerned about your lack of awareness before that email, when in fact, on your account, you have these monthly budget meetings, and I do not understand them. That is why I was hoping that you would explain how these budget  
10 meetings work, what kind of conversations you have, what kind of information is presented to you. To me, a layperson who is outside of your systems, I assume that in a budget meeting, one of the things that you would do is to track your performance, your financial performance against budget.

**COMMISSIONER FARO**: Yes, Commissioner.

**ADV BALOYI SC**: So, I expect that there you would pick up how you are doing with the expenses, security expenses. So long before Deputy Commissioner Dlamini says to Deputy Commissioner Spies, we have run out of money, you  
20 need to go and get money. Long before that, you would have picked it up from your meetings and then take an action to do the kind of investigation that you say you then instructed, to give the kind of instructions that you gave. So, I am struggling with that, that you become aware only late in the day, and yet you seem to have a vehicle of these

meetings that should be your alert mechanism. Can you just explain why it is you would not have picked this up from your budget meetings?

**COMMISSIONER FARO**: Commissioner, in terms of the ad hoc, you could only pick up the ad hoc if the ad hoc obviously, Commissioner, is done in the correct way. Let me start there. If the ad hoc is not done in a way that it is supposed to be with all, that is why we are picking this up now, and it is in this Commission, that we pick up that  
10 people has done the ad hoc, whether they were authorised to do it, whether it was in a manner that we are supposed to do it. So, if people are doing things not in the manner that you do it transparent, and people are doing it in a way that they do not want it to be transparent, then Commissioner Baloyi, then you will not immediately pick it up  
Commissioner Baloyi.

**ADV BALOYI SC**: In these budget meetings, there are no reports, there was no report for example, about here is the budget for ad hoc security services that we were allocated,  
20 if there is a budget for that. I do not recall the evidence of Commissioner Spies ...[intervenes]

**COMMISSIONER FARO**: No Commissioner, you do not get a budget for ad hoc services ...[intervenes]

**ADV BALOYI SC**: For ad hoc services, you get for security, yes. Does it mean that in your budget meetings,

there is no specific reports that delineates, that says this is how we are doing, we are spending, and we are spending it, we have spent so much on ad hoc services. So, I understand you saying that you know people procure services not in a transparent manner, and you know all sorts of games get played there.

I understand, I can see that part, how it would happen, but you have a regular budget meeting, and I would have thought that in your budget meeting, you would among  
10 other specific items be told here is where we are spending, and we are spending so much on ad hoc services, and this is the impact of it on our budget. Are you saying nothing of sorts happens in your meeting?

**COMMISSIONER FARO:** There is a presentation that is done, Commissioner Baloyi, where we discuss each and every line item obviously. Maybe if I can also just submit that presentation to put it more into context of what was discussed as part of my supplementary, I will appreciate that.

20 **ADV BALOYI SC:** You can do that but let me ask this maybe finally. As you sit there, are you saying in these meetings, as a specific line item, there would not have been discussions or there were no discussions about ad hoc services, and what they were costing you, and what they were doing to your budget. Are you saying it did not

happen?

**COMMISSIONER FARO**: Commissioner, the Watchman services is always a bone of content. That was ...[intervenes]

**ADV BALOYI SC**: So, Watchman is ad hoc?

**COMMISSIONER FARO**: The Watchman Services. No, ad hoc is more, I will say, Watchman services are the budget that I get for where the sites that I deploy, so that will be the outsource.

10 **ADV BALOYI SC**: Okay.

**COMMISSIONER FARO**: So that will be what we pay. The ad hoc services are over and above.

**ADV BALOYI SC**: Yes.

**COMMISSIONER FARO**: So, we will discuss obviously that invoices are received for, but I am talking about where we deploy at the sites.

**ADV BALOYI SC**: Yes.

**COMMISSIONER FARO**: Outsource where you are legally deployed. So ad hoc is when deployment is taking place,  
20 as I explained, and deployment are taking place like we have picked up the, let me just use that as example, the 20 extra, so that did not go through the budget committee. You understand Commissioner Baloyi, it never went through the budget committee, because it has that went through the budget committee obviously, I would have asked questions

and say what this is and who authorised it, like I have asked on the email.

So, the ad hoc did not have also a process in place. You cannot just put ad hoc, and as I already explained, and there is no process in place. So, Commissioner Baloyi, as I said, we received APSS. We figured out APSS complexity as we go along. I stopped the ad hoc the month, I got the report the month after the April, of things that I have already figured out, or me and Deputy  
10 Commissioner Bolhuis, that had extra responsibility that we already had to figure out. So, in terms of the ad hoc, the ad hoc is not like now, it is a before request and not deploy and then you just bring the invoice.

**ADV BALOYI SC:** All right we will leave it for now.

**CHAIRPERSON:** I want to make sure that I understand you Commissioner. Your explanation seems to suggest, in particular because of your reference to sites, it seems to suggest that what would be budgeted for would be security guards who would perform services at the sites.

20 **COMMISSIONER FARO:** Yes, Commissioner.

**CHAIRPERSON:** Which basically suggests that there was no budget allocation at all for ad hoc services.

**COMMISSIONER FARO:** Yes, Commissioner.

**CHAIRPERSON:** If that is what you are saying, I find that a bit strange because my understanding is that there has

been, and for a while in existence, the facility of the provision of ad hoc services, and if that is so, surely that would be budgeted for. Money would not simply be taken from the budget provided for rendering services at sites. I just want to make sure that I understand you correctly when you say there would be no budget whatsoever for ad hoc services. If that is your testimony, then I find it a bit strange.

**COMMISSIONER FARO**: Commissioner ...[intervenes]

10 **CHAIRPERSON**: If I am mistaken, tell me to my face that I am mistaken.

**COMMISSIONER FARO**: Commissioner, the budget received is for the outsource security at the sites. So, the budget that you receive 1<sup>st</sup> of July every year is for that. Ad hoc is when you require over and above security guards. I made an example where I say, for example, if you have a library, for example, you have deployed two there, however, all of a sudden there is vandalism, there is theft, or whatever, or you renovate it, so you put additional now. So  
20 that will be, or something happened, then you will put ad hoc.

**CHAIRPERSON**: Yes, I get the examples, but my point is more this. This is something that the municipality foresees. So, the municipality knows that issues like those will arise. It is not even may arise they will arise.

**COMMISSIONER FARO:** Yes.

**CHAIRPERSON:** And I suggest to you that this is something that has been happening. I would even say for as long as the Tshwane Municipality and TMPD have been in existence, and if that be so, it sounds very strange to me to be told that despite this foreseeability, there would be no provision in terms of the budget for these occurrences.

**COMMISSIONER FARO:** Yes.

**CHAIRPERSON:** That sounds strange to me. There is just  
10 a budget for the provision of security services at sites, and that is it. And then you just take money from that budget when something that is foreseeable does indeed arise as it should, or as it will.

**COMMISSIONER FARO:** Yes.

**CHAIRPERSON:** That sounds strange to me.

**COMMISSIONER FARO:** I think Commissioner, I think the CFO will be able to actually give you more context in that regard, and he will be able to explain to you in terms of the allocation in that regard.

20 **CHAIRPERSON:** Yes, and possibly even the accounting officer, the city manager, if the city manager will be called. Yes, yes, thank you.

**COMMISSIONER FARO:** Thank you, Commissioner.

**CHAIRPERSON:** This is not meant to put you on the spot, but it is just wanting to understand your testimony. Thank

you.

**COMMISSIONER FARO**: Commissioner, I appreciate, I really appreciate.

**CHAIRPERSON**: Thank you.

**COMMISSIONER FARO**: It is also letting - I came here, I am at university, I came to learn as well, Commissioner.

**CHAIRPERSON**: Thank you.

**COMMISSIONER FARO**: It is constructive.

**CHAIRPERSON**: Thank you, Commissioner.

10 **COMMISSIONER FARO**: Thank you, Commissioner.

**CHAIRPERSON**: Yes, Mr Sikhakhane.

**ADV SIKHAKHANE**: Thank you. Of course we will reserve some of the questions for the CFO, but I would imagine, and we will go to it at a later point again, it is part of your duties to at least manage the TMPD and the finances, and what the Chair is saying he is saying at the very least, or the Commissioners, their questions are, at the very least, you ought to foresee what services that are required by this institution that, or not institution, by this unit that was  
20 transferred to you, and therefore you need to ensure, as part of, as I understand it, management to foresee that this is the amount, and try and track previously how much has been used in order to plan for the future. Would you say that has happened, or that happened with ad hoc services for this contract?

**COMMISSIONER FARO**: You receive the budget of Watchman Services, you do not receive additional, and then if you require more than you, obviously you have to put in documentation, especially when it comes to the adjustment budget. So that budget we receive, we do not have influence over that budget. That budget, you just receive the budget. I do not request the amount of budget. That is a budget that you received from the group financial services, which is obviously the responsibility of the CFO.

10 So, if I can answer like that.

**ADV SIKHAKHANE**: Okay, thank you. And it would still be part of your duties as senior manager to at least prevent mismanagement, irregular expenditure, and wasteful expenditure, so to speak.

**COMMISSIONER FARO**: Yes, that is part of my duties.

**ADV SIKHAKHANE**: Thank you.

**CHAIRPERSON**: Even on the question of the budget allocation, on which you say that TMPD has no input, there is a lot wrong with that as well, if indeed that is the  
20 position, because the people who do the allocation, they may not necessarily have an intimate knowledge of what you actually require in terms of funds. So, it seems to make practical sense to me that there should be an input by the various sections/departments within Tshwane. Of course, the inputs do not necessarily mean that you will get

what you indicated you want.

**COMMISSIONER FARO**: Yes.

**CHAIRPERSON**: So that is something else. But not having an input at all, there is a lot wrong with it.

**COMMISSIONER FARO**: No, Commissioner. We do have input into - we all have input, all the different departments. You do put your request. What I was trying to say is that I do not have control over the budget that I will get.

**CHAIRPERSON**: What you get eventually, which is exactly  
10 the point I was making.

**COMMISSIONER FARO**: Yes, Chair. No, you are correct.

**CHAIRPERSON**: Then I misunderstood you.

**COMMISSIONER FARO**: Maybe I did not bring it across.

**CHAIRPERSON**: Yes, you went to the tail end.

**COMMISSIONER FARO**: Yes, but now we do have, we have a regular meeting, several meetings, where obviously each one must do the presentation.

**CHAIRPERSON**: All right.

**COMMISSIONER FARO**: You will have to come there and  
20 explain. It is not just it is a very intense meeting.

**CHAIRPERSON**: No, thank you.

**COMMISSIONER FARO**: No, we definitely have that input.

**CHAIRPERSON**: That makes perfect sense. Thank you very much.

**ADV SIKHAKHANE**: Chair, I see that it is a minute to one.

Perhaps ...[incomplete].

**CHAIRPERSON:** It looks like, I thought we were left with a few pages, and I thought we could finish, but let us take the lunch adjournment and resume at 2 pm. Let us adjourn.

**ADV SIKHAKHANE:** Thank you, Chair.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Yes, Advocate Sikhakhane.

**ADV SIKHAKHANE:** Thank you, Chair, and thank you for  
10 the indulgence. Commissioner Faro, we are going to  
continue with your statement. We were at paragraph, I  
think, 43. We had to start with paragraph 43. I think we  
had touched a bit just at a high level, but I would like us to  
start with it afresh, just to refresh ourselves. Thank you.

**COMMISSIONER FARO:** Thank you. Before I start, I just  
reflected, Commissioner Baloyi, the APSS was not  
insourced when it moved over to the City Manager's office.  
It was just changing management. I do not know if I  
understood it correctly that said it was insourced when it  
20 moved to the office of the City Manager. It was actually  
just a movement of management, not insourced.

**ADV BALOYI SC:** Okay.

**COMMISSIONER FARO:** So I just wanted to correct that, if  
it may be, it is confusing.

**ADV BALOYI SC:** Okay, all right.

**COMMISSIONER FARO:** Thank you so much, Commissioners and Chair. Chairperson, if I can start, I will just read, I did touch on this paragraph as well as the next one, but I just would like to read it into record. Thank you, Chairperson.

10                   “Request for additional funding. I initially became aware of a request for additional funding or an extension of the existing budget relating to the additional sites through emails from Deputy Commissioner Dhlamini to Deputy Commissioner Revo Spies on 12 March 2025. This email from Deputy Commissioner Dhlamini stated that the deployment of the *ad hoc* security guards had grown exponentially and indicated that an extra 37 sites were added in January 2025 with a further 6 sites added in 20 February 2025. In total it came to 43 sites. I was copied in this email and noted it attached invoices for *ad hoc* services for January and February 2025.”

That must also just be corrected, Commissioners. I

see it is 2026. It should be 2025.

“A copy of this email is attached hereto, marked as YF6. Upon receiving this communication, I became aware of the cost and the fact that there was no clarity of the procurement of this *ad hoc* security services. It was also not apparent that there was a proper procedure in place. I immediately instructed Deputy Commissioner Spies to stop the *ad hoc* security services as it was not clear how it came about and it may lead to audit queries and greatly affect the City of Tshwane as a whole due to this unexplained and unauthorized expenditure. I also instructed Deputy Commissioner Spies to initiate a new control measure, specifically related to the deployment of *ad hoc* guards and to launch an investigation in this regard that must lead to consequence management. This was duly implemented as seen by the email from Deputy Commissioner Spies marked as

Annexure YF7. As a result of this action a new process was created wherein it would be required for any department that seeks any *ad hoc* security to complete an application form for motivation and commitment that their budget and their funding may be used after APSS conducted a security risk assessment that warrants the deployment of additional guards. It is a prerequisite for the form to be signed off by the respective requesting departments, group heads and the cluster head. I later learned from Deputy Commissioner Bolhuis that the request for additional funding emanates from a message received from the Chief Financial Officer, Mr Gareth Mnisi on the 25<sup>th</sup> of February 2025, as per the attached WhatsApp screenshot marked as Annexure YF8. It would seem that the rising cost largely emanated from the unauthorized and irregular deployment of *ad hoc* security services by

Inspector AL Phiri. He had no authority to issue such directives. Deputy Commissioner Spies has already come before the Commission and I believe he has provided the relevant context. It is ..." [intervenes]

**ADV KHUMALO SC:** Commissioner, can you stop there. I want to get clarity from you, because the email which you referred to as Y7 in your statement is on page 85 of the  
10 same bundle and I could be wrong here, so you will correct me if I am wrong. I had understood Commissioner Spies' evidence to be that when he sent this email, it was ignored and his subordinate said to him please put that in a formal letter, not in an email.

If it is in an email, I am not going to implement, and that is what caused issues and he needed to be disciplined for that. Is that correct, is that your understanding, because your statement seems to suggest that the process was implemented and proof of that is this email, whereas I  
20 had understood Commissioner Spies to be saying his email was ignored and when he enquired why it was ignored, he was told by his subordinate that he has to put that instruction in a formal letter, not in an email.

And the evidence leaders will assist me here, that is my recollection of what the evidence was. If you

remember it differently, you can tell us that you remember it differently.

**COMMISSIONER FARO:** Commissioner Khumalo, if a subordinate is giving him that, I am expecting that he should have charged the subordinate for insubordination.

**ADV KHUMALO SC:** Yes, but what I do not expect is for you to come to the Commission and say this was duly implemented as seen in the email.

**COMMISSIONER FARO:** Commissioner, what I want to say  
10 is that Deputy Commissioner Spies, and I have seen this email, now Deputy Commissioner Spies when I have given him the instruction, he started with it immediately. So I also now see here by YF7, it is the email of Deputy Commissioner Spies to Deputy Director Malatsi, are we on 84, Commissioner, YF7, am I correct?

**ADV KHUMALO SC:** Yes, YF7 is on page 85.

**COMMISSIONER FARO:** Commissioner, that is 85, this evidence here is the, remember, he responded in an email to me and then that he is going to implement. I speak  
20 under correction, or it was implemented. This one that you are referring to now, Commissioner, in terms of that, I have not received that information that you have now given me in writing that that is the case, Commissioner Khumalo.

**ADV KHUMALO SC:** Okay. If you do not have that information then maybe it is fine, but that was my

recollection of Commissioner Spies' evidence.

**COMMISSIONER FARO:** Understood, Commissioner Khumalo.

**ADV KHUMALO SC:** It may be something that you need to follow up.

**COMMISSIONER FARO:** Yes, I will do that, Commissioner.

**ADV KHUMALO SC:** Because we cannot rely on your assurance if that assurance is not factual.

**COMMISSIONER FARO:** No, definitely, Commissioner.

10 And then I expect him if a subordinate is telling him that, that he should have taken action against that subordinate, Commissioner. So I will ...[intervenes].

**ADV KHUMALO SC:** Yes, I understood that he did eventually. But the initial reaction was that there was resistance to his email. So maybe we can leave that there for now.

**COMMISSIONER FARO:** But I will still follow up, Commissioner Khumalo, just for my own sanity. Thank you, Commissioner. I think I am now by 49.

20 **ADV KHUMALO SC:** Sorry, while we are on the point, I think in the next section you deal with Inspector Phiri. So the question I am going to ask is those letters, when Commissioner Spies showed us the letters there were at least two of them that were not signed by Commissioner Phiri, they were signed by one person or two other people.

**COMMISSIONER FARO:** Yes.

**ADV KHUMALO SC:** And I would need to know why action is only taken against Phiri and not those two other people, so if you can just anticipate that and maybe deal with it as well.

**COMMISSIONER FARO:** Yes, I can deal with it, Commissioner Khumalo. Commissioner, I have, as I said we have launched the investigation. We are still busy with investigation. It is just now over this Easter period also. I  
10 have also wrote to the Commission requesting certain information, as well to the Secretariat of the Commission and I will follow up in that regard, but, Commissioner, I can really assure you it will not just be one person.

Any person that is implicated, even if it takes for us a day or two, a week or two to come to that, we will obviously make sure that if a person was involved in matters that they should not have, as I said, consequence management will be implemented. I can promise you that.

**ADV KHUMALO SC:** Because even people who processed  
20 the payments, remember, there is the request to the security company for *ad hoc* services and it comes from Inspector Phiri, now when invoices come in and people process those payments, do they not care that Phiri was not authorised to issue those instructions?

Why do they authorise payments running into

millions, tens of not hundreds of millions when the person who issued the *ad hoc* instructions was not authorized to do so?

**COMMISSIONER FARO:** Commissioner Khumalo, you are 100%. We have already, we know who processed it. We have the names of the people that, from the whole food chain. I can guarantee you, we are busy with that investigation. We know exactly, I have requested through internal affairs the authorisation. I requested who stamped  
10 it. I requested based on what. So, yes, I can guarantee you, Commissioner Khumalo, we are busy. And then it is not the first or the second or the third person that we are dealing with.

I promise you, we are really looking at it thoroughly. And as we look into it, Commissioner Khumalo, we also look into the process. It is no use we are dealing with the people that has done this, but the process we need to look at and we need to correct the process. So we are doing both of that, Commissioner Khumalo, I can promise  
20 you that.

**ADV SIKHAKHANE:** Commissioner, can I, I think just to exploit the discussion about Phiri, please turn to page 98 of the file you have in front of you, file 1.

**COMMISSIONER FARO:** 98?

**ADV SIKHAKHANE:** Correct. This is, as you suggest, part

of the corrective measures, correct?

**COMMISSIONER FARO**: Just give me a minute. I will be with you now. That is correct.

**ADV SIKHAKHANE**: Correct. Oh, let me wait for the Commissioners.

**ADV BALOYI SC**: I have a different 98.

**ADV SIKHAKHANE**: Apologies.

**ADV BALOYI SC**: Okay, I will give you my file when we finish and see if you, what needs to be corrected. My 98 is  
10 a document that starts at page 96, and it is a memorandum, tenders to be advertised. Do you have the same, Commissioner ...[intervenes].

**COMMISSIONER FARO**: No, no, Commissioner Baloyi, I have the, actually the pre-suspension ...[intervenes].

**ADV BALOYI SC**: [Indistinct]... [cross-talking] share in the meantime.

**ADV SIKHAKHANE**: Apologies, Commissioner Khumalo, we will resolve this issue. Thank you. You will see that ...[intervenes].

20 **ADV BALOYI SC**: I am still Baloyi.

**ADV KHUMALO SC**: Till further notice.

**ADV SIKHAKHANE**: Apologies, Commissioners. At page 98 is a letter signed by yourself, notice of intention to suspend Phiri, correct?

**COMMISSIONER FARO**: That is correct.

**ADV SIKHAKHANE:** And at the bottom there is your signature, correct?

**COMMISSIONER FARO:** That is correct.

**ADV SIKHAKHANE:** All right. And we know that the emails about stopping *ad hoc* services or security services happened, or the concern rather on 12 March 2025, correct?

**COMMISSIONER FARO:** That is correct.

**ADV SIKHAKHANE:** Would you explain why it takes a year to discipline Phiri?

10 **COMMISSIONER FARO:** Commissioners, allow me just to just explain. Remember, I have requested Commissioner Spies to investigate. Then I think by June 2025 he sent it to the internal City's guard department which then also responded that there is, in terms of what they have read that he can be disciplined. Then we sent it to the internal affairs department of TMPD to do a thorough investigation in that regard. In terms of the TMPD they then could not get certain information, because we do not have access to certain information.

20 It was then sent to Deputy Commissioner Dhlamini, I think 30<sup>th</sup> of July and then Deputy Commissioner Dhlamini obviously did not sent that documents further, bearing in mind he is responsible for internal affairs. In the meantime, Deputy Commissioner Spies was meeting with the Hawks as well as he briefed me. Other departments, he met with

them August, September and October.

They were then busy with the process to make sure that they get more evidence. For that moment we did not want to disturb the process. Then Deputy Commissioner Spies followed up in terms of what happened to the document and then obviously we have learned that Brigadier Danny Minnaar did forward it to the Head of that department, which is Deputy Commissioner Dhlamini and then we found out then, you know, the documents was there  
10 by him and then obviously upon finding that out, we put measures in place and then obviously the systems and we made sure then that in terms of other information that also came to our attention that we had then enough also to do what I, pre-suspension and then suspension in that regard.

The investigation, we have not received a feedback objection from the Hawks back and the other department that was busy with the parallel investigation. However, we, the process has been started and we will now run with the process.

20 **ADV KHUMALO SC:** Advocate Sikhakhane, just to be fair to Commissioner Faro, if you can go to file 8, this is what I was referring to. Commissioner Spies' statement, that is on page 37 of that file.

**ADV SIKHAKHANE:** Apologies, Commissioner, which page?

**ADV KHUMALO SC:** 49.

**ADV SIKHAKHANE:** 49. Thank you.

**ADV KHUMALO SC:** So his statement starts on 37.

**ADV SIKHAKHANE:** Okay.

**ADV KHUMALO SC:** But if you go to page 12 of it, maybe on page 48, are you there?

**COMMISSIONER FARO:** I am there.

**ADV KHUMALO SC:** Do you see the email he refers to is paragraph 41. That is the same email you are referring to.

10 And then it continues. And then if you look at page 49 on paragraph 46, he says:

“During the following months, it was mentioned at monthly budget meetings that there were still payments of *ad hoc* guards as more invoices were submitted by one specific service provider, Gubis 85. I then issued a written instruction on 24 June 2025 to stop the deployment of *ad hoc* services and made clear that no more will be allowed beyond 1 July 2025.”

20

Do you see that? So, it was not implemented in March, it was only implemented in July ...[intervenes].

**COMMISSIONER FARO:** In July.

**ADV KHUMALO SC:** Because he had been told that he

cannot do it by way of an email, there must be a written letter issued. So, that is how the process unfolded.

**COMMISSIONER FARO**: Thank you, Commissioner.

**ADV KHUMALO SC**: Okay, thank you.

**COMMISSIONER FARO**: Thank you, Commissioner. I will follow up on that. Thank you.

**ADV SIKHAKHANE**: Thank you. Thank you, Commissioner. I am going to press on this point a bit, and because these are the problems that we see. What we have  
10 is a serious issue of someone who essentially causes about 13 million loss, but it takes a year to actually take action against them. What it would mean is that every time that he is at the office, apart from what you are able to find out, he is a risk or he exposes the municipality or the TMPD. Would you accept that?

**COMMISSIONER FARO**: Hm.

**ADV SIKHAKHANE**: And I am truly, I am not convinced of that there were these investigations for over a year, unless you can accept that it was truly an oversight of some sort  
20 on your part or Commissioner Spies' part. I cannot understand why it would take 12 months literally to discipline him for something so obvious.

**COMMISSIONER FARO**: I cannot accept that. I just explained that it is not that easy. It is a complex investigation in terms of you need to look at the invoices.

You need to make sure that you have all the evidence as well. The same with any investigation, if you are going to take the person, are you going to suspend the person and keep the person 12 months at home?

The person is not in direct doing this or is not doing this anymore. So he does not have control over doing that. So we had to, I had to also make sure if we want to, that is departments that is investigating and watching, I had to make sure that we do that as well. So at the moment, as I  
10 said, that we feel that we have now over and above even what we have, we have more than to actually go ahead with the case as well.

And as I said, we are still waiting on other departments, but we cannot wait on them, rightfully so. If it is any criminal matter, we cannot wait for the criminal investigation to conclude in order for us not to do departmental.

In terms of the, the one that I will agree with is the one in terms of that it was emailed already on the 30<sup>th</sup> of  
20 July to the Head of the department and there should have been more engagement from the Head, although Deputy Commissioner Spies has done his part by following up on a monthly basis. He even engaged with the external investigators on a monthly basis.

So I cannot accept that Deputy Commissioner Spies

failed in his, in that regard. However, I am also looking at the timeframe. I am looking at the 30<sup>th</sup> of July that it was mailed to the Head of that unit and I am also looking at the bigger picture. So the investigations, the more, it is the same like it is here, the more you touch one thing, another thing comes up. So the investigation is vast.

And as I said, we have also, rightfully so, as the Chairperson has said, we are also looking at other people in the food chain that was involved in this. It is not only the  
10 one person. So the more we investigate and we ask questions, the more names are popping up.

So I am requesting that we do the investigation. It is at a very sensitive point at this moment. And I am even prepared to give the outcome and how far we came once we have now do the investigation into all the others as well and also the consequence management.

**ADV BALOYI SC:** I think, Commissioner, it seems that the, from the statement of Deputy Commissioner Spies, it does seem that there may have been movement, speed  
20 movement, speedy movement, because if you look at paragraph 47, Commissioner Khumalo referred you to 46, at 47 ...[intervenes].

**COMMISSIONER FARO:** Yes.

**ADV BALOYI SC:** This is where Commissioner Spies says he received an email from Gubis.

**COMMISSIONER FARO:** Yes.

**ADV BALOYI SC:** And then that was on the 26<sup>th</sup> of June 25. And then if you read, and then in 48, he becomes aware that Phiri is the one that issued those letters. And then you read on the steps that he took. And then you get to 52, paragraph 52.

**COMMISSIONER FARO:** Yes, I am there.

**ADV BALOYI SC:** And then it says on 30 July, internal audit completed the report. This is about a month later.

10 And request to Deputy Dhlamini, Umashi Dhlamini.

**COMMISSIONER FARO:** Yes.

**ADV BALOYI SC:** And it seems Deputy Commissioner Dhlamini is the one that sat with the report from the 30<sup>th</sup> of July, the way I read this paragraph, until the 10<sup>th</sup> of March 2026.

**COMMISSIONER FARO:** Yes.

**ADV BALOYI SC:** Is that your understanding as well of what happened?

**COMMISSIONER FARO:** Thank you, Commissioner Baloyi.

20 That is the 30<sup>th</sup> of July that I referred to ...[intervenes].

**ADV BALOYI SC:** Yes.

**COMMISSIONER FARO:** That Brigadier Minnaar has forwarded to the Head, which is, you are 100%, Deputy Chief Dhlamini.

**ADV BALOYI SC:** Yes.

**COMMISSIONER FARO:** I am also looking at that in that regard.

**ADV BALOYI SC:** Ja.

**COMMISSIONER FARO:** That is what I said, that allow me to investigate, and the reason why. Is it because with the person that we are supposed to discipline, that other things will come out. So allow me, because we are really advanced at this stage in this regard. I am talking about the internal investigation, not the one with the external  
10 ones.

**ADV BALOYI SC:** Yes.

**COMMISSIONER FARO:** So I am asking, allow me just to complete. I am prepared to give the feedback in this regard. That is also one of the things I am looking in, Commissioner Baloyi, you are 100%.

**ADV BALOYI SC:** Yes, well I was going to suggest that perhaps it is for Deputy Commissioner Dhlamini, when he comes to testify, to explain to Mr Sikhakhane why from the 30<sup>th</sup> of July 2025, he sat with this report until the 10<sup>th</sup> of  
20 March 2026.

**COMMISSIONER FARO:** And immediately when I received it, on the very same day, I actioned it.

**ADV BALOYI SC:** Yes, thank you.

**COMMISSIONER FARO:** Thank you.

**ADV BALOYI SC:** Thank you.

**COMMISSIONER FARO**: Thank you, Commissioner Baloyi.

**ADV SIKHAKHANE**: Thank you, Commissioner Baloyi.

Please proceed.

**COMMISSIONER FARO**: -:

“It would seem that the rising costs  
largely emanated from unauthorised ...”

I think I have read that, am I correct,  
Commissioners?

**ADV SIKHAKHANE**: Please read it again.

10 **COMMISSIONER FARO**: You want me to read it again?

**ADV SIKHAKHANE**: Yes.

**COMMISSIONER FARO**: Okay, I will do that.

20 “It would seem that the rising costs  
largely emanated from unauthorised  
and irregular deployment of *ad hoc*  
security services by Inspector AL Phiri.  
He had no authority to issue such  
directives. Deputy Commissioner  
Spies has already come before the  
Commission, and I believe he has  
provided the relevant context. It is  
clear that the large beneficiary of the  
irregular deployment is an entity called  
Gubis 85 Security Solutions (Pty) Ltd,  
to the tune of about or almost R14

million. I was not particularly aware of the role of Deputy Commissioner Dhlamini and Chief Financial Officer, Mr Gareth Mnisi, in all of this. I took and trusted them as dedicated officials. I placed reliance on the advices, and they had never given me any reason to doubt or suspect them. I must say I was taken aback by what came also out  
10 of this Commission.”

Then if I can go to the aftermath.

**ADV SIKHAKHANE:** Apologies. Just to clarify, at 48, when did you learn that Mr Phiri was not allowed or authorised to issue the directives or notices of deployment?

**COMMISSIONER FARO:** He is not, not at this level and ...[intervenes].

**ADV SIKHAKHANE:** I am saying when did you understand that?

**COMMISSIONER FARO:** When did I understand?

20 **ADV SIKHAKHANE:** That he is not authorised.

**COMMISSIONER FARO:** When the Deputy Commissioner Spies obviously has done his, and when he briefed me in terms of who has authorised this, and then, I think it is also in his statement.

**ADV SIKHAKHANE:** Okay. Thank you. Please proceed.

**COMMISSIONER FARO:** -:

“Aftermath of stopping *ad hoc* services.”

Commissioners, I did touch on this, but I just wanted to read it into record as well.

“Upon my decision to stop the funds, I faced a smear campaign that questioned my qualifications and acceptance of a R45,000.00 voucher. I do not understand at that point ...”  
[intervenes]

**CHAIRPERSON:** 450,000.

**COMMISSIONER FARO:** R450,000.00, yes, Commissioner.

“I did not understand at that moment, but in hindsight, I am of the opinion it stems from that decision of mine to stop the *ad hoc* deployment. I stood by my decision as I was doing it for the greater benefit of the City and TMPD. I am referring to page 4, YF9. I later learned of the irregularities in the procurement and payment for the security services. Deputy Commissioner Spies has already come before the Commission, and I believe

he has provided the relevant context. I have since taken measures to suspend Inspector AL Phiri, who issued the further deployment letters as seen by Annexure YF10. In addition to this, consequent management is being implemented. Deputy Commissioner Dhlamini is also currently on suspension. Allegations which derive from this Commission are being thoroughly also investigated and therefore, I cannot elaborate further herein, in order to protect the integrity of these investigations, as I already alluded to.”

10

And this is not only from the Commission. This is just added. There is also, as I said, what I discovered, what we discovered in terms of the investigation.

**ADV KHUMALO SC:** Now, why are you only looking at further deployment letters? Why are you not auditing past deployment letters, because it looks like your scope is narrow here. If you are only looking at somebody who issued further deployment letters, this suggests that those that were issued before the decision, you are ignoring those.

20

**COMMISSIONER FARO**: We did not find any other than the two. But we are also looking historically, and we are looking at that with the internal affairs. They are looking at historically, and they are looking at, we want the scope to be as wide as possible, Commissioner Khumalo. Even if we must go back and really come to the bottom of this, we are really going back. Really, the information that we are acquiring, some is difficult to acquire. However, we are not going to back down.

10 **ADV KHUMALO SC**: Because it look like ...[intervenes].

**COMMISSIONER FARO**: We are not going to back down.

**ADV KHUMALO SC**: It looks like there was no accountability, at least in terms of, as I understand it, the way these *ad hoc* deployments work. These were emergency services. So if you need emergency guarding services at a water plant or at a facility of the City, there would be this letters that are issued.

But there does not seem to be any monitoring of service levels to determine whether what Gubis tells you. If  
20 Gubis says, for example, we employed 13 security guards at this reservoir, it does not seem like anybody checked that that was in fact the case, that it was in fact 13 guards at this price per guard and, I mean, this is public funds.

People just approved invoices without checking service levels, without you know, enforcing. If there were

breaches of some of the service levels, there were no consequences because it looks like these companies continued providing services. In fact, to this day, they continue to provide services, just not additional *ad hoc* services.

**COMMISSIONER FARO:** Commissioner, if you go as far back, you will find that, yes, and that is why I said the moment it was handed over, find out the complexity of this, put measures in place, that is ongoing. So you are correct.

10 In the past, I could not find that there is a measure in place. In terms of checking up and making sure contracted services that where you deploy, what do you, what, you must have uniform, you must have this equipment, are you there, is it the right amount of staff? And then the level, is it an A grade, B grade?

That is one of the things that we also are checking, to make sure, surprise visits, that at any given time, the guards that is supposed to be in terms of the service level agreement are there and penalty clauses must be  
20 implemented. The penalty clauses is very important.

So if you found it is against the SLA, you need to activate the penalty clause that is in the SLA. So, Commissioner Khumalo, you are correct. Those were some of the things that we found that was lacking and that we are correcting in terms of moving forward.

**ADV SIKHAKHANE:** Thank you. Just before we move to the next section, you are saying that you are still investigating all of these things internally, correct?

**COMMISSIONER FARO:** Correct.

**ADV SIKHAKHANE:** And obviously, it would seem that until such time you finish the investigation, you would not know how far the rot goes if you were to call it a rot, correct?

**COMMISSIONER FARO:** It is not such a big section.

10 **ADV SIKHAKHANE:** Okay.

**COMMISSIONER FARO:** It is not a big section that is dealing with the matter.

**ADV SIKHAKHANE:** So the investigations are going to be concluded.

**COMMISSIONER FARO:** Definitely. Definitely. It is not a big section. So we, in the meantime, has put measures in place, also mitigating, and we are not waiting for the investigation to be concluded. So we are busy also putting the, as I said, it runs parallel. But it is not a big section.

20 And we know exactly who and then we are really at the end of this investigation in terms of bringing the others to book as well.

**ADV SIKHAKHANE:** Thank you. Commissioners, I think it is for, just so that we follow the correspondence around the stoppage of these *ad hoc* services, so that we, just in the

interest of time, can I refer you to file 3.

**COMMISSIONER FARO**: Yes, I have it.

**ADV SIKHAKHANE**: Okay.

**COMMISSIONER FARO**: I have got it.

**ADV SIKHAKHANE**: Right.

**CHAIRPERSON**: Page, Mr Sikhakhane?

**ADV SIKHAKHANE**: Page 337.

**COMMISSIONER FARO**: 337.

**CHAIRPERSON**: Oh, right at the beginning.

10 **ADV SIKHAKHANE**: At the beginning. If you go, I think, with the sequence of emails, you go to 343.

**COMMISSIONER FARO**: Just, is it file 3?

**ADV SIKHAKHANE**: File 3, yes.

**COMMISSIONER FARO**: On page?

**ADV SIKHAKHANE**: 343 if, or starting from 342 at the bottom.

**COMMISSIONER FARO**: I am starting by 657.

**ADV SIKHAKHANE**: 657?

**COMMISSIONER FARO**: Yes.

20 **ADV SIKHAKHANE**: File 3?

**COMMISSIONER FARO**: So ...[incomplete].

**ADV SIKHAKHANE**: Yes. It is file 3, Commissioners, 342 at the bottom, there is an email. Commissioner Faro, are you there?

**COMMISSIONER FARO**: 342?

**ADV SIKHAKHANE:** 342 at the bottom.

**COMMISSIONER FARO:** Yes, I am there.

**ADV SIKHAKHANE:** I am just trying to make sure we all follow. So this is the email from Umashi Dhlamini to Commissioner Revo Spies, copying amongst others yourself, Deputy Commissioner Bolhuis, and somewhere in the bottom, Chukudu Malatsi. And then in that email, this is where he is asking essentially that there must be more funding.

10 **COMMISSIONER FARO:** Yes.

**ADV SIKHAKHANE:** And he explains that there is an increased usage of *ad hoc* services.

**COMMISSIONER FARO:** Yes.

**ADV SIKHAKHANE:** And then at page 342, the response from Commissioner Spies is to ask three minutes later:

“Who approved or mandated the *ad hoc* services?”

Correct?

**COMMISSIONER FARO:** That is correct.

20 **ADV SIKHAKHANE:** Correct. And you were still copied on that. There is absolutely no trick with what I am doing. It is just so that we follow that discussion we were having, because I think we got broken somehow in understanding the sequence. At page 341, one, that is at the bottom, that is your email. Can I take it COP means Chief of Police?

**COMMISSIONER FARO:** Commissioner of Police.

**ADV SIKHAKHANE:** Okay, Commissioner of Police. At the bottom, you then write to Umashi Dhlamini and Commissioner Spies, and you say you, actually you expressed shock about that there is 30 additional sites just for January, and you ask who approved this, and you ask Commissioner Bolhuis.

Can you just maybe explain that to us, perhaps in the understanding of *ad hoc* sites, as the debate has been had?

10 **COMMISSIONER FARO:** You want me to explain the email?

**ADV SIKHAKHANE:** Correct, your shock around this thing, so that we just follow as we go.

**COMMISSIONER FARO:** It took me seven minutes to respond to this email, what I read in the two emails. I then wanted to know the 30 additional sites only for January 2025. I see there is four exclamation marks, and then who approved this. The reason why I said Deputy Commissioner Bolhuis, remember, he was still January and February  
20 overseeing APSS. Deputy Commissioner Spies only started 1<sup>st</sup> of March.

Then I wanted to know did he approved it, DC Bolhuis. Then I said I am not signing off any documentation or requesting additional funds. That moment I was in MACo, and I said I am currently in MACo, I am not going to

entertain this, DC Spies, please launch investigation in this regard, because he was appointed the 1<sup>st</sup>, this is 11 days after he was appointed.

Then I also then again responded:

10 “Added to the below email, this behaviour must stop, as it will cause audit queries, which will not only affect the department, but the COT as a whole. I am not going to request additional budget for unauthorized *ad hoc* sites. I will request an investigation and consequence management. Two reports must be drafted. One ...”

And that is obviously after he ...[indistinct].

“Authorized *ad hoc* sites and then also the unauthorized.”

20 The authorized ones are easy because we are aware of it. Then I again, a few minutes after that, sent another mail to say:

“Deputy Commissioner Spies, please stop any *ad hoc* deployment until the correct procedure determined by you have been implemented, bearing in mind there is no additional funding

already.”

Then I actually, Commissioner Khumalo, I actually referred to this email.

“And further to the *ad hoc*, cease deployment ...”

That is the response from Revo Spies, obviously to Malatsi.

“Cease deployment if guards, stop the deployment of all *ad hoc* guards as  
10 with effect tomorrow morning.”

That is why I, this was actually the email that I referred to, Commissioner Khumalo, where he then immediately, you see that it is on the 12<sup>th</sup>, just a few minutes after I sent the email, actually four minutes, that he actually gave that instruction. The one that, Commissioner, that you alluded to, that he gave him ...[indistinct] I was not aware of that because that will be between him and his immediate Deputy Commissioner. But as I said, I want to look into that as well.

20 **ADV KHUMALO SC**: So that formal letter is on 347?

**COMMISSIONER FARO**: Yes, Commissioner.

**ADV KHUMALO SC**: And the point was that the 12 March email was ignored. So Malatsi ignored it, did not implement it. Reasons were given that it can be in an email, it has to be in a formal letter, and that formal letter you see followed

three months later.

**COMMISSIONER FARO:** Ja.

**ADV KHUMALO SC:** Three and a half months later, and it is on page 347.

**COMMISSIONER FARO:** I do see that, Commissioner, and as I said, I want to look into that as well. Thank you, Commissioner.

**ADV SIKHAKHANE:** Perhaps it would be unfair to ask you, it should have been an issue that Commissioner Spies  
10 would have explained.

**COMMISSIONER FARO:** Yes.

**ADV SIKHAKHANE:** If you say immediate, why does it take another two or three months ...[intervenes].

**COMMISSIONER FARO:** [Indistinct]... look into that, definitely.

**ADV SIKHAKHANE:** To then action that?

**COMMISSIONER FARO:** Yes.

**ADV SIKHAKHANE:** Because these are the things we just say it is going to take time.

20 **COMMISSIONER FARO:** Yes.

**ADV SIKHAKHANE:** And I think Commissioner Khumalo was saying then you know, it is public funds that are being used.

**COMMISSIONER FARO:** Yes. No,, definitely.

**ADV SIKHAKHANE:** All right ...[intervenes]

**COMMISSIONER FARO:** I do agree.

**ADV SIKHAKHANE:** [Indistinct]... and we have learned in this Commission that immediately does not mean immediately.

**COMMISSIONER FARO:** At least, Commissioner, my immediate is immediate. But be rest assured, I am going to look into all of this, because that was my instruction to everyone, I will look into that definitely. I expect if I give instruction, everybody must follow it.

10 **ADV SIKHAKHANE:** Thank you, Commissioner Khumalo. I was restraining myself highlighting immediate. And then if you go to page 338.

**COMMISSIONER FARO:** Still the same file?

**ADV SIKHAKHANE:** Same file, yes. This is just the last point.

**COMMISSIONER FARO:** Just give the page again?

**ADV SIKHAKHANE:** 338.

**COMMISSIONER FARO:** 338. I am there.

20 **ADV SIKHAKHANE:** Now this is what comes under cover, this email, correct?

**COMMISSIONER FARO:** Yes, yes, yes.

**ADV SIKHAKHANE:** And when you see it, and apologies for jumping around, when you see it, you see two things. What you see is that there is, this is in January, so it ...[indistinct].

**COMMISSIONER FARO:** Yes.

**ADV SIKHAKHANE:** You have got Triotic Protection Services that has *ad hoc* sites.

**COMMISSIONER FARO:** Yes.

**ADV SIKHAKHANE:** Then we have Mogalagadi Security.

**COMMISSIONER FARO:** Yes.

**ADV SIKHAKHANE:** And then we have got Gubis 85 Solutions Security.

**COMMISSIONER FARO:** That is correct.

10 **ADV SIKHAKHANE:** Which has sites, according to this, up to 37.

**COMMISSIONER FARO:** That is correct.

**ADV SIKHAKHANE:** Which total 14 million. And obviously we understand that there would have been 22 companies or service providers.

**COMMISSIONER FARO:** Yes.

**ADV SIKHAKHANE:** Just at the time, did it strike you that Gubis seems to have been this efficient or favoured?

20 **COMMISSIONER FARO:** That is part of the investigation, definitely.

**ADV SIKHAKHANE:** No, I mean at the time.

**COMMISSIONER FARO:** Ja, definitely when I saw it, definitely, definitely.

**ADV SIKHAKHANE:** And then just to follow up with the investigation, how would it cover whether actually the

invoices or the actual deployments, if they say they had two guards, how would we know that they actually had two guards, or they just did not have anyone?

**COMMISSIONER FARO**: Exactly.

**ADV SIKHAKHANE**: Is that part of your investigation?

**COMMISSIONER FARO**: That is definitely part of my investigation to, as I said, what is the reasoning for 20 additional? So we are looking at it, what is the reasoning for that, where were they, attendance, everything we are  
10 looking into. We are definitely looking into all of those.

**ADV SIKHAKHANE**: And so would I then be correct, or maybe I am wrong, to say that previously there was not a method to double-check that perhaps, or was there?

**COMMISSIONER FARO**: They have the personnel that must do that checks.

**ADV SIKHAKHANE**: Oh, so there are people  
...[intervenes].

**COMMISSIONER FARO**: Ja, there is people that must do the checks.

20 **ADV SIKHAKHANE**: Okay.

**COMMISSIONER FARO**: Contract services that must do the checks to see does it, you, as I said, also *ad hoc*, let me not use *ad hoc*, surprise visit, just to see also in terms of, I have explained it in terms of the SLA, you must have the SLA with you.

The SLA is very detailed. To see if you are in uniform, the equipment that you must have, the type of guard that you must have, also the amount of guards that you must have there. because we are aware that you must maybe a five, but then you deploy two. So we are aware of that. So you have that component that must check on that.

**ADV SIKHAKHANE**: Okay.

**COMMISSIONER FARO**: Yes.

**ADV SIKHAKHANE**: No ...[intervenes].

10 **ADV KHUMALO SC**: Mr Sikhakhane, before you leave this page, Commissioner Faro, just so that it does not look like this Commission is picking on Gubis Security for whatever reason, I cannot remember where I read this, and you do not have to give us a detailed answer now, but I just need clarity on the three entities that we see on page 338.

**COMMISSIONER FARO**: 338.

**ADV KHUMALO SC**: Are you also investigating whether or not any of those entities are owned by City officials?

20 **COMMISSIONER FARO**: We are looking at everything, Commissioner Khumalo.

**ADV KHUMALO SC**: Because in one of the documents I have seen, I cannot remember which one, there was an allegation made that the first one there, Triotic, is owned by City officials, as in City of Tshwane officials. That may or may not be true, but my question is simply whether you are

investigating that as well.

**COMMISSIONER FARO**: And then, Commissioner, we will do our investigation in terms of obviously the allocation, etcetera. When the CFO comes, they have all the information of that security company. I would prefer that you also pose that question to the CFO. I would really prefer that. But in terms of our investigation, we are obviously looking also at, you have the 22 companies, and then we look at the, how regular and how many, and then  
10 that will also be part of our questions, definitely.

**ADV KHUMALO SC**: Thank you.

**COMMISSIONER FARO**: Definitely, Commissioner Khumalo.

**ADV BALOYI SC**: I thought Commissioner Khumalo was asking, does your investigation include investigating ownership of these companies that are on your panel?

**COMMISSIONER FARO**: Obviously, we are looking into all of that, because we, as you said, I have read in the supply chain management policy when I started, and it says you  
20 must not, one of it says that you must not, the conflict of interest must be, so we, all we, we are taking the supply chain management policy and see was there any contravention also from the side and so that we can have a more detailed type of investigation.

As I said, we do not want to, we are not only

zooming in. If we are one-by-one now, consequence management, it does not mean we are just dealing with one person. We have to now start from A and end at Z. We have to get it right. So, yes, Commissioner Baloyi, we are looking into every single thing, I can promise you that.

**ADV SIKHAKHANE:** Just to assist Commissioner Khumalo, I think it has been in the media, if I may refer you, just out of interest on that, so I will take ...[intervenes].

**ADV KHUMALO SC:** [Indistinct]... [microphone off].

10 **ADV SIKHAKHANE:** Yes.

**ADV KHUMALO SC:** [Indistinct]...

**ADV SIKHAKHANE:** That is file 6.

**COMMISSIONER FARO:** Bundle 6.

**ADV SIKHAKHANE:** Page 548. It is part of the chats that was shared.

**COMMISSIONER FARO:** Yes.

**ADV KHUMALO SC:** Yes, thank you, on 549. That is, ja.

**COMMISSIONER FARO:** Okay.

20 **ADV SIKHAKHANE:** Yes, that is what I just wanted to locate your understanding, perhaps. I did not intend to at least go through this at this point in time. Thank you.

**COMMISSIONER FARO:** Yes.

**ADV SIKHAKHANE:** Just put that file away, yes.

**COMMISSIONER FARO:** Yes, it is on the screen.

**ADV SIKHAKHANE:** Could you please then continue from

page 55 of your statement.

**ADV BALOYI SC:** Sorry, we put away file 3?

**ADV SIKHAKHANE:** Yes.

**COMMISSIONER FARO:** I will then continue with:

10                   “TMPD 01 2024/2025, land invasion.  
Tender TMPD 01 2024/2025 relates to  
the procurement of services for the  
monitoring and prevention of illegal  
land and building occupation, as well  
as the demolition of any illegal  
structures. The appointment would be  
for three years on an as-and-when-  
required basis.”

Meaning only when there is land invasion, so you  
will, and then those that must patrol to prevent the land  
invasion. It will obviously be the hotspots.

“I attach a copy of the invitation to the  
BID marked as YF11. The tender  
advertisement request ...”

20                   We call it a TAR, or T-A-R.

“... was signed off by me on the 27<sup>th</sup> of  
May 2024. I then appointed Brigadier  
Sipho Sebastian Nkomo and Brigadier  
J Mabunda as the departmental  
representatives at the Bid Evaluation

Committee, BEC. The reason why I appointed Brigadier Nkomo, he was at that time acting Deputy Commissioner of Specialised Services, and Brigadier Mabunda is the Head of land invasion.”

**ADV KHUMALO SC:** Commissioner Faro, you are confusing me now. When I asked you this earlier, you said only the City Manager can make these appointments. Now you are saying to us, I appointed these people as  
10 representatives to the BEC.

**COMMISSIONER FARO:** This is in terms of the TAR.

**ADV KHUMALO SC:** But what is the difference?

**COMMISSIONER FARO:** The TAR is the tender advertisement request. This is one page that I signed off. So in terms of this, it should be the City Manager, yes.

**ADV KHUMALO SC:** You are confusing me. Who appoints members of the BEC? Remember that was my earlier question and you said, no, it cannot be you or the CFO, it is the City Manager. Does this not suggest that you  
20 appointed, or does it mean nominate?

**COMMISSIONER FARO:** Nominate.

**ADV BALOYI SC:** You nominate and then the City Manager appoints or approves.

**COMMISSIONER FARO:** Nominate. Commissioner Khumalo, nominate.

**ADV KHUMALO SC:** Yes.

**COMMISSIONER FARO:** Thank you, Commissioner. The tender procurement process, I will just correct Commissioner Khumalo.

10                   “The tender procurement process was successfully concluded and ultimately eight bidders were awarded a tender. Then the tender process was also subjected to property. Property review is done by group audit and risk. They check that the process was followed correctly in appointing these eight companies. I do not know how the tender was evaluated. However, Brigadier Sipho Nkomo will then also come before this committee so that he can just also put it more into context. He will only be giving evidence in terms of that entire process. I do not

20                   know how the tender was evaluated and he will also assist. He assisted with technical expertise on behalf of TMPD and he will be able to give more context in this regard once he appears before the Commission.

Concluding remarks. In conclusion, I wish to reiterate that my tenure as Commissioner of the TMPD has been guided by a steadfast commitment to the principles of integrity as well as transparency and the rule of law. Since my appointment, I have endeavoured to ensure that the TMPD operates not only as an efficient and effective law enforcement agency but also as a responsible organ of state that adheres strictly to the procurement frameworks set out in the Constitution and the MFMA. I have a specific duty to report corruption under Section 34 of the Prevention and Combating of Corrupt Activities Act, 2004, and I am not only doing it because if I fail, it could result in a 10-year prison sentence, I do it because that is the right thing to do.

10  
20

The Independent Police Investigative Directorate, also known as IPID, in terms of the IPID Act, 2011, is broader. Section 29 requires all SAPS members

and Commissioners, we are appointed under the SAPS Act, 68 of 1995, to notify IPID immediately after becoming aware of graft or other cases falling within IPID's mandate. Contraventions carry also up to 2 years' imprisonment.

In my ..." [intervenes]

**ADV BALOYI SC:** Have you reported any matters to IPID?

**COMMISSIONER FARO:** We are going to do that,  
10 Commissioner, I promise you. As I said, our investigation, we already report it to other organs of state, as I said.

**ADV BALOYI SC:** Yes.

**COMMISSIONER FARO:** We are going to, when the investigation is eventually concluded, we are going to make sure any contravention that was there in terms of any law act, we will report it and report it to the national organ of state. What we have picked up, Commissioner, is if you start charging people, they resign and then they just go to somewhere else, and then everybody just leave the case  
20 and nothing comes of it because the person has left the employ of whatever municipality.

We are not going to allow that. We will still pursue any other contravention and any act. That is what I have given to my investigating Head to do. That is now acting Deputy Commissioner Danny Minnaar.

**ADV BALOYI SC:** Yes, I think my question is more general than specific. I think in your testimony earlier in the day, you said that you have had cases of members of TMPD being arrested for different things, and one of the examples you gave was bribery, for example. And so my question, it being general, is, do you have any cases, not necessarily arising from these procurement matters that we are concerned with now, but do you have any pending matters that have been reported to IPID and that IPID is handling in  
10 respect of the TMPD?

**COMMISSIONER FARO:** Definitely, Commissioner. We also have a meeting, a quarterly meeting with IPID.

**ADV BALOYI SC:** Yes.

**COMMISSIONER FARO:** And as I did not actually answer Commissioner Khumalo when you asked do we implement the recommendations, yes, we do. Yes, we do.

**ADV KHUMALO SC:** You offered to deal with it in a supplementary.

**COMMISSIONER FARO:** But I just wanted to say yes. All  
20 the recommendations coming from IPID, I also get the reports and I make sure that it is one of the things that I monitor to make sure that we implement it.

**ADV KHUMALO SC:** I am assuming in your supplementary you can give us the statistics.

**COMMISSIONER FARO:** I will do that, definitely.

**ADV KHUMALO SC:** You can say, for example, over the past three years ...[intervenes].

**COMMISSIONER FARO:** Definitely.

**ADV KHUMALO SC:** There were this number of IPID recommendations, all of them were implemented, those that were not implemented, what is the reason.

**COMMISSIONER FARO:** Definitely. May I correct you, Commissioner Khumalo. Can I have it from the 1<sup>st</sup> of October 2023? That was under my ...[intervenes].

10 **ADV KHUMALO SC:** Yes, yes.

**COMMISSIONER FARO:** Thank you so much, Commissioner Khumalo, you are so kind.

**ADV KHUMALO SC:** I think that is fair, thank you.

**COMMISSIONER FARO:** Thank you.

**ADV BALOYI SC:** Commissioner, you rightly point out or lament ...[intervenes].

**COMMISSIONER FARO:** Yes.

**ADV BALOYI SC:** That people resign.

**COMMISSIONER FARO:** Yes.

20 **ADV BALOYI SC:** And then there, then that is the end of that matter. But is the solution to that not that matters must be reported to the SAPS?

**COMMISSIONER FARO:** Definitely.

**ADV BALOYI SC:** As I have understood it with Ekurhuleni, in respect of Ekurhuleni, similar cases, it is that complaints,

and I think Commissioner Spies, as he then was ...[intervenes].

**COMMISSIONER FARO**: Yes.

**ADV BALOYI SC**: Referred matters to the SAPS and then those matters were then referred to IPID. From the SAPS they go to IPED. Is that not what should be the practice, in fact, the way to circumvent people escaping criminal prosecution or consequences for what is effectively criminal conduct, that complaints should be lodged with the SAPS  
10 and that way a person resigns, they get out of the clause of the IPID but they remain under police jurisdiction. Have you considered ...[intervenes].

**COMMISSIONER FARO**: You are 100% correct, Commissioner Baloyi. As I alluded when I did my background, I am also the Chair of the National Commissioners' Forum of the country. We even took that matter up at the national level. We do not only want it to happen at TMPD.

What we also do, we deregister you as a Metro  
20 Police Officer or more, a Traffic Officer so that you cannot also jump to go from one department and we are also looking at the database that we can also share that information. So you are correct. And also we said we do not want to wait on the South African Police Service and IPID or whoever is investigating to give us a feedback.

We need to follow up and if we see that it stays too long with a person, you need to, you can follow up with a senior. You need to, we need to start following up and not leave it and say I am waiting on IPID, I am waiting on the South African Police Service. We need to trace our case numbers and we need to trace our cases that we report.

So that is what we as the Commissioners of the country also want to, what we are busy with actually and we are looking at standardizing it on a national level.

10 **ADV BALOYI SC:** Thank you.

**COMMISSIONER FARO:** Thank you, Commissioner.  
Paragraph 61.

20 “In my commitment, I have taken proactive steps, including the instruction of new control measures to mitigate the risk of irregular expenditure and to safeguard the City's resources. Given what I have learned, I believe it is important that we continue to pay close attention to procurement processes and internal interferences in the manipulation on ongoing process within the TMPD. That must also be done without interference from the person that

maybe wants to claim I am monitoring but then you interfere as well. I remain fully committed to assisting this Commission in its mandate. I hope that the information and documentation provided in the statement supplemented by the testimonies of Deputy Commissioners and officials I have designated ...”

10           And the supplementary homework that I have received, I am just adding that Commissioner Khumalo, my homework that I received.

          “... will provide the necessary clarity on the matters under inquiry. I would also like to highlight to the Commission to assist in protecting those that expose fraud and corruption in any form of irregularities because of what I have experienced. One becomes a target as soon as you expose corrupt activities, and I am sure after I have appeared in front of this Commission, it will not stop. However, Commissioners, I will do this over and over again. I would also want to make use of this

20

10 opportunity to thank the Commissioners  
and all the evidence leaders and  
everyone behind the scenes. If it was  
so much intense for me in terms of  
making sure that you give your  
statement is there and your evidence  
and making sure you meet regularly  
with the evidence leader, I really  
cannot even imagine how must it would  
be for the Commissioners that sits here  
on a daily basis. I really want from my  
side to thank you for what you are  
doing for the country and for the  
province of Gauteng and I wish that  
this can be rolled out after Gauteng to  
all the municipalities within the borders  
of South Africa. Thank you,  
Commissioners, for the opportunity that  
I could have given, be a witness in  
20 front of this Commission and also have  
given some clarity and also some  
information in terms of what was in the  
statement and then also the evidence  
that was attached. Thank you,  
Commissioners.

**CHAIRPERSON:** Mr Sikhakhane.

**ADV SIKHAKHANE:** Thank you. I think we might have missed the ...[indistinct]. I think we had started with that. We will let Commissioner Faro go through her statements and then be not as interruptive, but I think we took some time interrupting here. In the interest of time, there are areas that I would like to probe with her.

**CHAIRPERSON:** You want to, yes, yes.

**ADV SIKHAKHANE:** I will not go to too much detail in the  
10 interest of time.

**CHAIRPERSON:** All right. Commissioner, thank you for your remarks. I just want to say that what is bothersome is that in many instances, starting with Ekurhuleni, SAPS and now Tshwane, there has been a lot of movement by the institutions concerned, the action being taken against officials. But what is bothersome about that is that, but for what has been divulged at this Commission, it seems that it would have been business as usual. That is quite bothersome.

20 I am not necessarily directing this at you, but at the institutions concerned. And we are talking what, this is only SAPS, Ekurhuleni, and SAPS you know, only at the top, top level, the level of Generals. Yes, there may be an odd Brigadier and so on here and there. So that is a very small window, if I may call it that, both at SAPS and also

nationally in terms of only Ekurhuleni, only Tshwane.

So it is quite bothersome because these institutions cannot possibly be outliers. One believes that what we see is replicated throughout the country. That is quite bothersome. Thank you. Yes, Mr Sikhakhane.

**ADV KHUMALO SC:** Mr Sikhakhane, sorry, we kept interrupting, so I have almost exhausted all my questions. I only have one. So if you indulge me, I will ask it now and then allow you the rest of the afternoon to deal with what  
10 you wanted to deal with.

**ADV SIKHAKHANE:** Commissioner, please feel free, even if you have two, three, four.

**ADV KHUMALO SC:** Commissioner Faro, my concern was with the asset protection and security services. You, in your statement, had set out what the mandate of a Metro Police is, and you referred to Section 64 and the alphabetical letters, B, C, that follow.

**COMMISSIONER FARO:** Yes.

**ADV KHUMALO SC:** And I did not see anywhere in those  
20 sections where it falls within a mandate of a Metro Police to be responsible for protection of municipal property. And I think you rightly said that the owner, the person who is accountable for these properties, is actually the COO. Is it right that the Metro Police should be responsible for this, and what has been your experience when you were at, I

think you were at Nelson Mandela Bay and then City of Cape Town at some point. Is it the same in those municipalities that the Metro Police department is responsible for this function of asset protection and security services, or is the position different there?

**COMMISSIONER FARO:** Thank you, Commissioner Khumalo. It does not fall under the Metro Police, Commissioner Khumalo. It falls under, it is a leg on its own in Nelson Mandela Bay, under safety and security. The  
10 same within the City of Cape Town. City of Cape Town also has got Metro Police, they have got traffic services, they have got law enforcement, and they have got VIP services. So, Metro Police does not, it does not fall under Metro Police also in the City of Cape Town.

**ADV KHUMALO SC:** So, it seems like Tshwane is confused because you corrected yourself and said it was not an insourcing. It was almost a parallel movement from one section within City of Tshwane to another. Even  
20 Tshwane is confused because they are not quite sure where this department or this section or this function should fall. I mean, is that not a problem, because I am not sure that Metro Police are qualified, and I could be wrong, I am not sure that they are qualified to deal with this department because their function is really by-law enforcement and assisting with crime prevention and all those things that you

have mentioned.

Now, to be dishing out tenders where you are spending billions of rands, I think the amount we had was 2.9 billion the other day. I mean, it is a serious concern to me because I do not know that the Metro Police are qualified to be dealing with those things.

**COMMISSIONER FARO**: Commissioner, the City Manager, the accounting officer gave me the letter, 1<sup>st</sup> of July 2024, and he says asset, APSS is with you now. I believe when  
10 there was, remember when we established Metro Police all over the country, like in Cape Town, they took traffic services, law enforcement services, and they made it a Metro Police with all the others. The same happened here when they had to start the Metro Police in 2002.

So whatever departments you had that was more like a law enforcement safety, it was under there. That is why originally when they did start the Metro Police, APSS was part of Metro Police, 2002. And then, as I said, 2021, April, it was moved away via a memo from the then  
20 Executive Mayor, Randall Williams. And then the 1<sup>st</sup> of July 2024, it came back to Metro Police.

Should it be with Metro Police? Commissioner Khumalo, you are going to get me into trouble. I would say if you protect maybe the assets of the City, who is the owner of the assets of the City? So it must either be with

the COO who has got the infrastructure, whether it is the reservoirs or whether it is the electrical substations, or the GSO who is responsible for all the buildings of the municipality. So ...[intervenes].

**ADV KHUMALO SC:** I am saying because here is the thing. When you do eventually insource all the security guards, if you do, let me not say when, if you do eventually insource all the security guards, they will not become Metro Police Officers because they are not appointed in terms of  
10 the SAPS act.

**COMMISSIONER FARO:** Yes.

**ADV KHUMALO SC:** So they will become employees of the City of Tshwane, and they will become security guards working for Tshwane. TMPD cannot be responsible for them. So that is why I do not understand why that function, because it is outsourced. TMPD is responsible for it. But if it were insourced, those people would not be TMPD officers, and they would therefore be employees falling under a different department.  
20

But I mean, maybe the CFO is better placed to answer some of these questions. I was just posing it to hear your view, and if you do not want to get into trouble and you prefer not to answer ...[intervenes].

**COMMISSIONER FARO:** I am a person ...[intervenes].

**ADV KHUMALO SC:** Chair is happy ...[intervenes].

**COMMISSIONER FARO**: That will answer.

**ADV KHUMALO SC**: Chair is happy that we allow you to say, I will leave it for the CFO.

**COMMISSIONER FARO**: Unfortunately, I have to be honest, Commissioner Khumalo, and that was my honest opinion, because, Commissioner, you are correct. If you look at who is the owner, if you look at anybody's property, Metro Police is not looking after you. You have got your own security company. So you as the owner of that house,  
10 the state is not going to put a policeman outside your house, or a Metro Police Officer.

You as the owner of the house must make sure that you have even security measures in place, whether it is a camera, whether it is, you must make sure you have got a fence around your house, and then you must make sure that maybe a security company will respond if you press a panic button. So that is logic, logical thinking, and you are correct, Commissioner Khumalo.

**ADV KHUMALO SC**: Thank you, Mr Sikhakhane.

20 **ADV BALOYI SC**: Before you go. Commissioner, in the very last paragraph of your statement where you speak about protection of whistleblowers effectively, the, I mean, you are expressing something similar to what Deputy Commissioner Spies expressed in his experience. My question is, does the City have any measures or anything in

place that protects, that seeks at least, to provide protection to people who want to speak to whistleblowers?

**COMMISSIONER FARO**: Commissioner ...[intervenes].

**ADV BALOYI SC**: And if the City has, what in fact does it have in place?

**COMMISSIONER FARO**: The City is allowing you to, obviously, if there is information that you want to come forward that you can do that, whether it is through the group audit and risk, whether it is through the office of the City  
10 Manager, the City does have measures in place. What I am really referring to, Commissioner, is that if I take Deputy Commissioner Spies, there is remarks that he is a spy, and the silly remarks that is being made, where I think you should applaud people that come forward to actually, are not part of the pack and wants to make sure that we do the things the right way.

Commissioner, Chairperson, I said I am going to say something on a lighter note. When I leave here, Chairperson Madlanga, you will have to pay lobola, because  
20 my surname is going to change to Commissioner Madlanga wherever I enter. The Faro is gone when I walk out of here. I will send my family over. So that is Commissioner Spies, that is his name, Madlanga. There is no Spies anymore.

And I find it, I actually find it, yes, we can laugh about it, however, I actually feel if you in this country come

forward against fraud and corruption, why are you becoming the target? People do not want to be around you. People feel like, you know, what are you doing? You are supposed to come to work to do your work and do it the right way in terms of all the policies and procedures that are there. However, the moment you speak out or you are a person that makes sure that you stop, as I said, when I stopped that *ad hoc*, immediately, there was things fabricated.

**ADV BALOYI SC:** I am asking the question to establish  
10 whether the system, I am asking about the system, whether the City has a system in place which allows people, for example, to speak confidentially without fear that what they say will soon be told back to whoever they were telling about. That is what I am trying to figure out. But what you are explaining as requiring protection from is, it seems to me that that is more a cultural issue of an organisation, even country, that we have that problem. People, even when you have got the mechanisms in place ...[intervenes].

**COMMISSIONER FARO:** Yes.

20 **ADV BALOYI SC:** Eventually people will come to know you are going to testify in court and they are going to ostracise you, and those kind of things seem to require some cultural changes. That is not the kind of question I am asking. I am asking in terms of systems in place. For example, if Deputy Commissioner Spies is being harassed, or you even,

because you have taken the kind of steps and decisions that you have taken in the discharge of your functions, does the City have in place things like such employees will be disciplined, for example, if you harass me because I am doing my job and I have stopped you from spending money ...[intervenes].

**COMMISSIONER FARO**: Yes.

**ADV BALOYI SC**: And I have actually started disciplinary processes against you. Does the City have a system and a  
10 culture where action can be taken against those people to discourage that kind of behaviour, because there is a level at which it is behaviour and cultures that have developed over time ...[intervenes].

**COMMISSIONER FARO**: Yes.

**ADV BALOYI SC**: And something has to be done to stop it, but that is a different conversation too.

**COMMISSIONER FARO**: Yes.

**ADV BALOYI SC**: Is there anything in place at all? Or we do not have anything in place that allows people to act  
20 without fear, with some kind of protection.

**COMMISSIONER FARO**: Yes.

**ADV BALOYI SC**: It may not be perfect, but there are ways I can go anonymously ...[intervenes].

**COMMISSIONER FARO**: Yes.

**ADV BALOYI SC**: To, you know, to report the Chief

Financial Officer for having, you know, instructed that purchase orders must be created long after the service has been provided.

**COMMISSIONER FARO**: Yes, yes.

**ADV BALOYI SC**: Is there anything like that in the City, is really that what I am trying to determine?

**COMMISSIONER FARO**: I think we have something in place. We have got the fraud line, we have, but I think, Commissioner, because we have never had a type of  
10 Commission of Inquiry, it needs to be refined to include also when it comes to appear in front of a Commission. I think it is just as you said, it is maybe standard, however, we need to make sure that we look into that and maybe not only in municipalities but all government establishments and departments to make sure. The same it was with COVID, we never knew COVID and then we had to put things in place in terms of COVID. We never knew wearing masks and all of that.

So the same thing, the Commission is a very good  
20 thing of inquiry. And I think whatever policies we have, or directives we have, or SOP's we have, we need to refine it now around that. That is even part of my department that I am going to work with as part of my workshop, that I want to include it so people can feel free, but then it needs to be in each and every department. It maybe comes from also, as I

said, we need to refine it and include it.

And then we must make sure that there is, I may be lucky that I have my detail with me because of the post that I have. However, it is not everybody that is got the detail because of the post that they have. And we maybe need to look at that and then also make it easier for people, much, much more easier to report and to know also, there is going to be consequence management, because it is no use you report and that person stay in the government environment  
10 or in the municipality and that person is even aware, confidentiality is also very important, and that person is aware you are the person that came forward.

So, all of that we will have to maybe refine it a little bit to make sure we include the Commission as well. And then also what we experience practically and maybe make that also part of our outcome, Commissioner Baloyi. I think that will help a lot. Thank you, Commissioner Baloyi.

**ADV BALOYI SC:** The second is a clarification on something that we dealt with earlier. But maybe before I do  
20 that, let me conclude this part by saying, you have, for example, under the, I think the Commissions Act, where it is a criminal offense to interfere with the work of the Commission.

**COMMISSIONER FARO:** 100%.

**ADV BALOYI SC:** So, if someone who is testifying, has

testified, is about to testify, is being harassed in whatever way, the perpetrator may well easily fall into, you are interfering with the work of the Commission.

**COMMISSIONER FARO**: Yes.

**ADV BALOYI SC**: And it may well be that in the City or in the forum of Police Chiefs, you may want to start that kind of discussion.

**COMMISSIONER FARO**: Yes.

**ADV BALOYI SC**: But the second thing that I wanted to  
10 raise is, and it is more to clarify, in the correction that you made, remember we had a discussion about insourcing and just moving people across.

**COMMISSIONER FARO**: Yes, yes.

**ADV BALOYI SC**: And I accept the correction that you have made, but does it mean, therefore, that Tshwane has never done an insourcing exercise?

**COMMISSIONER FARO**: The 1,271 was insourced or capacity built in 2019. So, that is why we have the outsource, and the 1,271 was insourced.

20 **ADV BALOYI SC**: Okay.

**COMMISSIONER FARO**: However, as I said, it was insourced, but they did not include or make sure that there is a plan.

**ADV BALOYI SC**: Yes.

**COMMISSIONER FARO**: And we did it now. Let us train

them. Let us make sure they have medical aid.

**ADV BALOYI SC:** Yes.

**COMMISSIONER FARO:** Let us make sure they have got pension. Those things were not, so they were insourced, but they failed to implement that.

**ADV BALOYI SC:** That plan, okay.

**COMMISSIONER FARO:** So, that is also what I was busy with all the time. And we had now, we picked that up and we made sure that we, over the three-year period, first you  
10 get your medical aid. They also did not get a 13<sup>th</sup> cheque.

**ADV BALOYI SC:** Yes.

**COMMISSIONER FARO:** So, all those things, we had to actually make sure that we, that insource staff or the capacity built, in-house capacity, that we make sure we correct that before we can even in-house capacity build more.

**ADV BALOYI SC:** Yes.

**COMMISSIONER FARO:** Let us first correct that.

**ADV BALOYI SC:** Thank you.

20 **COMMISSIONER FARO:** Thank you, Commissioner Baloyi.

**ADV BALOYI SC:** Thank you. Thank you, Mr Sikhakhane.

**ADV SIKHAKHANE:** Thank you, Commissioner Baloyi. Thank you, Commissioner Faro. I will try to just highlight a few points and ask, when necessary, for you to assist us back to your statement. You have spoken about your duties

or roles and functions, and part of it is that you bear the ultimate responsibility for the TMPD.

**COMMISSIONER FARO**: Yes, that is correct.

**ADV SIKHAKHANE**: And part of that also goes to recruitment, appointments, promotion, transfer of members, and part of that also includes managing discipline.

**COMMISSIONER FARO**: That is correct.

**ADV SIKHAKHANE**: Correct. And then, and you have spoken to us or testified that you are engaged in corrective  
10 measures for those members that you have since discovered that there was something wrong.

**COMMISSIONER FARO**: That is correct.

**ADV SIKHAKHANE**: And that would be Mr Phiri and this further investigation into others.

**COMMISSIONER FARO**: Yes, that is correct.

**ADV SIKHAKHANE**: And hopefully, I think you can agree with me where I was having a difficulty that in order for these things to happen, they do need to move with some speed, otherwise they become problematic.

20 **COMMISSIONER FARO**: Yes, definitely, when it is, except when there is a complexity about it, but definitely you are correct, and that is what I do with all my investigations. This is just a little bit different.

**ADV SIKHAKHANE**: Indeed.

**COMMISSIONER FARO**: You are correct.

**ADV SIKHAKHANE:** And then in terms of your Deputy Commissioner, the one that is vacant, what is the, how long has, you said it has been a while. What are the plans about?

**COMMISSIONER FARO:** We have now started the process again.

**ADV SIKHAKHANE:** Oh ...[intervenues].

**COMMISSIONER FARO:** Yes, we have already started the process.

10 **ADV SIKHAKHANE:** Okay.

**COMMISSIONER FARO:** It is just now the holidays that came in between, but definitely. But I want to put it on record, if I again do not find the right person, I will have to re-advertise again. I am not just going to appoint somebody for the sake of appointing.

**ADV SIKHAKHANE:** Thank you. And also, I think we have gone too many things. My job is truly to lead evidence more than have views. Can we go to the file 3. I am just dealing with the part of the evidence, I apologise, that I just  
20 at least have to put on record.

**COMMISSIONER FARO:** Thank you, I have got it.

**ADV SIKHAKHANE:** Page 382.

**COMMISSIONER FARO:** Got it, I am there.

**ADV SIKHAKHANE:** Thank you.

**COMMISSIONER FARO:** I am there.

**ADV SIKHAKHANE:** Thank you. You see, this is a notification for deployment for Gubis.

**COMMISSIONER FARO:** Yes.

**ADV SIKHAKHANE:** And at – thank you, I am not going to be too long on this, it is just a matter of highlighting the evidence, what builds up the problem that we are facing.

**COMMISSIONER FARO:** Yes.

**ADV SIKHAKHANE:** This is a notice, and I would imagine there is no doubt about it, but at the bottom there, we see  
10 that the person who is signing, and we will obviously put it to him whether he is, it is his signature, is Mr Phiri.

**COMMISSIONER FARO:** Yes, 100%.

**ADV SIKHAKHANE:** And Commissioner Spies has spoken, or came to testify, and identified that Mr Phiri signed these notices, and that he was not authorised.

**COMMISSIONER FARO:** Yes.

**ADV SIKHAKHANE:** And earlier on, you said the same thing.

**COMMISSIONER FARO:** Yes, I agree.

20 **ADV SIKHAKHANE:** And then they go, these deployments go up to page ...[intervenes].

**COMMISSIONER FARO:** 424.

**ADV SIKHAKHANE:** 424, correct. And in the majority, they are signed by Mr Phiri.

**COMMISSIONER FARO:** Yes, that is correct.

**ADV SIKHAKHANE:** Perhaps to avoid, well, at the risk of speculation, would you know why he would be the one that is signing, what are the possibilities for signing these deployments? Or maybe, let me put it this way, in terms of his level, where is he and who does he report to? And as far as you know, could this happen ...[indistinct]?

**COMMISSIONER FARO:** Obviously, this is not, I have already said previously, this is what we picked up ...[indistinct] investigation, and then we found obviously  
10 that, this is also stemming from the email that was sent to say that is on the 12<sup>th</sup> of March, this is part of that investigation.

**ADV SIKHAKHANE:** Correct.

**COMMISSIONER FARO:** And that is part of that evidence.

**ADV SIKHAKHANE:** Correct.

**COMMISSIONER FARO:** That these sites, so it is stemming from there, and obviously if he is today on suspension, and then we, and then there is an investigation, still more investigation pending, clearly that this is not what  
20 should have been done, so ...[intervenues].

**ADV SIKHAKHANE:** And who does he report to?

**COMMISSIONER FARO:** He, as I said, there is other members that we also looked at, and we must also remember, I said previously, APSS does not have a proper command and control system in place.

**ADV SIKHAKHANE:** Yes.

**COMMISSIONER FARO:** Yes. So, yes, we are looking at everybody, even the person that he is reporting to, in terms of this. We are also looking at the time, because remember, he was transferred also, he was also at, although he is a Metro Police Officer, he was, or he is assisting, or was assisting at APSS, with this movement and everything, movement of staff from one management to another, I would call it.

10 **ADV BALOYI SC:** Can I just understand what you are saying. The, he is in TMPD.

**COMMISSIONER FARO:** He was a TMPD officer, but with the movement, Commissioner Baloyi, they have moved the staff, staff had a choice if you want to move with to the ...[intervenes].

**ADV BALOYI SC:** [Indistinct]... [cross-talking].

**COMMISSIONER FARO:** Office of the City Manager, to obviously assist, because you cannot leave a vacuum.

**ADV BALOYI SC:** Yes.

20 **COMMISSIONER FARO:** So some remained behind when they, when, that was maybe assisting, and said, you know, I will, they had the choice, I will remain, others went with. So there is where Phiri's involvement came in terms of Inspector Phiri of APSS. So he was then part of assisting there by APSS.

**ADV BALOYI SC:** Ja, I thought I understand, I understood the structure as you are explaining it, but now I am confused. Initially, they were moved to the City Manager's office.

**COMMISSIONER FARO:** Yes, 100%.

**ADV BALOYI SC:** Okay. And then returned now to ...[intervenes].

**COMMISSIONER FARO:** Back to TMPD.

**ADV BALOYI SC:** TMPD.

10 **COMMISSIONER FARO:** Yes, 100%.

**ADV BALOYI SC:** So where is he sitting now?

**COMMISSIONER FARO:** He is ...[intervenes].

**ADV BALOYI SC:** At the date of page 382, which is the 15<sup>th</sup> of January 2025 period ...[intervenes].

**COMMISSIONER FARO:** That he was back at Metro Police, because remember 1<sup>st</sup> of July 2024 ...[intervenes].

**ADV BALOYI SC:** Yes, yes.

**COMMISSIONER FARO:** They moved back, so ...[intervenes].

20 **ADV BALOYI SC:** So he is at, in TMPD at the time as he issues these instructions.

**COMMISSIONER FARO:** Yes ...[indistinct] [cross-talking].

**ADV BALOYI SC:** And he reports to somebody. Who does he report to?

**COMMISSIONER FARO:** He reports ...[intervenes].

**ADV BALOYI SC:** He must report to somebody.

**COMMISSIONER FARO:** Ja, no, definitely he is reporting to somebody.

**ADV BALOYI SC:** Yes.

**COMMISSIONER FARO:** I must just double-check, but I, that is why I do not want to, I want to give names here if I am not 150% sure who does he report to, because of the back and forth and back and forth. So, I would ...[intervenes].

10 **ADV BALOYI SC:** The overall Head where he is sitting ...[intervenes].

**COMMISSIONER FARO:** Oh, the overall Head.

**ADV BALOYI SC:** Is Dhlamini the overall Head?

**COMMISSIONER FARO:** No, no, no, no.

**ADV BALOYI SC:** Who is the overall Head?

**COMMISSIONER FARO:** The overall Head will be Deputy Commissioner Spies.

**ADV BALOYI SC:** Where Spies is now?

**COMMISSIONER FARO:** Yes, yes, yes.

20 **ADV BALOYI SC:** Okay, all right. But in January 2025 ...[intervenes].

**COMMISSIONER FARO:** That was Deputy Commissioner ...[intervenes].

**ADV BALOYI SC:** Bolhuis.

**COMMISSIONER FARO:** Sean Bolhuis.

**ADV BALOYI SC:** It was Bolhuis at the time.

**COMMISSIONER FARO:** Yes.

**ADV BALOYI SC:** Okay. So at January 2025, his ultimate Head would have been Bolhuis at that time?

**COMMISSIONER FARO:** That is correct, Commissioner Baloyi.

**ADV BALOYI SC:** Okay, thank you.

**COMMISSIONER FARO:** That is correct.

**ADV BALOYI SC:** All right, thank you.

10 **COMMISSIONER FARO:** My apologies for confusing you.

**ADV KHUMALO SC:** Just for, while we are on this, the other person I was talking about is on 399 and 400. So you will see that for those two purchase orders ...[intervenes].

**COMMISSIONER FARO:** Say again the number?

**ADV KHUMALO SC:** Page 399 and 400.

**COMMISSIONER FARO:** 399. I am there.

**ADV KHUMALO SC:** So those are the two during that period ...[intervenes].

**COMMISSIONER FARO:** Okay.

20 **ADV KHUMALO SC:** That were not signed by ...[indistinct].

**COMMISSIONER FARO:** Yes.

**ADV KHUMALO SC:** My question was ...[intervenes].

**COMMISSIONER FARO:** This is one of the persons that ...[intervenes].

**ADV KHUMALO SC:** [Indistinct]... [cross-talking].

**COMMISSIONER FARO:** 100%.

**ADV KHUMALO SC:** ... not suspended.

**COMMISSIONER FARO:** Yes, no, we are ...[intervenes].

**ADV KHUMALO SC:** If the investigation has ...[intervenes].

**COMMISSIONER FARO:** Yes, that is 100%. You are correct. You are correct. We are looking at actually if we cannot find actually more. If you look at the first one, there was a little bit of a stack. So this one we are also  
10 checking. And also I said the person that we also said in terms of the invoices and did you check is it according to the standards and was it supposed to be done. So, yes, that is part of the ...[indistinct] food chain, you are correct.

**ADV SIKHAKHANE:** So, this Dr Madihlaba is a Senior Superintendent. Does he also, I do not know whether it is a he or she, do they report to ...[intervenes].

**COMMISSIONER FARO:** Also, yes.

**ADV SIKHAKHANE:** Bolhuis.

**COMMISSIONER FARO:** To Bolhuis that time.

20 **ADV SIKHAKHANE:** Yes.

**COMMISSIONER FARO:** And now to Spies. That is correct. That is correct.

**ADV SIKHAKHANE:** And you are saying that obviously there is going, there is some reasoning why ...[intervenes].

**COMMISSIONER FARO:** Yes.

**ADV SIKHAKHANE:** He is not placed on suspension.

**COMMISSIONER FARO:** Yes, yes, yes, there is reasoning to that.

**ADV SIKHAKHANE:** Okay. That is that. And then I think the next section, which I am going to run through very quickly in the interest of time as well, is what has happened in your department. And for that, could you please take file 5. Now, this is a file containing WhatsApp chats and I think you may be familiar with them and in the Commission when  
10 Sergeant Nkosi came to testify.

**COMMISSIONER FARO:** If you take me to the page ...[intervenes].

**ADV SIKHAKHANE:** I will take you to it, but I am just saying the, I am telling you what this is about.

**COMMISSIONER FARO:** Yes, that is fine.

**ADV SIKHAKHANE:** And I understand you may be at a disadvantage in the sense that these are not your WhatsApp's, but I just want to highlight a few things for you, then we will go to the other issues. One is that what  
20 we see in these chats generally is that there is a close relationship between the CFO, that is Mr Mnisi, and Mr Nkosi, Sergeant Nkosi. And if you look at it, they call each other bra's, they go to the shooting range, they seem to have a very cozy and very close relationship between the two of them.

I do not want to take you through to each WhatsApp, but just accept that is what I am saying. As an example, if you go to page 10 of that file.

**COMMISSIONER FARO**: I am there.

**ADV SIKHAKHANE**: They talk about, where are you, my brother, and they refer to, okay, my bro, we can meet tomorrow. And there are quite regular meetings between the two of them. That is the first point that, just in the interest of time. But also they share a lot of documents that  
10 are internal within the City. I am going to go through that document now. If you go to page 65.

**COMMISSIONER FARO**: I am there.

**ADV SIKHAKHANE**: At page 65, and this is, you will see it is a screenshot, and I do not want you to engage with the contents, but essentially this is a screenshot of a text, of an email that is drafted by Mnisi, and is forwarded to Sergeant Nkosi. You see that?

**COMMISSIONER FARO**: Ja.

**ADV SIKHAKHANE**: And also he then, he has a message  
20 underneath that says:

“Please read and confirm if all is in  
good order before I send.”

That would read to me that he is asking for Nkosi's permission about sending a message in an official capacity.

**COMMISSIONER FARO**: Yes.

**ADV SIKHAKHANE:** Then another example of this brotherhood is at page 96.

**COMMISSIONER FARO:** I am there.

**ADV SIKHAKHANE:** And then at the, just below the mid-section, Sergeant Nkosi, take it for granted that, that is his number, Zero Tolerance, he says:

“Compliments my brother. Indeed, in you I found a true brother.”

You see this coziness between the two of them.

10 **COMMISSIONER FARO:** Hm, I do.

**ADV SIKHAKHANE:** Then if you then turn to the following page, at page 99, that is the CFO sending a tender advert to Mr Nkosi, and then he advises him and says:

“I have sent the above to Peggy, we need to regroup on it.”

Now, I accept that you are not the person that wrote that message, but what it does suggest is that, rightly or wrongly, the CFO is sending an internal advert, as it were, to Sergeant Nkosi, and it seems that they say we  
20 need to regroup on it, meaning there is some coordinated effort of some sort, correct?

**COMMISSIONER FARO:** Yes.

**ADV SIKHAKHANE:** That is how it reads anyway.

**COMMISSIONER FARO:** Ja, ja, ja, that is how I ...[intervenes].

**ADV SIKHAKHANE:** The CFO will come through.

**COMMISSIONER FARO:** Yes, the CFO will obviously.

**ADV SIKHAKHANE:** And then if we turn over to page 100, it would seem towards the bottom, the CFO says he is going to Durban, he is going for a massive business deal that side. You see that? So they also clearly share some - and then if you go to the following page, 102, then it is an example of another meeting, and the CFO says:

“Can we meet today, please?”

10                So it is another incident of these regular meetings between the two of them.

**COMMISSIONER FARO:** Yes.

**ADV SIKHAKHANE:** And as you can see, the file is thick with a lot of messages exchanged between them.

**COMMISSIONER FARO:** Yes.

**ADV SIKHAKHANE:** And then 103 is a continuation of that. Then if you go to page 114, at the bottom there, there are engagements. At the last message, this is from CFO, he says:

20                “Just finished. What time do you think you can be this side? You think I can get a bank account in the meantime? I do not want to delay any further.”

And then the following, at the following page, then he then also says:

“Let us meet.”

Correct?

**COMMISSIONER FARO**: Correct.

**ADV SIKHAKHANE**: So, and then go to 117. Then at the bottom, it is, at the bottom it is Mr, a photo. Then below it, this is CFO saying:

10 “It is okay, my brother. We are managing this guy, my brother. I just wanted to show you, Mbungulu will never win.”

Right?

**COMMISSIONER FARO**: Yes.

**ADV SIKHAKHANE**: Now, what I am trying to point out to you is that they seem to have some interaction between them, and Nkosi seems to have some access to the CFO of some nature. Another example of their close relationship is graphic at page 125, towards the bottom there, it is at 18 February, where he says:

20 “Mfowethu, I was thinking of you.”

That is again a very close relationship that we see. But I want us to then go towards February, towards March, sorry. Go to page 133.

**COMMISSIONER FARO**: 1?

**ADV SIKHAKHANE**: 133.

**COMMISSIONER FARO**: I am there.

**ADV SIKHAKHANE:** And the CFO asks Sergeant Nkosi ...[indistinct] Joe Mabunda from TMPD. Right, and then next page.

**COMMISSIONER FARO:** Oh.

**ADV SIKHAKHANE:** Would that be yourself?

**COMMISSIONER FARO:** Where does he get the photo of me? My apologies, Commissioners. I am just now shocked to see there is a photo of me here.

**ADV SIKHAKHANE:** Is that Sipho? Do you know Sipho?

10 **COMMISSIONER FARO:** Yes, and this is the day, I think it is the second day that I am at Tshwane Metro Police, where I called all the seniors in my boardroom and I introduced myself, second or the third day. This is where this photo is stemming from.

**ADV SIKHAKHANE:** I see.

**COMMISSIONER FARO:** Yes. So yes, this is Brigadier Siphon Sebastian Nkomo. Ja, I introduced myself as the new Commissioner. I called all of them into the boardroom so that they cannot see me through an email or messages. I  
20 wanted them to meet me in person. So this photo is from 2023.

**ADV SIKHAKHANE:** Okay. And then, Joe Mabunda, the following page at 1, not following, at page 136.

**COMMISSIONER FARO:** I am there.

**ADV SIKHAKHANE:** This is the investigation that Cilliers

Brink talks about. I think we referred to it about one of the suppliers, about the investigation into a security tender. Do you know anything about this?

**COMMISSIONER FARO**: No, I do not.

**ADV SIKHAKHANE**: Ja.

**COMMISSIONER FARO**: As you can see, it is not, it is from a political party.

**ADV SIKHAKHANE**: Okay, that is fine. Then, go to 141.

**COMMISSIONER FARO**: I am there.

10 **ADV SIKHAKHANE**: Thank you. At the top, we start with a lot of calls between the two of them. But then, towards the bottom, the second last, the CFO says:

“Is General winning?”

Do you know General ...[indistinct] who do they refer General as?

**COMMISSIONER FARO**: I do not know if it is a General in South African Police Service, because we do not have Generals in Tshwane Metro Police, or in the Metro Police. We have got Commissioners and Deputy Commissioners.

20 **ADV SIKHAKHANE**: Correct. No, that is fine. You, I think the testimony ...[intervenes].

**CHAIRPERSON**: I think, if I am not mistaken, I think what was revealed in the evidence was that between Mr Mnisi and Sergeant Nkosi, the General was Deputy Commissioner ...[intervenes].

**ADV SIKHAKHANE:** Umashi.

**CHAIRPERSON:** Yes, Dhlamini.

**ADV SIKHAKHANE:** Umashi, yes. I was going to just put it, because I am going to juxtapose it later on, yes.

**COMMISSIONER FARO:** He is on a General, he is on a rank of a Major General, and ...[intervenes].

**CHAIRPERSON:** I am not suggesting that that was the official, but when they communicated ...[intervenes].

**COMMISSIONER FARO:** Okay.

10 **ADV SIKHAKHANE:** When they said General, they were referring to Deputy Commissioner.

**COMMISSIONER FARO:** Okay. Okay, I understand. I understand.

**CHAIRPERSON:** Ja, ja.

**ADV SIKHAKHANE:** And do you know if, just out of curiosity, whether there was any relation between Umashi Dhlamini and the CFO? Do they know each other, do you know?

20 **COMMISSIONER FARO:** No relationship that I am aware of.

**ADV SIKHAKHANE:** Okay.

**COMMISSIONER FARO:** On several occasions, even in the management meeting, if there is a matter, then I am the one that is liaising with the CFO, because remember, we are section 56 appointees.

**ADV SIKHAKHANE:** Okay.

**COMMISSIONER FARO:** So, no, there is no relationship. Yes, in terms of his administrative support function, he will deal with, obviously, with the CFO's departments, and if he is acting in my stead, then definitely he will liaise with the CFO, but no relationship that I am aware of openly. Definitely not.

**ADV SIKHAKHANE:** No, that is fine. Thanks. We start to see, this is now in March 2025.

10 **COMMISSIONER FARO:** Yes.

**ADV SIKHAKHANE:** And you will correct me if I am wrong, this is the, just after the *ad hoc* services were signed off by ...[intervenues].

**COMMISSIONER FARO:** Okay.

**ADV SIKHAKHANE:** Just to contextualize it, or at least I see the evidence leading to. Then we are at 142, at the top.

**COMMISSIONER FARO:** I am there.

20 **ADV SIKHAKHANE:** He then says, this is now Sergeant Nkosi, he confirmed it will be sorted. Now, now, he will give feedback soon, before 12. Then below that, CFO says:

“Okay, it is not yet in my system.”

You see that. And then, Nkosi crosses fingers.

**COMMISSIONER FARO:** [Indistinct]...

**ADV SIKHAKHANE:** Then we go over to 143, at the top,

there is a message where he says:

“He said he will not disappoint.”

**COMMISSIONER FARO**: I see that message.

**ADV SIKHAKHANE**: Below that, CFO says:

“Thanks, Mfowethu.”

And then below that he says:

“Morning, Captain ...”

This is a forwarded message, and I will locate it.

10 “Please just confirm from Mfowethu  
ubuti, I am processing the issue, and I  
have spoken to Cain and Vusi also to  
increase the target value, as the  
amount is a bit higher, and as soon as  
all of them are released, I will let you  
know for his intervention, to ensure  
that Tommy makes payment urgently.”

This is an engagement about money.

**COMMISSIONER FARO**: Hm, I can see that.

**ADV SIKHAKHANE**: Or payment.

20 **COMMISSIONER FARO**: Definitely.

**ADV SIKHAKHANE**: Correct. Do you know of Cain and  
Vusi?

**COMMISSIONER FARO**: I do not know who is the Captain,  
because he is greeting morning, Captain. In terms of, I do  
not know who Vusi is, and who is this message to, to the

CFO? Because I see ...[intervenes].

**ADV SIKHAKHANE:** Yes, to the ...[intervenes].

**COMMISSIONER FARO:** The reason why ...[intervenes].

**ADV SIKHAKHANE:** These are chats between the CFO and Nkosi.

**COMMISSIONER FARO:** [Indistinct]... [cross-talking].

**ADV SIKHAKHANE:** Yes, but it has been established.

**COMMISSIONER FARO:** Okay.

**ADV SIKHAKHANE:** I think that is ...[indistinct] comes  
10 from.

**COMMISSIONER FARO:** Okay, thank you. If it is to the CFO, if I, the names that I can, and I do not know because there is no surname, so I do not want to assume, but I know, I do know there is a Cain and a Tommy when it is in SCM, the Supply Chain Management. The Vusi, I, because there is lots of Vusi's, so I do not know really, so I do not want to now assume.

**ADV SIKHAKHANE:** Yes.

**COMMISSIONER FARO:** But if I just look at, because you  
20 say this is our CFO of Tshwane.

**ADV SIKHAKHANE:** Yes.

**COMMISSIONER FARO:** That I do know that Cain and Tommy, those names.

**ADV SIKHAKHANE:** Okay.

**COMMISSIONER FARO:** If it is, that they are referring to

that, because there is no surnames.

**ADV SIKHAKHANE:** That is fair.

**ADV BALOYI SC:** And you say both, if it is the right ones, both Cain and Tommy are in Supply Chain Management?

**COMMISSIONER FARO:** Yes, they are, or the group financial services.

**ADV BALOYI SC:** Yes.

**COMMISSIONER FARO:** Yes, yes.

**ADV BALOYI SC:** Okay.

10 **COMMISSIONER FARO:** Definitely Commissioner Baloyi, if it is them.

**ADV SIKHAKHANE:** Thank you. But just to contextualise this, I do apologise, just leave that file open, go to file 6.

**COMMISSIONER FARO:** 6. Got it. I am getting good at this. I have got it.

**ADV SIKHAKHANE:** You have got it. Let me wait for the Commissioners. In the meantime, turn to page 427.

**COMMISSIONER FARO:** 427?

**ADV SIKHAKHANE:** Yes, 427.

20 **COMMISSIONER FARO:** I am there.

**ADV SIKHAKHANE:** In the middle, well, let me just first contextualise. These are WhatsApp chats between Umashi Dhlamini, General, and Zero Tolerance, who is Nkosi, Sergeant Nkosi.

**COMMISSIONER FARO:** Okay.

**ADV SIKHAKHANE:** In the middle, there is a message, and I will read it. It says:

“Morning, Captain.”

**CHAIRPERSON:** That is chat number 4.

**ADV SIKHAKHANE:** Chat number 4, indeed. Sorry, apologies.

**CHAIRPERSON:** Yes.

**ADV SIKHAKHANE:** Can you see?

**COMMISSIONER FARO:** Yes, yes, I am there by chat  
10 number 4.

**ADV SIKHAKHANE:** Okay.

**COMMISSIONER FARO:** Thank you, Chairperson.

**ADV SIKHAKHANE:** It says:

“Morning, Captain. Please just confirm  
for Mfowethu ukuthi, I am processing  
the issue, and I have spoken to Cain  
and Vusi, also to increase the target  
value, as the amount is a bit higher,  
and as soon as all of them are  
20 released, I will let you know for his  
intervention to ensure that Tommy  
makes payment urgently.”

You see, it is identical.

**COMMISSIONER FARO:** It is identical.

**ADV SIKHAKHANE:** So this message was then forwarded

by Sergeant Nkosi ...[intervenes].

**COMMISSIONER FARO**: Okay.

**ADV SIKHAKHANE**: To CFO for payment. So, the discussion is around payment. Right. While we are there, you will then go down in the same file, towards the, I think, chat 7, and it says:

“Mfowethu, is the General winning???”

Right. You see that with three question marks.

**COMMISSIONER FARO**: Yes. Ja, I see.

10 **ADV SIKHAKHANE**: If you then go to file 5, you see that ...[intervenes].

**COMMISSIONER FARO**: Yes.

**ADV SIKHAKHANE**: Same message.

**COMMISSIONER FARO**: Identical.

**ADV SIKHAKHANE**: Right. So what seems to be happening is that Nkosi is playing middleman between the two discussions. You see?

**COMMISSIONER FARO**: Yes, I do see.

20 **ADV SIKHAKHANE**: All right. Then go down, still at 143, file 5 now. Commissioners, you may just put away file 6. We will come back to it later on.

**COMMISSIONER FARO**: File 5?

**ADV SIKHAKHANE**: File 5. I think that is where we were initially.

**COMMISSIONER FARO**: Oh, where we were.

**ADV SIKHAKHANE:** Yes. Then, the second last message from Sergeant Nkosi is:

“Yes, we have won. Busy with creating requisitions, and at the same time releasing them in order for buyers to create PO’s.”

You see that?

**COMMISSIONER FARO:** Hm, I see the message.

**ADV SIKHAKHANE:** Now, he is owning the process and  
10 says we have won.

**COMMISSIONER FARO:** Yes, we.

**ADV SIKHAKHANE:** But either way, he is in the middle of it. Now, you will recall earlier we were dealing about ethics in the SCM policy.

**COMMISSIONER FARO:** Yes, yes.

**ADV SIKHAKHANE:** Just at your level, would you say that Sergeant Nkosi has any role to play in these discussions?

**COMMISSIONER FARO:** Definitely not. Is Sergeant Nkosi not from the South African Police Service?

20 **ADV SIKHAKHANE:** Yes, he is.

**COMMISSIONER FARO:** He is not an employee of the City of Tshwane or supply chain management. No, he, I fail to understand what is his role.

**ADV SIKHAKHANE:** Okay. But then it would be a problem if that was the case?

**COMMISSIONER FARO**: Yes, definitely.

**ADV SIKHAKHANE**: Okay. What it would also highlight is that within the TMPD, there is a problem.

**COMMISSIONER FARO**: No, definitely. If he is playing around that is not supposed to from an external department ...[intervenes].

**ADV SIKHAKHANE**: Yes.

**COMMISSIONER FARO**: Also in terms of the previous, all the messages that you have read into record and took us  
10 through, yes, it is concerning, definitely.

**ADV SIKHAKHANE**: And ...[intervenes].

**COMMISSIONER FARO**: With ...[indistinct] ...[cross-  
talking].

**ADV SIKHAKHANE**: ... General Umashi Dhlamini, who is also an important figure here, is your Deputy Commissioner.

**COMMISSIONER FARO**: Yes, he is.

**ADV SIKHAKHANE**: Okay. You turn to the next page,  
144.

**COMMISSIONER FARO**: I am there.

20 **ADV SIKHAKHANE**: And I am not picking - you will see that Sergeant Nkosi then sends a Gubis invoice.

**COMMISSIONER FARO**: He is not employed by them.

**ADV SIKHAKHANE**: He sends a Gubis invoice to CFO, and the caption there is that:

“This one is for the previous financial

year. We will engage later Mfowethu on how to address it in order to avoid post-facto.”

You see that?

**COMMISSIONER FARO**: I see.

**ADV SIKHAKHANE**: There are two possibilities how he could be in possession of that invoice other than finding it in the floor. It is either he has it from Gubis or someone within the TMPD gave him. And we see there at the bottom,  
10 the signature in the invoice is TP Malatsi.

**COMMISSIONER FARO**: Malatsi.

**ADV SIKHAKHANE**: One could assume that it has to be Mr Chukudu Malatsi.

**COMMISSIONER FARO**: Yes, that is correct.

**ADV SIKHAKHANE**: Then the message below is:

“Thanks, Mfowethu.”

Go to the following page.

“I will try, I think I will try and...”

The next, at the top, there is a message:

20 “Evening Captain.”

You see that?

**COMMISSIONER FARO**: Yes, I do.

**ADV SIKHAKHANE**: Right. Can I ask you, and I do apologize, Commissioners, to go to file 6. File 6, page 429.

**COMMISSIONER FARO**: Just say again, sorry?

**ADV SIKHAKHANE:** Page 429.

**COMMISSIONER FARO:** 429.

**ADV SIKHAKHANE:** 429, apologies.

**COMMISSIONER FARO:** Got it.

**ADV SIKHAKHANE:** At the top, it is chat 1.

**COMMISSIONER FARO:** Yes.

**ADV SIKHAKHANE:** You will see that message is identical to the message at page 145.

**COMMISSIONER FARO:** Yes, it is identical.

10 **ADV SIKHAKHANE:** And that would also again indicate that there is a web of sorts.

**COMMISSIONER FARO:** Yes, definitely.

**ADV SIKHAKHANE:** And Sergeant. Nkosi played some role in that web.

**COMMISSIONER FARO:** Yes.

**ADV SIKHAKHANE:** And then at page 145 of file 5, then CFO says:

20                   “Thank you Mfowethu, much appreciated. Let us push to finalize everything tomorrow so we can pay those guys before Friday.”

At the bottom, there is another message from him, the second last one.

**COMMISSIONER FARO:** Yes.

**ADV SIKHAKHANE:** He says:

“Please extend my gratitude to the General. He has delivered. PO’s, as per the request, have been approved. See you later.”

**COMMISSIONER FARO**: Yes, I see that.

**ADV SIKHAKHANE**: That is just on that segment. Now, what I was trying to achieve, or to show you, is that you have got an intervention around the same time of these *ad hoc* payments ...[intervenes].

10 **COMMISSIONER FARO**: Yes.

**ADV SIKHAKHANE**: Where there was a request for funding. But there is this, it may be or may not be related, but you have got Gubis being central here, and also their invoice ...[intervenes].

**COMMISSIONER FARO**: Yes.

**ADV SIKHAKHANE**: Is being processed, so to speak.

**COMMISSIONER FARO**: Yes, definitely.

**ADV SIKHAKHANE**: And you have got someone external that is there. That seems to be the facilitator. And just to  
20 avoid any waste of time, Sergeant Nkosi did come and testify, and did not dispute that he did play some role in assisting in the processing of payments.

But it may be from the fact that out of his nobility, not anything. What we then go to is the relationship between, we are still going to come to this file, is the

relationship that I would like us to go through with your employee or Deputy Commissioner and Sergeant Nkosi. That is in file 6.

**CHAIRPERSON:** May we at this point just take a quick, quick comfort break. Let us adjourn. Our spokesperson will indicate when we are coming back. It will not be long. Let us adjourn.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

10 **CHAIRPERSON:** Because according to Mr Sikhakhane there is still some ground to cover, we have decided to adjourn for the day and resume at 9h30 tomorrow morning. Let us adjourn.

**INQUIRY POSTPONED TO 8 APRIL 2026**

**INQUIRY ADJOURNS**

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