

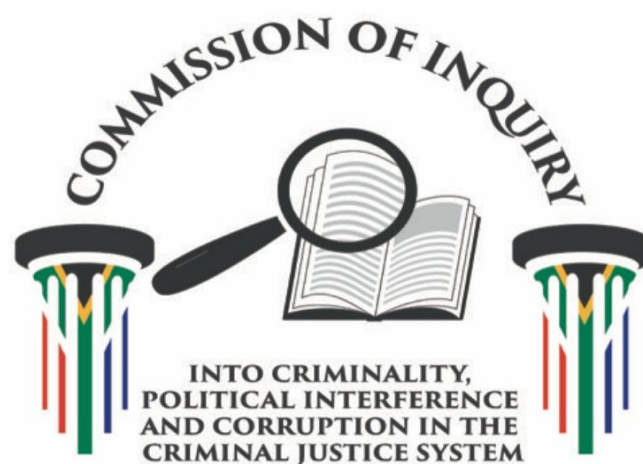
**JUDICIAL COMMISSION OF ENQUIRY INTO CRIMINALITY,
POLITICAL INTERFERENCE AND CORRUPTION IN THE
CRIMINAL JUSTICE SYSTEM**

HELD AT

BRIGITTE MABANDLA JUSTICE COLLEGE

8 APRIL 2026

DAY 86



PROCEEDINGS ON 8 APRIL 2026

CHAIRPERSON: Good morning, Mr Sikhakhane.

ADV SIKHAKHANE: Morning, Chair.

CHAIRPERSON: Good morning, Commissioner Faro.

COMMISSIONER FARO: A very good morning to you, Chair, and good morning, Commissioner Baloyi and Commissioner Khumalo.

CHAIRPERSON: Thank you. Yes, Mr Sikhakhane.

ADV SIKHAKHANE: Thank you, Chair. I, yesterday when
10 we broke it was, we were going through file 5 and 6 with the
WhatsApp messages, but essentially I have tried to curtail
the process and understanding that she is not party to those
WhatsApp's, but I just wanted to demonstrate just two
points to the witness and I apologize, we might not, we
might not be that long as I anticipated. Thank you.

CHAIRPERSON: Thank you, thank you.

ADV SIKHAKHANE: Thank you, Commissioner. Would
you please go to your file 5 still, page 177.

CHAIRPERSON: I am sorry, page?

20 **ADV SIKHAKHANE:** 177.

CHAIRPERSON: Thank you.

ADV SIKHAKHANE: And if you may also open file 6, page
456. Now, yesterday just to, we went through WhatsApp
messages between Nkosi and – 456, indeed, Chair. We
went through the WhatsApp messages between Sergeant

Nkosi and Mnisi, the CFO, your CFO, and the point, I think we agreed that there was a lot of communication about internal matters in relation to them.

COMMISSIONER FARO: That is correct.

ADV SIKHAKHANE: And the same thing with your Deputy Commissioner, who is Umashi Dhlamini.

COMMISSIONER FARO: That is correct.

ADV SIKHAKHANE: And of course, he will come and deal with those insofar as he can.

10 **COMMISSIONER FARO**: Yes.

ADV SIKHAKHANE: Now, in these pages, I just want to also point out the same in relation to something more obvious, which is the land invasion tender. And if you go to page 177 of file 5, you will see, and even there, I do not want to go too much detail, but you will see that there is an exchange of WhatsApp's. There is an, in the, I think it is the third WhatsApp that is sent by Nkosi, and he says:

“Captain, find below our vehicles for
land to be given to Mfowethu.”

20 What you see then is that pattern.

COMMISSIONER FARO: Yes.

ADV SIKHAKHANE: If you go to this other file at 456, file 6, it is essentially what you have, apologies, I think I may have, it is 440 of the files.

CHAIRPERSON: 440?

ADV SIKHAKHANE: Yes, yes. Apologies, Chair. It is chat number 4. And we established yesterday that what you have is that between Sergeant Nkosi and your Deputy Commissioner, Umashi Dhlamini, Umashi Dhlamini calls Sergeant Nkosi, Captain.

COMMISSIONER FARO: Yes ...[intervenes].

ADV SIKHAKHANE: [Indistinct]... [cross-talking] as it seems. What you see is that this message is identical that is sent by your Deputy Commissioner through to Mnisi, but
10 it is sent via Dhlamini. It is via Sergeant Nkosi. You see that? And the point there is that now you are dealing with this current tender where there are service level agreements that have been signed, and that you have got Sergeant Nkosi interfering.

COMMISSIONER FARO: Interfering.

ADV SIKHAKHANE: Correct. And of course, we cannot cast aspersions as to what it is, but what we have established within the evidence of this Commission is the relationship at the very least between Nkosi and figures like
20 Matlala.

COMMISSIONER FARO: Yes.

ADV SIKHAKHANE: Correct. Now, please close those files because I do not want to go further than that. Or perhaps if we go to 456 of file 6, 456. You will also, and of course you were not involved in this, but I just want to point

out the point which is chat number 4 as well, which seems to be a list of what is missing in the Ngaphesheya bid, it would seem, and it would also seem that it is being interfered with. It is more clear what is required and what is not, and that is essentially as far as I can take it with that point. Now, subsequently to this, then there is obviously concluding of the service level agreement.

COMMISSIONER FARO: Yes.

ADV SIKHAKHANE: Can I ask you to release you,
10 Chairperson, and the Commissioners from those
WhatsApp's?

CHAIRPERSON: [Indistinct]... [microphone off] 5 and 6.

ADV SIKHAKHANE: 5 and 6.

CHAIRPERSON: We close 5 and 6.

ADV SIKHAKHANE: Yes.

CHAIRPERSON: All right.

ADV SIKHAKHANE: Thank you. If I may request the Chair
and the Commissioners and the witness to please go to file
3, page 435.

20 **CHAIRPERSON:** 3?

ADV SIKHAKHANE: Yes, file 3.

CHAIRPERSON: Thank you.

ADV SIKHAKHANE: Or perhaps let us start at 499,
apologies. 499. Are you there, Commissioner?

COMMISSIONER FARO: Yes, I am there.

ADV SIKHAKHANE: At 499 is a service level agreement that was concluded between the City and Elshadai Security Services.

COMMISSIONER FARO: Ja.

ADV SIKHAKHANE: And I think in just the interest of time, that was in relation to this land invasion tender that was pursuant to that, correct?

COMMISSIONER FARO: Yes. Yes, that is correct.

ADV SIKHAKHANE: All right. Now, at page 499, you are
10 identified as the person to sign the agreement or representing the City.

COMMISSIONER FARO: That is correct.

ADV SIKHAKHANE: Correct. And yesterday you did testify that indeed you have the power to sign agreements.

COMMISSIONER FARO: Yes, I do have.

ADV SIKHAKHANE: And that obviously involve your department.

COMMISSIONER FARO: That is correct.

ADV SIKHAKHANE: When you, were you presented with
20 these agreements, you went through them?

COMMISSIONER FARO: No, I was not presented with this agreements.

ADV SIKHAKHANE: Okay. And do you know why?

COMMISSIONER FARO: I was not at work. I was on leave.

ADV SIKHAKHANE: Okay. So, if you go to page 525, there is a signature there, and it says Spies.

COMMISSIONER FARO: Yes, that is correct. He was acting in my stead.

ADV SIKHAKHANE: He was acting in your stead.

COMMISSIONER FARO: Yes, that is correct.

ADV SIKHAKHANE: Okay. So, and obviously there is this agreement and I do not intend to go through each of them. There is Gubis, there is Ngaphesheya and all of them.

10 Chair, I do not intend, the same is replicated and the point.

ADV KHUMALO SC: Is that date correct, the date of signature, 14 January 25? It should be 26, right?

ADV SIKHAKHANE: It should be 26.

COMMISSIONER FARO: It should be 26.

ADV SIKHAKHANE: It should be 26. At the top there, that is the correct date, 15 January 2026.

ADV KHUMALO SC: But why do you say you were not presented with these agreements?

20 **COMMISSIONER FARO:** I was on leave, Commissioner Khumalo.

ADV KHUMALO SC: No, no, I get that part. Even if you are on leave and you are Chief of Police, I mean, surely you would delegate to somebody who is acting, and you would be told that the agreements are ready for signature. I cannot believe that when you are on leave, people can do

as they please, and you come back and you say, well, because I was on leave, I wash my hands of what happened. You do not stop being Chief of Police because you are on leave.

COMMISSIONER FARO: Commissioner Khumalo, I am not saying, I said that I did not sign this, and at that time when I came back, I was briefed by Deputy Commissioner Spies.

ADV KHUMALO SC: Ja, but the question is, did you see them before they were signed? I understand that they were
10 signed, because this is what happens with written agreements, they go back and forth because you get a document, it is typed, and people look at it to check that it complies with legal requirements, and the terms of the agreement are in accordance with the tender documents, and they generally reflect the services that are to be provided and fees that are to be paid, so, the terms of the agreement.

And that does not happen in the space of a month. There would be a back and forth with drafts being
20 exchanged. The question that was put to you, was this presented to you? It may well be that on the date of signature by Spies, you were on leave and therefore you could not have signed, but it does not explain what happened before that.

Were you aware that there were these draft

agreements circulating, what they related to, and that at some point somebody from TMPD has to sign them?

COMMISSIONER FARO: Commissioner Khumalo, I have not seen the service level agreement before it was signed. No draft was sent to me. Nothing was sent to me to come back, to go through. I did not receive it. The only time is when I came back from my leave.

ADV KHUMALO SC: Ja. I mean, that is a red flag. It is worrying that these things could be happening and your
10 department is responsible, and but for the leave you would have had to sign it. And because you were on leave in January 2026, somebody who was acting in your stead signed them, and you only saw them after they were signed. I mean, that is a serious red flag for me.

COMMISSIONER FARO: Commissioner, you must know the service level agreement is drawn up by the, between the legal department and office of the group financial services, which is the CFO. So they actually draw up the service level agreement. That is why the legal department is also
20 obviously with them to make sure, as you say, that it is legally compliant. However, I did not see this, and it is not that I am abdicating my responsibility. I did not receive the service level agreement before I went on leave. That is a fact, and that is the truth.

ADV KHUMALO SC: But at least you would have been

aware that this company was going to be appointed, but service level agreements were still being prepared at the office of legal and CFO. That part you would have been aware of. Or are you saying you only became aware that Elshadai has been appointed and there is a service level agreement after it was signed?

COMMISSIONER FARO: Yes, Commissioner Khumalo, that is what I am saying.

ADV KHUMALO SC: Before that you were not aware that
10 ...[intervenes].

COMMISSIONER FARO: No, Commissioner Khumalo.

ADV KHUMALO SC: There is a plan to ...[intervenes].

COMMISSIONER FARO: No.

ADV KHUMALO SC: Appoint Elshadai?

COMMISSIONER FARO: No, I was not aware of that. And I think, as I said yesterday, when the CFO is coming to this forum, I think those questions should be posed to him. I would prefer if that is the case, because I am here to tell my side, and I am here to tell the truth. I have not received
20 the service level agreement beforehand to go through or to peruse. I have not received a list to say these are the successful service providers. This service level agreement came to the Acting Commissioner of Police, and it was signed on the date that is there on the page, 14th or 15th of January. And then when I came back, it is hand over. That

is the truth, and that is a fact.

ADV BALOYI SC: Commissioner, perhaps an anterior question to this discussion with Commissioner Khumalo ...[intervenes].

COMMISSIONER FARO: Yes.

ADV BALOYI SC: Is how does it work? You have signed other agreements as Chief of Police, or you have never? You never ...[intervenes].

COMMISSIONER FARO: No, we, I did not sign because we
10 only had two tenders, and then obviously we have the service animals one. But the security one, remember the security tender was withdrawn and re-advertised, and then this was the land invasion one. So I have not signed the security level agreement because that one, as you know, the only one that we are starting now since APSS came back to Metro Police is this one that we are currently busy with. The other one we were also busy with, however but that one, as I said, was not approved, and we had to restart.

20 **ADV BALOYI SC:** So should I understand your explanation to be, since you became Chief of Police in 2023 ...[intervenes].

COMMISSIONER FARO: 2023, yes.

ADV BALOYI SC: Yes, you have never had to sign any agreements in that, whatever agreement, as Head of

Police?

COMMISSIONER FARO: Not that I ...[intervenes].

ADV BALOYI SC: You never had ...[intervenes].

COMMISSIONER FARO: Not that can come to mind now, Commissioner Baloyi.

ADV BALOYI SC: Okay, so ...[intervenes].

COMMISSIONER FARO: There is nothing that is coming to mind now.

10 **ADV BALOYI SC**: Okay, so you cannot speak about a process.

COMMISSIONER FARO: No, no, no, I cannot.

ADV BALOYI SC: That this is how it works normally.

COMMISSIONER FARO: No, but there is no, no that I, can come to mind, or that there is nothing that anybody has sent a document to me beforehand.

ADV BALOYI SC: Ja.

20 **COMMISSIONER FARO**: And then, like Commissioner Khumalo has now alluded, and then say, here is the document, or these were the successful service providers, and then afterwards that, I, nothing of that comes to mind, Commissioner Baloyi.

ADV BALOYI SC: Okay, thank you.

ADV SIKHAKHANE: Thank you. Thank you, Commissioners. And that is the point that becomes problematic, Commissioner, which is that, which then makes

one wonder about, how do you then fulfil your obligations to manage the department? So if you are none the wiser about the agreements involving millions, how do you effectively manage that department, the police department? You see that someone could have that worry about yourself.

COMMISSIONER FARO: I do not agree with that statement. As I said, the processes after Metro Police's involvement stops, it is solely in the department of Supply Chain Management. Unless we are going to, maybe through
10 this Commission, then change where there is gaps. If it is not the case that your involvement is there for drawing up SLA's and assisting with the SLA's, and you get a meeting request to be there, and you get the involvement where you must actually, here is the successful bidder, so you can have a question and answer before the service level agreement comes to your table.

It cannot be said, if you are not being said you must be involved, or that you are not involved, that you have failed. I do not agree with that statement. I think
20 from this Commission we can maybe say that is a gap, and let us make sure in future municipalities you do it the other way around, so that we can sit with us.

But I cannot sit here and agree with something that is said that I should have known if that part they do not even involve you. If it is a part where group legal services

and group financial services, if that is their role, and we see it as a gap because of what, why we are sitting here, we should then say, let us then, and it will also be my recommendation, let us then say, until here, yes, we do not want interference from the subject experts, however, once that process is done and it becomes that way, the subject experts should also then have a type of also checklist and maybe move forward.

So I will rather say let us do that, because I cannot
10 sit here and then it is said, if my involvement is not there, that I should have. So I do not accept that comment, and I would rather say moving forward, let us make sure that before this is even drawn up, that the involvement of the department that is going to make use of that goods and services should be also there.

So I will prefer that we are moving forward that that will be then part of the recommendations.

ADV SIKHAKHANE: Correct. Thanks. Commissioners, the, just for completeness, it is the appointment to
20 Commissioner Spies to be in acting position is found at 435 of the same file. So in essence, had you not been, I think Commissioner Khumalo was raising that point, had you not been on leave, you were going to sign these arguments.

COMMISSIONER FARO: What I normally do, I do not let people just come and drop things at my office. I can

promise you that. If I do not have time to read through it, I will not sign it, because what I picked up, people will know you are on your way out on meetings, because they are in contact with your secretaries and say, is the Chief available, and then if you want to go out by the door, they want to come with the documents. I have picked that up and I refuse to sign.

Even if you say to me it is the last day, they like to come and say this is the last day. Then I said you should
10 have planned better. Your lack of planning is not my emergency. I would rather read through it, and I always send documents back if I am not sure, or somebody must come sit with me, I want to ask my questions, because I know once your signature is there, you cannot say that I was running out of the door and this person came to me and said you must sign.

So I can tell you I would have gone through the document, and if there were questions, then obviously I would, and if there is no attachments that I want to see, and
20 how did you come to that point, I would have asked those questions. I am not saying that Deputy Commissioner Spies has not done it, but I am just saying. But I would have maybe, I would have gone through the document.

ADV SIKHAKHANE: And subsequently ...[intervenes].

CHAIRPERSON: Sorry, just for the record, you refer us to

page 435, Mr Sikhakhane. I just want to place it on record that looking at the letter of appointment there, the acting stint was for two days, am I correct, 15 and 16 January 2026?

COMMISSIONER FARO: It is on this letter, but there is another acting letter from, I think, the 19th of December until the 14th, and then there was this two days that was extended.

CHAIRPERSON: So is that ...[intervenes].

10 **COMMISSIONER FARO**: We can provide that. We can provide that letter as well.

CHAIRPERSON: So the two days I am seeing here ...[intervenes].

COMMISSIONER FARO: This is just additional.

CHAIRPERSON: Is additional.

COMMISSIONER FARO: Yes.

CHAIRPERSON: Oh, thank you.

COMMISSIONER FARO: Thank you, Chairperson.

CHAIRPERSON: Thank you.

20 **ADV SIKHAKHANE**: And obviously, do you know, just out of curiosity, why was there a rush to sign this agreement, especially when you are not at the office?

COMMISSIONER FARO: No, I would not know that. It can be a coincidence, or ...[intervenes].

ADV SIKHAKHANE: Coincidence.

COMMISSIONER FARO: It can be because, but I do not want to speculate.

ADV SIKHAKHANE: Yes, yes, yes. And subsequently, have you familiarized yourself, and are you happy with the agreements?

COMMISSIONER FARO: Yes, I read through it.

ADV SIKHAKHANE: And you are happy with them?

COMMISSIONER FARO: I read through the agreement, and the Deputy Commissioner, when he did his handover, 10 he was, at the time when it was, when it was, when he went through it, he was happy with it. So as I said, that he handed over to me, and then he did explain to me, and then obviously he had to tell me what he has signed, what he has done in my absence, so that I can be aware of it.

ADV SIKHAKHANE: I am asking a different question, whether you are happy with that, having gone through them or gotten a briefing from Commissioner Spies.

COMMISSIONER FARO: I was satisfied that he has signed and he has checked it, because it came from legal services 20 as well.

ADV KHUMALO SC: Mr Sikhakhane, I wanted to ask you, not Commissioner Faro, a question. You said the SLA's all look the same, so we do not have to go through all of them. My question is, the entities that were appointed, do they mirror the list that Sergeant Nkosi was exchanging with

Dhlamini and Mnisi?

ADV SIKHAKHANE: Commissioner, not entirely, but the three entities, that would be Elshadai, Ngaphesheya, and later on Gubis ...[intervenes].

ADV KHUMALO SC: They are all there.

ADV SIKHAKHANE: Correct.

ADV KHUMALO SC: Because he had them, he said, my preferred, in the order of preference ...[intervenes].

ADV SIKHAKHANE: [Indistinct]... [cross-talking] correct.

10 **ADV KHUMALO SC:** And then he listed them.

ADV SIKHAKHANE: Correct. So the point that I concentrate is just as simple, being the three entities. And Commissioner Faro, just to follow up on what Commissioner Khumalo is raising, with hindsight and obviously knowing the apparent, let me not call it interference, but the apparent interference, you would note, it would raise a red flag, that obviously these entities, with hindsight of course, some of them are the ones that were shared with Sergeant Nkosi, correct?

20 **COMMISSIONER FARO:** As you know that this WhatsApp's is coming to our attention now, right.

ADV SIKHAKHANE: Correct.

COMMISSIONER FARO: Unfortunately, I was not in that WhatsApp group. So it is come to our attention now. We must remember there is a supply chain management

process where people must comply with certain, and there is a checklist. So I think, as I said again, how they came to that companies, and did they comply, and the evidence if they comply, those things will be with the Chief Financial Officer. So if he comes to this Commissioner, I think it is better if you maybe drill into that and maybe question him in that regard, because at the end of the day, the documents and the checks and balances and make sure that all the companies comply, is part of his portfolio.

10 So after they have done the checks and balances, obviously they feel that the service level agreement must be drawn up because these companies has met the requirements. So if there is maybe in hindsight, through the WhatsApp's that came to our attention, mine yesterday and to this morning, there is names there, then obviously that question must be posed to the CFO, who is the person that is part of his portfolio.

ADV SIKHAKHANE: And certainly I think there are, what I was just raising as a question was whether to you it would
20 raise a red flag that you have got someone external that gives the CFO ...[intervenes].

COMMISSIONER FARO: Definitely, definitely I agree.

ADV SIKHAKHANE: That is just my question
...[intervenes].

COMMISSIONER FARO: No, no, definitely I agree with

you. As I also yesterday strongly alluded to it, that this is unacceptable. He is not even working for the City of Tshwane. He is not even in the supply chain management environment of the City of Tshwane. He is a South African Police Service sergeant. It is very, very worrying that he could give guidance or he could actually prefer companies. It is unacceptable.

ADV BALOYI SC: Can I just ask on this. We know from your evidence but also from media reports that we can take
10 note of that there has been suspensions of the CFO. We know that Dhlamini, Deputy Commissioner Dhlamini is also on suspension. You have also testified to consequence management processes.

COMMISSIONER FARO: Yes, Commissioner.

ADV BALOYI SC: Now, the evidence through Sergeant Nkosi ...[intervenes].

COMMISSIONER FARO: Yes.

ADV BALOYI SC: And some of which you have covered with Mr Sikhakhane, is the, with those three companies
20 ...[intervenes].

COMMISSIONER FARO: Yes.

ADV BALOYI SC: We are talking about this land tender, right?

COMMISSIONER FARO: Yes.

ADV BALOYI SC: So you have got those, you say, I think

he says Elshadai, Ngaphesheya and later Gubis ...[intervenes].

COMMISSIONER FARO: Yes, Gubis ...[indistinct] [cross-talking].

ADV BALOYI SC: Become, they get awarded these tenders. Now, we know from Sergeant Nkosi's evidence that Ngaphesheya belongs to his brother, according to him. It is a company that belongs to his brother. We also know from that evidence that Commissioner Dhlamini, Deputy
10 Commissioner Dhlamini, seems to have been involved in advising about the Ngaphesheya tender where it did not comply, advising this is how you fix it, we need this and that to be fixed. That is the evidence that has been presented to us.

I give you that as the background to my question. My question is, together with these suspensions that have been publicized ...[intervenes].

COMMISSIONER FARO: Yes.

ADV BALOYI SC: Is there an investigation presently within
20 the City and, or TMPD that is looking at whether these tenders were properly awarded, as in, for example, did Ngaphesheya meet the requirements for appointment? Does Elshadai meet the requirements for appointment? Are there those kind of investigations happening or people have just been suspended and we will see how it plays out?

COMMISSIONER FARO: Obviously, by my side, Commissioner Baloyi, yes. In terms of the City, I am sure the City is busy with that investigation as well under the GAR, group audit and risk, they are busy with it. But by my side, like I said yesterday, we are busy with all the investigations in terms of TMPD.

ADV BALOYI SC: Sorry, maybe let me limit you to just TMPD then. So what you are doing in TMPD, you are not just doing the normal disciplinary processes where Phiri has
10 been suspended and he will go through a disciplinary hearing. Are you investigating the tenders themselves?

COMMISSIONER FARO: Yes, I do, I am busy. Because the information that, obviously, that I got through my being a witness, I have got enough information and then also, as the evidence leader has alluded to, yes, we are looking at that as well. We also want to look at how the, as I said with the CFO, we require that information in terms of the point system, the documents, all of that we are also looking at.

ADV BALOYI SC: Okay.

20 **COMMISSIONER FARO:** We must, because I cannot just look at the one side. If I want to do consequence management, it is the entire food chain and value chain, and then, obviously, as I said, where there is gaps, we need to make sure. If it is that we exclude it or it is just known that, actually, the department that must make use of the

goods and service, we only use you by point 1 to 3, but from 4 to 10, we do that, and 11, you must just sign. We must then say there is a gap. It cannot be like that.

ADV BALOYI SC: Okay.

COMMISSIONER FARO: So, I do not want us always to be after the fact. We need to make sure we put measures in place. That is why, Commissioner Baloyi, this investigation is not going to be overnight. However, it is not going to be something that we want to drag on for five years because
10 we are dealing with this on a daily basis.

ADV BALOYI SC: Yes. So ...[intervenes].

COMMISSIONER FARO: So, yes, definitely the investigation is quite huge and wide.

ADV BALOYI SC: So we can, when I say we, I mean the public ...[intervenes].

COMMISSIONER FARO: Yes.

ADV BALOYI SC: Can expect, for example, that Ngaphesheya, if indeed it did not meet the requirements for, to be awarded this tender, the public can expect that in time
20 that contract will be cancelled.

COMMISSIONER FARO: Definitely.

ADV BALOYI SC: Or steps will be taken to cancel it and set it aside.

COMMISSIONER FARO: Definitely, Commissioner Baloyi, definitely.

ADV BALOYI SC: Thank you.

COMMISSIONER FARO: Definitely.

ADV BALOYI SC: Thank you.

COMMISSIONER FARO: And you saw that the SCM policy is very, very clear of the City of Tshwane, very, very clear. So definitely there will be consequences, I promise you that.

ADV BALOYI SC: Well, I mentioned, I should not be misunderstood, I mentioned Ngaphesheya because there
10 were specific evidence ...[intervenes].

COMMISSIONER FARO: Yes, yes.

ADV BALOYI SC: But this applies generally ...[intervenes].

COMMISSIONER FARO: Yes, to everybody. We need to look into all of them that was successful. If you look at the land invasion, it is that eight. We need to look at it and also to see, like you say, if there is any links. And as I said, we are also making use of external, other departments to assist us with that.

ADV BALOYI SC: Thank you.

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

CHAIRPERSON: Commissioner, this engagement takes me back to a question I asked you yesterday, and you said that you would deal with it later on in your testimony. I am not sure that you did. If you did, you will correct me. The question related to paragraph 7 of your statement. When

you were dealing with that paragraph, perhaps let me read what you said, which prompted my question.

“Over the past weeks, I have come to learn with great shock and dismay on what was apparently taking place in the TMPD. It is not, it would seem, issues of irregularities, but clear systems of siphoning of money and criminal activities.”

10 And when you say that you became aware over the past weeks, you were obviously referring to what came out at this Commission, am I correct?

COMMISSIONER FARO: Yes. As I, if you can see there in the, obviously, with the stopping of the *ad hoc* since that time, including the Commission.

CHAIRPERSON: Including what came out here.

COMMISSIONER FARO: Including the Commission.

CHAIRPERSON: Yes, yes, yes.

COMMISSIONER FARO: Including the Commission.

20 **CHAIRPERSON**: Yes. My question related to this. I expressed concern at the fact that, but for these recent revelations, it would have been business as usual, and my concern was this, what systems are in place to make sure that things like this either do not happen at all, or if they do happen, they are discovered and action is taken

immediately or soon enough.

COMMISSIONER FARO: Yes.

CHAIRPERSON: That is what you said you would deal with. In your engagement with Commissioner Baloyi just now, the focus was on what you are going to do, you as TMPD, what you are going to do from now onwards. My concern is in a sense historical, in the sense that how did we get here?

Why is it that these were not discovered much, 10 much earlier? Why are there not systems that make sure that if something wrong has happened, it must be found out. It must be discovered soon enough. It must not be purely fortuitous that we do become aware of it. There must be systems in place that make sure that, one, it either does not happen, or if it has happened, it is discovered soon enough.

COMMISSIONER FARO: Chair, I agree with you. And I need to just remind the Commission that APSS only came to me 1st of July 2024, and we have discovered that even prior to that, as I said, the investigation is vast, and upon it came 20 to me, we actually became aware of it and we started the type of investigation.

And you are correct, we need to look at the history and historically in terms of even the previous tender and even the previous to look at it to see what happened that time as well in order for us to make sure what happened

that time, what now, and how we can correct it. So you are correct, Commissioner, Chairperson, that July 2024, a couple of months after that, we had to figure out and stumbled across things to make sure, handover report was only given a month after I have discovered and stopped the *ad hoc*.

And also, as Commissioner Khumalo yesterday also said in terms of the APSS, it is very complex. You deal with tenders, you deal with staff, you deal with sites, sites that
10 you had to do your own assessment. So I want to really, I know now, because of this that we have discovered now, it looks like you should have known. But we must not lose sight that we only got APSS, and APSS has been since 2002. So the fact that we stumbled across it is something new. We had to, immediately we had to start with the tender, which was already late.

We had to immediately figure out everything for ourselves. And it was mid, mid, it was beginning of the financial year, 1 July 2024. Then you have a couple of
20 months, then you have the festive season. So all these things are what we discovered. Actually, we made more headway than anybody that was before in that portfolio.

So, yes, you are correct, Chairperson. We are looking wide, and as I also said, we are in the process of also having a workshop with all this information, with the

relevant role players, to see what was, what happened, what we discovered before the Commission became actually here to assist us even more, and how we are going to move forward. So I really need to also, in terms of my team that was part of it and had to figure out how this APSS worked, I need to really give, commend them a little bit for what they have done in a short span of time, in what was going on for years.

So I can really guarantee you, we are looking into,
10 because we cannot move forward if we are not going to look at historically how did it work. And I can guarantee you also it is very difficult also to get certain information, but we are going to get the information because there is no way we are going to move forward. And as I said yesterday, the ideal will be to build in-house capacity moving forward, and that will be to have not this scenario anymore, moving forward into the future.

In-house capacity, and then also looking at, rightfully so, after we have built and assisted, where the
20 unit must actually reside, must it not be with the COO then, must it not be with the GSO? But we are up for the challenge. We are there. We are not going to hand over a broken vehicle. We will fix the vehicle, and we will look at historically what went wrong.

We want to really look at everything because we

cannot start in the middle and we leave behind. There can be people that maybe has moved from the unit but previously was involved in something. We are even looking into that if I say that, we are looking into everything.

CHAIRPERSON: Perhaps more a comment than a question, but of course if you want to say something on it, you may. It seems to me that with some of the things that happen during the entire process, the people involved in the processes just go along with whatever is, whatever agenda
10 is being pushed. Let us take the example of Ngaphesheya, which Mr Sikhakhane drew our attention to.

There is the email from, I think, Mr Dhlamini, is it, where he is pointing out the shortcomings of the Ngaphesheya bid. So that should tell the people involved in the procurement process that this is how the Ngaphesheya bid looked at the time it was submitted.

COMMISSIONER FARO: Yes.

CHAIRPERSON: But this is how it looked at the stage of adjudication, which should tell those involved in the process
20 ...[intervenes].

COMMISSIONER FARO: Yes.

CHAIRPERSON: That there was a change somewhere in between. That is not even a red flag. It actually tells you that something improper has happened somewhere between submission and adjudication. So that is why I think, yes,

some people will actually be involved in criminality, impropriety, bid rigging. But some will not be involved in that, but will be complicit in the sense that they do not actually look for what they should be looking for, which makes corruption, bid rigging, etcetera, easy. As I said ...[intervenes].

COMMISSIONER FARO: [Indistinct]... [cross-talking]
Commissioner.

CHAIRPERSON: As I said, it is just a comment. But if you
10 want to ...[intervenes].

COMMISSIONER FARO: Definitely, Chairperson. We also
picked up there was one person that actually, because of
you, remember you are in uniform, so if somebody of
authority comes, you are supposed to check certain things.
You are spot on with it. That is even that we picked up,
that you should, irrespective of who comes to you in a
position of authority, if it is that you must have A, B, C, D, E
in order to do F, you should not just because the person is
in authority. You are 100% correct with that, Chairperson.
20 All of those things came to the fore now, and we will have
to do consequence management on each and every one.

You cannot use the excuse that somebody in
authority came to you and even if the person say I am going
to bring it later and maybe it never came, so you must just
do that. We are also looking at those things, Chairperson.

You are correct in terms of that.

CHAIRPERSON: Mr Sikhakhane.

ADV SIKHAKHANE: Thanks, Chairperson. I have just got two issues, and I think it comes to your point. You say that there are obviously steps that you are going to take going forward, and obviously I think yesterday you were given some homework about what was happening in the department, in the Police Service, I mean, Metro Police Department, and yesterday I did put it to you or probed that
10 there is some difficulty with, or I find some difficulty, but I could not point any further about management and having these circumstances, as the Chair puts them, that then enable others to be caught up to otherwise within the department. And one central figure is Commissioner, your Deputy Commissioner Dhlamini. If I may ask you to go to file 1, page 93.

COMMISSIONER FARO: File 1?

ADV SIKHAKHANE: Page 93.

COMMISSIONER FARO: I am there.

20 **ADV SIKHAKHANE:** Yes, are you fine, Commissioner Baloyi? Oh, it is that challenge with the file.

ADV BALOYI SC: Ja, I will share with the Chair. I still have the same difficulty as yesterday. My 93 is a Phiri suspension letter, but I will share Dhlamini with the Chair.

ADV SIKHAKHANE: I do apologise.

COMMISSIONER FARO: Chair, through you, mine is the same as Commissioner Baloyi. So my file is also the same as Commissioner Baloyi with the ...[intervenes].

CHAIRPERSON: Do you not have a copy that you just take out from somewhere and share with the Commissioner?

ADV SIKHAKHANE: Yes, I was going to - thank you. Mine is marked, unfortunately.

COMMISSIONER FARO: I think, Commissioner Baloyi, they have got something against females here. We can pick
10 that up.

ADV BALOYI SC: I am starting to think that.

COMMISSIONER FARO: I can think that as it comes to the two of us.

ADV SIKHAKHANE: Perhaps, Chair, I can, either we can stand down for the copies to be made just ...[intervenes].

CHAIRPERSON: Or perhaps why do you not move on to some other point and then we come back to this later? Will that mess up your ...[incomplete].

ADV SIKHAKHANE: Yes, it should. But it is to the witness
20 ...[indistinct].

COMMISSIONER FARO: Thank you so much. Thank you.

ADV SIKHAKHANE: You see that is a precautionary suspension letter ...[intervenes].

COMMISSIONER FARO: Yes.

ADV SIKHAKHANE: From, yes, Dhlamini and I would, that

is Umashi Dhlamini.

COMMISSIONER FARO: That is correct.

ADV SIKHAKHANE: And you ...[intervenues].

ADV KHUMALO SC: Sorry, can I ask why the evidence leaders, oh, it is there now. It is fine.

ADV SIKHAKHANE: Yes.

CHAIRPERSON: Remember, the public is also watching.

ADV SIKHAKHANE: Yes.

CHAIRPERSON: Okay.

10 **ADV SIKHAKHANE**: Thank you. That is your signature at the bottom.

COMMISSIONER FARO: That is correct.

ADV SIKHAKHANE: Okay, could you just take us through how this happens? I find it peculiar about how does it work and what are the actual allegations, because one is not clear from what Commissioner Dhlamini is saying. He says there are serious and damaging allegations. He is essentially - apologies, Chair.

CHAIRPERSON: No, no, continue, continue.

20 **ADV SIKHAKHANE**: Yes, he was simply saying that there are serious and damaging circumstances or, that warrant for him to be put on precautionary suspension. Could you just explain on that how it works?

COMMISSIONER FARO: If you look at the date, this was the 20th of March. Just the end of the 18th of March, Deputy

Commissioner Dhlamini's name was mentioned just by the end of the day. The morning of the 19th, I went to his office and I said, there was, your name was mentioned yesterday. Depending on what is coming out today, me and him had a conversation that this will be the route to go.

What happened then, I engaged with the HR department because I wanted to know, what do you do in a case like this, because it is not that I had an investigation, and then in terms of that investigation, it is easier to say, based on A, B, C, D, E, I am going to do this. So they said, I was then on the, by the festive season launch busy, the national one. Then I was informed that this, he is looking for me on the 20th, and then he is got a document he want to hand over to me.

When I got the document, I wanted to know from HR, what is the way forward? And if you will just allow me, I will just read into record what HR has actually responded to me, because I wanted to know, in this case, what need to do. Then HR said Chief, I have perused the policy, and it does not make provision for such a request. It is normally initiated from the side of the employer. Then HR also said, however, from other documents I perused, it is possible as long as the employer suggests it with reasons and does not demand. The letter from him is a request, and the reasons seem valid. I would however suggest a cover letter where

you can indicate that after consideration of the request and the reasons, you support the request. So that I received from HR.

What I wanted to do, I wanted it to be procedurally correctly from the start. That is why I sought advice from HR how to go about it. So the letter you will see on 93, he did write, where he requested, and then as per HR on page number 94, I then did that cover letter. Although I signed that, and I signed it, you will see on page 95 is my
10 signature. So that is how this came about.

CHAIRPERSON: For the record, please tell us where you were reading from just now. That is the ...[intervenes].

COMMISSIONER FARO: I am reading from ...[intervenes].

CHAIRPERSON: The advice, the advice from HR.

COMMISSIONER FARO: Yes, and I will also submit it with my supplementary. Our person from HR is Nadia Cilliers. And I will submit this for the Commission, how this came about.

CHAIRPERSON: Thank you.

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

ADV BALOYI SC: Just for the record, at page 93, that is Deputy Commissioner Dhlamini's request to be placed on suspension.

COMMISSIONER FARO: That is correct.

ADV BALOYI SC: Okay.

COMMISSIONER FARO: That is correct, Commissioner Baloyi.

ADV BALOYI SC: Okay.

COMMISSIONER FARO: That is correct.

ADV BALOYI SC: So when you say you supported the request, you mean you accepted that there were valid reasons ...[intervenes].

COMMISSIONER FARO: Yes ...[indistinct] ...[cross-talking].

10 **ADV BALOYI SC:** For him to be placed on suspension?

COMMISSIONER FARO: Definitely. Definitely, I accepted it, Commissioner Baloyi. I also on the 19th already, the morning, early the morning, I went to him and said, because it was just by the end of the 18th of March, his name was mentioned, and it was more into context on the 19th. And I did inform him in person, whatever comes out now today, that obviously then on the 20th, there will be type of an, action will be taken.

ADV BALOYI SC: Thank you.

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

ADV SIKHAKHANE: Just for completeness, and I think if you compare that, and maybe the circumstances are different, that with the letter for Commissioner, I mean for Inspector Phiri where there are specifics, just maybe for the record, what, when he says serious and damaging

allegations, I think he is covering the nature of the allegations. Are you able to share exactly your understanding of your discussion as to what it is that he was concerned about, was it corruption, was it ...[incomplete].

COMMISSIONER FARO: It was obviously the allegations against him in terms of the 19th of March. It was obviously that possible, like you said, interference, etcetera. So that was the nature of the discussion.

10 **ADV SIKHAKHANE**: So it was around the issues of interference?

COMMISSIONER FARO: 100%.

ADV SIKHAKHANE: And are those, they are not written anywhere insofar as that is concerned?

COMMISSIONER FARO: It is part of the investigation.

ADV SIKHAKHANE: Part of the investigation?

COMMISSIONER FARO: Yes.

ADV SIKHAKHANE: Okay.

20 **COMMISSIONER FARO**: Yes, it is part of the investigation.

ADV SIKHAKHANE: All right. Commissioners, I think the next part would have been the APSS, but another witness with more detail will come and deal with it, and I think I am unlikely to get more from the witness on the topic.

CHAIRPERSON: All right. All right. Any other topic to

deal with then, or is this the end?

ADV SIKHAKHANE: This is it. It is just, it was just one of the APSS, but I think it is better that we deal with it with another witness.

CHAIRPERSON: It will be dealt with by the other witness. Thank you.

ADV SIKHAKHANE: I do not think I ...[indistinct] that.

CHAIRPERSON: Thank you.

ADV SIKHAKHANE: The witness ...[incomplete].

10 **CHAIRPERSON:** Thank you.

ADV SIKHAKHANE: All right.

ADV KHUMALO SC: Commissioner Faro, good morning, again. I just want to get clarity from you. You must understand that this Commission has a limited duration within which to do its work, and its terms of reference are limited, and we have a few investigators and a few evidence leaders.

COMMISSIONER FARO: Yes.

20 **ADV KHUMALO SC:** Tshwane and TMPD are big institutions.

COMMISSIONER FARO: Yes.

ADV KHUMALO SC: You mentioned 3,200 or ...[intervenes].

COMMISSIONER FARO: 3,600.

ADV KHUMALO SC: 3,600 officers within TMPD. It is

unlikely that we as the Commission will cover all of them, so it is in that context that I want to ask these questions that I have to ask. What, other than the security services, what are the other services that are procured by TMPD through the tender system, and where you as Chief of Police or your predecessors have had to sign an SLA?

COMMISSIONER FARO: I am sure, Commissioner, is the uniform, the uniform tender.

ADV KHUMALO SC: Uniform.

10 **COMMISSIONER FARO:** And then also the service animals, because you need to, the fleet and the vet services, etcetera. And also the, if I look at it ...[intervenes].

ADV KHUMALO SC: I am assuming tech, the machines that your officers use ...[intervenes].

COMMISSIONER FARO: The speed.

ADV KHUMALO SC: To track speed and drinking and ...[intervenes].

20 **COMMISSIONER FARO:** Speed, yes, speed equipment, 100%.

ADV KHUMALO SC: And then ticket collection, the ...[intervenes].

COMMISSIONER FARO: No, that is AARTO that we have.

ADV KHUMALO SC: Is it AARTO?

COMMISSIONER FARO: We, unfortunately, in

Johannesburg, AARTO is already with us for a very, very long time.

ADV KHUMALO SC: So there are no service providers that collect on behalf of the City of Tshwane?

COMMISSIONER FARO: No.

ADV KHUMALO SC: Okay.

COMMISSIONER FARO: I have got my own back office with my staff.

ADV KHUMALO SC: And then healthcare, you are not
10 using Mr Matlala's company to test your officers when they are sick or ...[intervenes].

COMMISSIONER FARO: No, they have got medical aid.

ADV KHUMALO SC: Fitness?

COMMISSIONER FARO: Fitness is done by my in-house academy.

ADV KHUMALO SC: So it is not Medicare 24?

COMMISSIONER FARO: No, we do not need Mr Matlala for that.

ADV KHUMALO SC: All right. Now I will put it no higher
20 than this, because there must still be a determination on this, but it would appear that, in relation to the tenders that we have looked at, that the SCM system within Tshwane and TMPD is compromised. What is your comment on that?

COMMISSIONER FARO: I agree.

ADV KHUMALO SC: So your policy, it is great that you

have a written policy, but it is clear that people are not complying with it and are finding ways to go around it and to get their preferred service providers to be appointed even when they do not qualify to be appointed. And the example Chair made is ...[indistinct].

COMMISSIONER FARO: Commissioner Khumalo, definitely I agree, because you would not have been sitting here if it was not compromised.

ADV KHUMALO SC: No ...[intervenes].

10 **COMMISSIONER FARO**: So I agree with you 150%.

ADV KHUMALO SC: My worry is that the Commission has so far only looked at the security services. What assurance can you give the Commission and the public, the South Africans, that in their capital city, in one of the biggest metros in the country, in relation to these other services you have mentioned seven, you have mentioned, uniform, animals, tech, ticket collection we can scratch out, you said health care is internal, but in relation to those five, can you give South Africans the assurance that there was no
20 infiltration by criminals who have hijacked the system and they are making millions if not billions out of taxpayers' money and nobody is paying attention to it? Can you give the country the assurance that that is being looked at and you are comfortable that there are no issues there?

COMMISSIONER FARO: Commissioner Khumalo, as I

said, we are going to look not only into this two tenders that has been identified or flagged by the Commission. We are looking at the entire, everything that you have mentioned that has got, even if it is, remember some of those were already awarded or some of them are already in place. This investigation is not going to stop now and it is only because there is, and as you said, you have got the terms of reference when it comes to the Commission.

Everything needs to be looked at when it comes to
10 this. And the other thing that I am looking at also is all these services, can we have it in-house? That is my next question. Is it possible that I can maybe appoint a vet for the service animals? Is the amount of service animals of such amount that I can do it? Is the care that they need of such amount that I can do it?

I am looking at all of those things. Is it necessary that we must have all these service providers or can I build in-house capacity? So the word for me is in-house capacity, then this, all these things will disappear. So
20 those are the things that I am also looking at.

In terms of the other tenders, this is going to be part of, the terms of reference from my side is bigger than yours, Commissioner Khumalo. I unfortunately have to now, mine must be bigger. I cannot just say, okay, let us look at the two. I need to look at everything and also to see those

that are implicated, how far are they implicated in this regard. I cannot just look into the two. I need to look at how far and how long have you been busy in this regard. So that is also part of my scope in terms of the investigation that we are looking at.

Yes, we are looking at this too now, but I have to look at, and then all the staff there. If all the staff are compromised, unfortunately I will have to start from a clean slate. I will have to start from a clean slate. So,
10 Commissioner Khumalo, that is my answer that I cannot just look into, let us look at nine and ten, but we will not start from one.

ADV KHUMALO SC: Then ...[intervenes].

COMMISSIONER FARO: I have to look at the whole value chain and I did already said that, but we are first starting now with this and then we are also looking back into the, into all the others as well.

CHAIRPERSON: Are you able to create positions within the TMPD or would you have to seek permission from
20 someone else?

COMMISSIONER FARO: I will be able to, Chairperson. We are busy looking at the microstructure at the moment. So I am looking at, I even put, I want two legal services within my office. I have already recruited two very young Metro Police Officers that got their, they studied and they

have got it and I have given them like small things to be the liaison between the legal department of the City of Tshwane and my one, to look at litigation, to look at if you go to court, prepare yourself to go to court, that we do not lose cases, look at summonses, look at trends, are you making mistake on the summonses or is it deliberate? So we are already starting with that and I have given them that, so yes, the answer is yes, I can do that.

CHAIRPERSON: Alright, I am asking that in the context of
10 your response to Commissioner Khumalo that, for example, you want to take out of, the need for procurement, the appointment, for example, of vets for your animals.

COMMISSIONER FARO: Yes.

CHAIRPERSON: If, for example, there will be a huge saving instead of going out to tender, if there will be a saving, if you have your own vets and you do not have to seek someone else's permission to make appointments, why not, because then you are outside of all this corruption, bid rigging and all of the things I referred to earlier.

20 Of course, the appointment of vets is just one example. I am sure when you sit down you would be able to remove from the procurement process a whole lot of other services. I was surprised when we went through the WhatsApp chats here to see that there are even tenders for the delivery of refuse bags. When I grew up, someone

employed by the municipality would just throw that in, throw it into the yard and you have got your refuse bag and the municipality did not have to issue a tender for that. I just find some of these things mind-boggling. Again, that is just one example.

If one sits down, a whole lot more could be removed from the tender system. But I guess it also requires political decisions, political will and so on. So some of these things may be outside of your scope of, or
10 your purview of functions.

COMMISSIONER FARO: Commissioner, what you can, and if I just take the vet services as an example, you train the Metro Police Officer to additional, that is on the mounted patrol unit. You just enhance his skills. You do not need to have a vet on standby. That can be done. I am just using the example of being a vet. You are on the unit, you know exactly, you love horses because obviously you will have to, you know what to do. So we can just enhance your skills.

CHAIRPERSON: Thank you. Mr Sikhakhane, you indicated
20 that that is it. We are done.

ADV SIKHAKHANE: Thanks, we are done, Chair.

CHAIRPERSON: Thank you. Commissioner, thank you very much. You are excused.

COMMISSIONER FARO: Thank you so much, Chairperson. Thank you so much, Commissioners, also for assisting us to

see the gaps and also that I would like to, any progress that we make, even if the Commission is not, is concluded, that we still, I would like to still report on all the things that I said is going to happen. I do not want it to just be a talk, so, and then to say that, I obviously will know where to submit to say that I have done this now, we have done this now, we picked up this and we are busy with that investigation, even long after Commission has concluded. I would really like to have that homework as well. Thank you,
10 Commissioners, so much.

CHAIRPERSON: Thank you. I like to say that Section 217 of the Constitution was included in the Constitution for the benefit of us all, that is South Africans, but what organs of state have done is to turn it on its head ...[intervenes].

COMMISSIONER FARO: Yes.

CHAIRPERSON: And actually use it against us. That is very unfortunate. Thank you, thank you, Commissioner.

COMMISSIONER FARO: Thank you so much, Chairperson.

CHAIRPERSON: Do we adjourn so as to make the switch?

20 **ADV SIKHAKHANE:** Yes, Chair, and just sort out the files. What I was thinking, Chair, is that it is perhaps we can take an early tea break instead and then come back with a new witness.

CHAIRPERSON: Let us adjourn and come back at 10 past 11. Thank you.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, good morning, Mr Mosikili.

ADV MOSIKILI: Good morning, Chair. Good morning, Commissioners.

CHAIRPERSON: Thank you.

ADV MOSIKILI: Yes, Chair, we have Deputy Commissioner Sean Bolhuis from the TMPD to assist us as a witness for today. Chair, before you swear in the witness, just maybe
10 to give context so that we understand from which angle he is coming from. The Commission would have heard evidence from Commissioner Spies, especially in relation to the tender 2016-2017.

But the Chair will remember that his evidence was limited to his arrival at the TMPD, which was in March 2025, going forward. Now, the relevance of this particular witness is that before Mr Spies took over in March, he was the caretaker in what we call now the APSS, a unit or department. So, for at least a period of eight months, he
20 would have been the person responsible for this.

And most of the issues that we are battling with relating to this Commission would have happened during his tenure as caretaker of that unit. So, his evidence, it has to be treated with that caution that immediately after February, then Spies would have taken over. And he spoke to what

he could to the Commission, Chair. So that is just the context I need to give to the Commission so that we know why he is here.

CHAIRPERSON: All right, thank you, Ms Mosikili.

ADV MOSIKILI: Thank you, Chair.

CHAIRPERSON: Will the witness be swearing or affirming?

COMMISSIONER BOLHUIS: Affirm.

CHAIRPERSON: Affirming. Good morning, Mr Bolhuis.

COMMISSIONER BOLHUIS: Good morning, Commissioner.

10 **CHAIRPERSON**: Do you affirm? Oh, please switch on both mics.

COMMISSIONER BOLHUIS: Now?

CHAIRPERSON: Yes, yes, yes. Thank you, thank you. Do you affirm that the evidence you are going to give is the truth, the whole truth, nothing but the truth?

COMMISSIONER BOLHUIS: I do affirm that.

SEAN IAN EDWARD EUGENE BOLHUIS: (affirmed)

CHAIRPERSON: Thank you. Yes, Mr Mosikili.

EXAMINATION BY ADV MOSIKILI: Thank you, Chair.
20 Commissioner Bolhuis, in front of you, you should have two files, almost identical. I want us to go through those files so that we can get rid of the housekeeping issues. Now, if you go to the first file, you will see on the spine, it will say, Mr Bolhuis' statement and annexures.

COMMISSIONER BOLHUIS: That is correct, yes.

ADV MOSIKILI: Yes, now the first page will be an index, and then if you flip over that index, can you identify the document there?

COMMISSIONER BOLHUIS: Just say again, apologies.

ADV MOSIKILI: So, the first page is an index, and then if you flip over that page, can you identify the document there, what is written there in the middle?

COMMISSIONER BOLHUIS: Yes, it is the witness statement of myself.

10 **ADV MOSIKILI:** Yes, and then, can you go to the last page, which is page 6 of that statement? Now, do you confirm that this statement is your statement?

COMMISSIONER BOLHUIS: I do confirm that.

ADV MOSIKILI: Do you stand by the contents thereof?

COMMISSIONER BOLHUIS: Yes.

ADV MOSIKILI: And then, Deputy Commissioner, do you confirm that the signature on page 6 is your signature?

COMMISSIONER BOLHUIS: It is my signature.

20 **ADV MOSIKILI:** Thank you. Commissioners, at this point, just to note that I think Commissioner Khumalo's bundles are not signed, the statements. We will sort them out at the end of the hearing. But Commissioner Baloyi and the Chairperson's statements - witness statements, should be duly signed.

CHAIRPERSON: But the content is the same?

ADV MOSIKILI: The content is exactly the same.

CHAIRPERSON: Commissioner Khumalo's?

ADV MOSIKILI: Yes.

CHAIRPERSON: All right, thank you.

ADV KHUMALO SC: The one that we have just looked at is signed.

ADV MOSIKILI: Well, then, my team's done a stunning job.

CHAIRPERSON: Thank you. Just to find out Mr Mosikili, the six-page statement, has its content not been
10 incorporated into the longer statement, the 15-page statement?

ADV MOSIKILI: It has been.

CHAIRPERSON: It has. All right.

ADV MOSIKILI: It has been, Chairperson.

CHAIRPERSON: So, basically, we should work with the 15-page statement.

ADV MOSIKILI: In an ideal situation, I would have said, let us do away with it, the first file. But out of abundance of caution, because I also received the second file, in case
20 things went missing, I would want to keep it, Chairperson.

CHAIRPERSON: All right, okay.

ADV MOSIKILI: Ideally, I would have said, let us do away with it.

CHAIRPERSON: Okay.

ADV MOSIKILI: But for the better part of the witness

evidence, we will be focussing on the newly incorporated statement. That is correct, Chair.

CHAIRPERSON: Thank you. Thank you, thank you. Please continue, then.

ADV MOSIKILI: Thank you, Mr Bolhuis. Can we move to the second file?

CHAIRPERSON: Something important which we forgot, Deputy Commissioner, let us have your names on record, please, your full, full names. Yes, do you want to state
10 your full names?

COMMISSIONER BOLHUIS: Yes, I will, Commissioner. My - all my names are Sean Ian Edward Eugene, and my surname is Bolhuis.

CHAIRPERSON: Thank you.

ADV MOSIKILI: Thank you, Chair. Now, on the second file, you will see on the spine, it will say, supplementary statement of Sean Ian Edward Eugene Bolhuis.

COMMISSIONER BOLHUIS: That is right.

ADV MOSIKILI: And then, if you - the first page is an
20 index, and then if you go on the third page - on the first page, it is an index. On the second page, it is a table of contents, and there are term lines there you will see that is your statement. Can you confirm that is your statement, Commissioner Bolhuis?

COMMISSIONER BOLHUIS: I can confirm.

ADV MOSIKILI: Yes, can you go then to page 15 of that statement? Do you stand by the contents of the statement?

COMMISSIONER BOLHUIS: I do.

ADV MOSIKILI: Thank you. And then you lastly confirm the signature appearing on page 15 of that statement.

COMMISSIONER BOLHUIS: That is my signature.

ADV MOSIKILI: Thank you. Commissioner Bolhuis, for the better part of our engagement, we will be focussing on this particular file. If we need to go to the first file, I will draw
10 that to your attention, so keep this one closer. And perhaps let us start on page 2 of the file right in front of you. You have already put your names on record. Can you then start with the introduction part in paragraph 1 of that statement and read that into record?

As we discussed earlier, where you need to elaborate, you can elaborate. Where we need to interject, we interject. Especially the Commissioners, if they need some clarity, they will do so as you go through your statement. So please do not be alarmed when they interject
20 to ask clarity-seeking questions. I might often also do so. Let us start at paragraph 1 then.

COMMISSIONER BOLHUIS: Noted. Thank you.
Commissioners:

“I am an adult male South African citizen
and the Deputy Chief of Police for

Training and Innovation in the City of Tshwane Metropolitan Police Department, which is known as TMPD. Having assumed this role on 1 June 2024, I was recommended by a panel consisting of the Chief of Police and other senior city officials. The facts deposed to herein are within my personal knowledge and are to the best of my belief both true and correct, save where context indicates other.”

ADV MOSIKILI: Thank you. Thank you. We can move to paragraph 3 on the topic of your educational and career background.

CHAIRPERSON: Deputy Commissioner, the save where context indicates otherwise suggests that what you say may not be true and correct, depending on context.

COMMISSIONER BOLHUIS: No.

CHAIRPERSON: I am sure that is not what you meant. I suspect it must be the lawyers who let you down there.

COMMISSIONER BOLHUIS: Lawyer language.

CHAIRPERSON: Thank you. Thank you, Deputy Commissioner.

COMMISSIONER BOLHUIS: Thank you, Commissioners:
“Educational and career background. I

am a career traffic officer/Metro Police officer since 1992. I started my career as a traffic officer in the then Pretoria Municipality. The traffic department then evolved into the Metro Police department. I am still employed by the city of Tshwane as a Metro Police officer. In total, I have 34 years of experience in the municipality. I have a career-related ITO three-year national diploma and an ITO 4 higher diploma. I have a valid top-secret security clearance certificate, which will expire in December 2026. I am in the process of starting the vetting process again.”

ADV MOSIKILI: Commissioner, let me just stop you there. Can you explain what you mean by - what is the purpose of this top-secret security clearance certificate and the process it takes and who is expected to undertake or go through that process? Keep in mind that a witness came before this Commission from a different municipality and gave evidence that, in fact, there is a requirement or a directive under that department that high-ranking officials ought to do the vetting process for the purposes of maintaining this. So, what I need you to at least inform us

in the Commission is the processes involved, whom according to you in the TMPD is required to undergo this process to obtain the clearance certificate.

COMMISSIONER BOLHUIS: Thank you. I will do that. Commissioners, let me start first by indicating it is not a lawful requirement yet in the city, although it should be. I do believe with the security committee in place, it will be a recommendation and a premise for the city to start from ensuring high level of security aligned to the MIS document
10 that is approved and implemented and also adopted by council in the city of Tshwane. I cannot recall the date.

So those bases or building blocks are in place, but as I indicated, it is not policy yet, although all high level positions in the city of Tshwane, when advertised, it is now a requirement within the advertise that you avail yourself for vetting purposes for security clearance. In the Metro Police itself, I am a deputy Chief of Police. It is imperative that your senior management of the Metro Police should be, must be vetted.

20 If I had a way to force it through, I would, as I am also the chief of staff, which I will explain later. But it is cumbersome for me to think, and I will not mention names, that certain senior officials refuse to get themselves vetted. I immediately avail myself for vetting because it is required of me in my position when I deal with sensitive information,

not only internally in the department, but also in the city of Tshwane, but also on IGR levels, that I can deal with those documents procedurally and lawfully in a correct way. I gladly submitted myself for this vetting process, and so must all other senior officials. Some do some do not. That is a matter that we are still addressing within the department and in the city.

ADV KHUMALO SC: What is RGR levels?

COMMISSIONER BOLHUIS: Excuse me, Commissioner?

10 **ADV KHUMALO SC:** Is that also in RGR levels, what is that?

COMMISSIONER BOLHUIS: We - in IGR, Intergovernmental Relations, we work a lot with sensitive meetings, sensitive material. So not all of it, but some of the information, especially if it relates to maybe a national state that we find ourselves, and there is sensitive information, you need to deal with that according to the MIS document. So vetting is very important.

20 **ADV BALOYI SC:** Deputy Commissioner, when you say some officials refuse to be vetted, are we talking the general vetting or the top-secret vetting? Because my understanding is there is a difference. There is a vetting that all staff members, all officers, law officers in TMPD would be subjected to, and my understanding of the evidence of the Chief of Police was that annually there is

vetting of all officers, and that is conducted every year. And I thought that is different from your top-secret.

COMMISSIONER BOLHUIS: I can explain that, Commissioner.

ADV BALOYI SC: Please.

COMMISSIONER BOLHUIS: What the Chief of Police was referencing to, if I understand your statement correctly, is the security clearance. It is also commonly known as vetting, but it is not a full vetting. It is just security
10 clearance. That process is ongoing on a yearly basis where we check for criminal and illicit records against members within the department and certain members in the city, when so requested by the city manager.

The vetting I am referring to is a full vetting done by, in our case as a municipality, by a state security agency, and it is a part lifestyle audit, financial check, proper vetting, your whole history, all your girlfriends, all your boyfriends, all your ex-wives, all those things. They check it all, and then you are either cleared or you are not
20 cleared.

ADV BALOYI SC: And that is the one that you say is not yet required by law?

COMMISSIONER BOLHUIS: Yes.

ADV BALOYI SC: Is that the one you are referring to?

COMMISSIONER BOLHUIS: It is not in formal policy yet

by the city, but it should be.

ADV BALOYI SC: Okay, that is what I mean, yes.

COMMISSIONER BOLHUIS: Yes.

ADV BALOYI SC: Okay.

ADV KHUMALO SC: So, you and I are cleared, Commissioner Bolhuis?

COMMISSIONER BOLHUIS: I am cleared of all of those things.

ADV KHUMALO SC: You and I are cleared?

10 **COMMISSIONER BOLHUIS:** Both of us. Yes, we are cleared as Commissioner. So maybe the rest of the room must leave now.

ADV MOSIKILI: Commissioner Bolhuis, are you aware of any steps or measures that the city has taken, at least in future, to ensure that this vetting is not an issue, or it is not raised as an issue by the incumbent officials?

COMMISSIONER BOLHUIS: Yes, as indicated in adverts now for senior positions, it is a requirement that you avail yourself for vetting. On lower positions, it would be for
20 security clearance or to check for criminal records. Those adverts are public knowledge. You would see that. So, it is open to the public. And then the other portion that I just touched on, it is the job of the security committee, which has been established. Is it in full swing, full working?

I am not hundred percent sure. I am not hundred

percent sure of the doings of the security committee at the moment, but they do sit from time to time. And part of their function would be to advise the city to put in policy in place that certain levels and certain positions, depending on the type of position and what you do, what is your functionality in those positions.

For an example, if you work in the finance office or the supply chain management processes, you should be properly vetted. Properly, properly vetted. And then also
10 senior management, whatever is deemed senior. And then you can get different types of vetting. Not everyone will be vetted top secret. In my capacity, I need top secret. Another person in another position in senior management might only need secret or something like that.

ADV MOSIKILI: Thank you, Commissioner. You do not have to mention the names. I think those who will come will ask them the same question. And if there are reasons why they have not been vetted, they will explain themselves. Can we then move on to the next topic, which is your
20 responsibilities as the Deputy Chief of Police? That will be at paragraph 5 of your statement.

COMMISSIONER BOLHUIS: Thank you, Commissioners. Responsibilities as the Deputy Chief of Police, paragraph 5:

“As the Deputy Chief, training and innovation are mainly responsible for the

Team PD Academy, where we train Metro Police officers, traffic wardens, other officials, as per our academy curriculum. I am further responsible for police innovation, which includes research, analytics, and information management for the department.”

Paragraph 6:

10 “Additional to the above position, I am also responsible for the work and functioning of the Staff Officer, which you might know it as the Chief of Staff, but it is a semi-military terminology. Staff Officer or Chief of Staff to the Chief of Police. I fulfil that role because the position is vacant at the moment. The position is currently on a brigadier level on the approved structure.”

Paragraph 7:

20 “My responsibilities here include:

[1] Although the position on the approved structure is on a brigadier level, I am functioning on a Deputy Chief level.

[2] Oversight on the Chief, Office of

the Chief of Police.

[3] Strategic level coordination within the department.

[4] High level administration.

[5] High level IGR, specifically with Gauteng Government, SALGA, SAPS, *et al.*

10 [6] Drafting of specific departmental documents, such as SOPs, directives, official letters for internal, which is the city, and external purposes.

[7] Represent the Chief of Police at EXCO, Mayco, Section 79 committees, high level external meetings, forums, and all events.”

Paragraph 8 ...[intervenes]

20 **ADV MOSIKILI:** Commissioner, before you go there, can you just inform the Commission, this position of Chief of Staff, how long has it been vacant? Do you know?

COMMISSIONER BOLHUIS: This position has been vacant for a very long time. Previously, I acted in this position officially, but then it was on a Deputy Chief level. The structure was then subsequently changed and put

incorrectly on a brigadier level. The new structure that has been developed for the department, proposed structure that still needs to go for approval, it has been put back on a Deputy Chief level, where it should be.

It is a high, stressful position, the right-hand person to the Chief of Police, as indicated by some of the functions that I have already mentioned. We have, over time in the city, a lot of vacant positions. We have had, in the Metro Police, many vacant positions for a long period of
10 time. Since the Chief of Police, Yolande Faro, has been appointed, I believe it was October 23, I think so, she immediately lobbied the city and the city manager to ensure that at least critical positions and high-level positions are being filled.

Subsequently, the department has filled numerous positions. We are still in a position where we have put forward critical vacancies that are now very close to advertisement level, subject always to final approval by the city and available budget, but these are funded vacancies.
20 One of the positions that we hope to fill would be this position of Chief of Staff, because it is a critical position.

ADV MOSIKILI: Thank you, Commissioner. I think we are about to move on to paragraph 8.

COMMISSIONER BOLHUIS: Yes.

ADV MOSIKILI: Yes.

COMMISSIONER BOLHUIS: Commissioners, paragraph 8:

“I am further responsible for the management and coordination of unfair labour practises arbitrations at the South African Local Government Bargaining Council, SALGBC. This includes:

10 [1] Attending step 3 grievances, and this is grievances as per the COT collective agreement on behalf of the department/Chief of Police.

[2] Attending conciliation when required.

20 [3] Attending consultations with internal role players and appointed legal representation in preparation for the Bargaining Council. [4] Attend or coordinate the actual arbitration at Bargaining Council and/or CCMA.”

ADV MOSIKILI: Thank you, Commissioner. Can we move on then to the next topic, which involves your further responsibility again. Now we are talking about the section deals with your acting stint as a caretaker of the Asset

Protection and Security Services. Can you take us through that?

COMMISSIONER BOLHUIS: I can. It is number D, my acting stint as caretaker of asset protection and security service, paragraph 9, Commissioners:

10 “I was the caretaker for Asset Protection and Security Services, known as APSS, for the period 1 July 2024 to 28 February 2025, as the divisional head [Deputy Chief] post was vacant. The function was transferred from the office of the city manager back to the team as from 1 July 2024.”

Paragraph 10:

“This position was ultimately taken up by the appointed Deputy Chief Revo Spies on 1 March 2025.”

Paragraph 11:

20 “As the caretaker of APSS, I did high-level management and oversight over the division.”

Paragraph 12:

“Upon assuming this task, I had to deal with a relocation of the APSS from the office of the city manager to the TMPD. I

must hasten to state that when the APSS transfer was done, I was not provided with a handover report as one would expect. I am aware, however, that a handover, and I will say it in brackets, report was ultimately emailed to the Chief of Police by Ms Paledi Marota, where I was also copied on the email on 10 April 2025.”

10 Now, that is nine, 10 months later, and I have already given over or handed over the function to Deputy Chief Spies. But continuing, Commissioners, on paragraph 13:

“The email is attached to Chief Yolande Faro's statement, which I attach as Annexure SB1, which I will refer to.”

Paragraph 14:

20 “During my testimony, I will point out from the handover report that on what I agree with and what I disagree with in relation to the following subtopics.

[14.1] The background to the transfer.

[14.2] Human resources-related matters.

[14.3] Budget and procurement-related matters.”

15:

“When I received the transfer of the APSS, I was aware of the tender in question comprised of the watchman component and the ad hoc component.”

Paragraph 16:

10 “We [the Deputy Commissioners and Chief of Police] had monthly budget meetings and APSS budget performance was mentioned/discussed. During my stint, we dealt with ad hoc individually and provided services only with the necessary approvals, including documentation.”

ADV BALOYI SC: Deputy Commissioner, can you just explain what do you mean where you say that you dealt with ad hoc individually?

20 **COMMISSIONER BOLHUIS**: As the tenders Commissioners make provision for ad hoc services, we would receive a request from a service delivery department that they need security services at a specific place, which is not part and parcel of the normal day-to-day, week-to-week, month-to-month deployment. Then we would assess that request, basically by doing a security assessment to review the situation to determine whether this is a legitimate

request.

And then we must sort out the budget thereof. You will find later, and I think it was also mentioned by Deputy Commissioner Spies and the Chief of Police, Ms Faro, that we were on a continuous basis under-budgeted for the function. So, the yearly budget allocated on a regular basis for security services were not sufficient. So, it would have been improper for us to approve any ad hoc site without looking into it.

10 If a service delivery department, then requests, we do an assessment. If we agree with them, then we determine the type of security that needs to be placed or put in place, and then they need to provide us with a GL or the service delivery component within the city, falling mainly under the COO, would have to look for money. Last resort would be to approach the CFO to ensure that there is money for this, whether it will be available immediately or whether that will be adjusted during the budget process from implementing an approved budget right through
20 upliftment of funds, right through the adjustment budget, so that at the end of the year your books balance and you do not sit with unauthorised expenditure. So that is how I, myself, and the Chief of Police dealt with ad hoc sites in that manner.

ADV BALOYI SC: Yes, just so I understand properly. So,

you have a budget for watchmen services. I think that is what it is called. That is what is allocated.

COMMISSIONER BOLHUIS: We call it watchmen services for the security services.

ADV BALOYI SC: So, you have got that budget. Does that budget also serve the ad hoc appointments or ad hoc appointments funded by the service units or your clients, basically?

COMMISSIONER BOLHUIS: Madam Commissioner, if the
10 budget is sufficient, which it was never, and that is clear in our financial planning and statements of the city, then it would have covered ad hoc as well. But due to the limited funds available for a financial year, if it is not an ad hoc service that has already been identified and has then become almost a semi-permanent situation, then no, you would not have funds available in that budget. You would have to look for additional funds, as I have already explained. That is how it was.

ADV BALOYI SC: And the final approval for that scenario
20 where you have to find additional funds, because this is not one of those that have almost become permanent now, where does it lie? Does it lie with the CFO, or it lies in the TMPD, the final approval of that kind of request?

COMMISSIONER BOLHUIS: Such final approval will not lie within the TMPD unless it is covered with the approved

budget. The Chief of Police in her position as the group head or the head of the department has certain authorities under whether it is automatically delegated per legislation or procedure and protocol, or whether it is purely from the MFMA. So, she can manage her own budget that is been approved and allocated.

So, if it falls without that budget, there is a process where we, like I will use the example of upliftment of funds, a document is drafted by the department, recommended by
10 the Chief of Police. Then it goes through the processes recommended by the CFO, and it is finally approved by the accounting officer, which is the city manager. So, in such cases, the city manager would sign off on upliftment of funds.

The CFO, I am not hundred percent sure to where his authority stretches, but I do believe he has the authority, in our case it is a 'he', Mr Mnisi, has the authority, and I speak under correction, to work within the budget that has been approved for the city. He can allocate
20 and reallocate certain funding. Whether all of that must be signed off by the city manager or not, I am not sure.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Can you please go back to paragraph 11 of your statement, and just clarify that, and please also explain to us what is the size of the APSS, how many

people are in that division, and who has authority in relation to signing of documents, like, for example, if an invoice comes in from a security company, who authorises it for approval, and also who has authority in terms of issuing of work, or additional sites, or ad hoc security services that have to be provided. Because when you say, I did high-level management and oversight, it can mean different things to many people. So just explain it the way you understand it.

- 10 **COMMISSIONER BOLHUIS**: Noted, Commissioner. I can elaborate on that. What is meant by high-level management and oversight over the division, I am sure you would appreciate from my testimony already given, I have a full-time job position as the Deputy Chief Training and Innovation, which is a full-time position. Then I have got another full-time job as the Chief of Staff.

Then I have got a part-time job in coordinating Step 3 grievances and arbitration matters. In a department of about 5 000 people, you can imagine how many cases I
20 need to deal with on behalf of the department. So my high-level management and oversight over APSS probably took about 15 percent or 20 percent of my energy and time to just ensure that from the onset where we received this function without a proper handover, as is *voetstoots*, back to the department, my main aim was to, on a high level, to

management to understand what this big thing entails.

What is this big thing that I am dealing with now? How many sites do we have in the city? Is it a true reflection of what we have? How many sites are priority? Why are they priority? How many sites do we cover? We do not even cover - I think we cover less than half of all our sites, but I believe Deputy Chief Spies might have given much more information on that, so I will not repeat that.

And then also to ensure that the day-to-day
10 running, which is done by Director Malatji and his team, is just over - there is oversight on that. So, I did not have hands-on experience on most of the matters. Some of the ad hoc sites that were referred to us as an example, I made sure, because it would cause additional expenditure, that I went on-site personally with the team to determine what the status is.

One of such sites would be Klipgat, waterworks where a contractor finalised their duties. No planning was made prior to that for security. We just got the information
20 through to my office that within a month's time or so, this company is going to vacate. They are done with the project. Now we must secure that. And if we did not secure that, there could have been damage or vandalism into the millions.

So as a city, as a department, we were basically

forced to do so, and then we followed that process that I have already explained. So, my high-level management and oversight was very limited, and I had no reason to mistrust, at that time, Director Malatji. Seemingly, on paper and what I know from him, then he was an experienced senior manager in security.

He had support, not much, but he had support, and they ran that division. The amount of people in that division, I cannot go level to level, but it is approximately
10 just shy of 1 300 security guards. On contract still, not even fully absorbed into the city with all the benefits, but I believe Deputy Spies might have addressed that also. I am not sure.

And then some level of supervision and some level of management, and then you got to Doctor Malikla[?]. I forgot his name. I will get to his name just now, and Mr Mahlangu and Director Malatji. And part of the function in those middle levels or junior levels, we had teams that were supposed to do, obviously, also the checkups at the
20 different security sites to ensure that the contract that was awarded, a R2.9 billion contract, is managed correctly, and if a security company indicates that they, for argument's sake, place four people, security guards at the site, that that actually happens. So, I had no, at that stage, mistrust in the system and wanted to ensure that they run with the

day-to-day running of this division and running their contract. On the sideline, we immediately had to start, as I said, with the fact-finding information, which we ...[intervenes]

ADV KHUMALO SC: Commissioner Bolhuis, I do not want you to go too far ahead because it may be that, in your statement, you are still coming to these things.

COMMISSIONER BOLHUIS: To some of it, yes.

ADV KHUMALO SC: So maybe just deal with the role you
10 played in the allocation and invoices, the approval, and then the rest, I think the evidence leader will lead you through your statement.

COMMISSIONER BOLHUIS: Thank you. At a certain stage in my stint as the caretaker, I required Director Malatji to provide, once invoices have been signed by the operational component and then signed off by himself, he had to bring those invoices to me for co-signing. So, he would approve the invoice after all the checks have been done and I would co-sign.

20 That was just a management mechanism to ensure that, on paper, there is nothing untoward. The allocation of ad hoc sites, it is not a written-down process, but it was the practise that at least I had in place that my office needs to be informed of ad hoc sites, like that explanation I gave about Klipgat and others. Because of the possible

operational impact, and I am talking about that later, but I can just say this, it had to be brought to my attention because of operational, financial, and contractual impact.

So never did I give the impression or the instruction to Director Malatji or his management team that they have a free rein or a Carte Blanche pertaining to the allocation of sites. Because you have to work within a budget. You have to work according to your priority plan and the sites that you have to secure. So, if you then do your own thing, we
10 are not going to stick to those things.

CHAIRPERSON: Commissioner, you say that you would approve because on paper everything would appear to be proper. Did I understand you correctly?

COMMISSIONER BOLHUIS: Yes.

CHAIRPERSON: Now, yes, on the ad hoc appointments, did you not notice that there was a disproportionate allocation to, for example, an entity called Gubis85? I think it is a (Pty) Ltd, not CC. Yes, Gubis85. Did you not notice that it got a disproportionate number of allocations
20 compared to the rest of the entities? Its allocations were far higher than those of other entities.

I am asking this in the context of your testimony that on paper everything looked proper. That may well have been so, but it should have, or rather, alarm bells should have rung when this entity's name keeps popping up,

popping up, popping up whenever there are ad hoc allocations.

COMMISSIONER BOLHUIS: Thank you, Commissioner.

Look, I did not – in the time that the invoices came to me for co-signing, I did not pick up anything immediately and I did not have any mistrust at that time. However, and I do give evidence about this later, when the director of MAS, Management Admin Support, Director Veli Nwandule, he is also responsible for finances, when he indicated that there
10 could be some irregularity with invoices.

At that stage, the finance section has indicated both to me as the caretaker and to Director Malatji that they will have to follow a certain financial procedure, which then became the procedure they needed to follow, not bringing invoices back to me for co-signing. So that then stopped and that financial procedure that was implemented by the financial section was then followed.

And then subsequently, the director of MAS, Nwandule, picked up the irregularity because they will be in
20 a better position to pick up on this because they have the contracts, the SLAs, the monthly expenditure, and if there is any further expenditure than what would have been the baseline from previous months or allocated to a certain service provider, they would pick it up. And subsequently, they did pick up. But I do give evidence about that a bit

later.

ADV MOSIKILI: Commissioner Bolhuis, at paragraph 13, you do mention a report which I want us to have a look at. You will see that on the very file that you have, that report would appear as the very first document. It will say, number 1, just after the index to the annexures.

COMMISSIONER BOLHUIS: Yes.

ADV MOSIKILI: Yes, now the Chief of Police, Yolande Faro, testified that when she received an instruction that
10 there has to be a transition of the APSS from the city manager's office to the TMPD's office, that she tasked you to oversee that process. With that in mind, she testified that there was a report, and that is something that also you touched on, that report was meant to facilitate the transitional period of that department. Would you accept that, ideally, you would have been at least the beneficiary of this report to assist you with the transition?

COMMISSIONER BOLHUIS: Yes, definitely.

ADV MOSIKILI: Yes, and Commissioner Faro also testified
20 that she received this report, unfortunately, somehow nine months later, and this report came from a lady called Paledi Marota. Are you aware of that?

COMMISSIONER BOLHUIS: Yes, I am.

ADV MOSIKILI: In fact, you should be aware because you were copied on that email.

COMMISSIONER BOLHUIS: That is correct.

ADV MOSIKILI: Yes, and the correct date would have been the 10th of April 2025.

COMMISSIONER BOLHUIS: That is correct.

ADV MOSIKILI: And lastly, on that score, you would have, at least at that stage, when this report came to your knowledge, you would have ceased acting or at least being a caretaker of the SP.

COMMISSIONER BOLHUIS: That is correct. I already
10 provided a full handover in writing in the month of March to the newly appointed Deputy Chief Spies.

ADV MOSIKILI: Yes, but I want us to have a look at this report because it was meant to benefit you, or at least to assist you in the transitional period. You did say in your statement that we want to touch base on, I think, three topics. You will see that on top, for the record, can you just read there, at least for the benefit of the Commission, the title of that document?

COMMISSIONER BOLHUIS: The title of this document,
20 and it is from the Office of the City Manager Commissioners, Reports on the Transfer of Asset Property Protection Services Unit from the Office of the City Manager to the Tshwane Metro Police Department.

ADV MOSIKILI: And then can you move to the purpose of that document, or at least the report?

COMMISSIONER BOLHUIS:

“The purpose of this report is to transfer the Asset Property Protection Unit function from the Office of the City Manager to the Tshwane Metro Police Department temporarily with immediate effect.”

ADV MOSIKILI: And then can you move into the background of the background mentioned on that document?

10 **COMMISSIONER BOLHUIS:** I can. The background, paragraph number 3:

“The Executive Mayor issued a letter dated 15 April 2021 titled Placement of Asset Protection Function and Personnel in City Manager's Office. The said letter stated the following. The implementation of the processes regarding the absorption of security guards is a critical deliverable for this administration. Extensive consultation and discussions have taken place on this matter to ensure it occurs seamlessly. It is for this reason that I took the decision to have this process placed and administered out of the City Manager's Office through the

20

department led by Mr Nava Pillay. Furthermore, it is critical that the current Asset Protection Function and Personnel that have been identified who are based at the Tshwane Metro Police Department temporarily are moved to the Office of the City Manager to report under Mr Pillay with effect from 13 March 2021.”

ADV MOSIKILI: Just there, Commissioner, what do you
10 understand by this initial move and paying attention to what
is mentioned on the very first sentence of what was
supposed to be a letter of 15 April 2021? Just to give us
context of what your understanding is.

COMMISSIONER BOLHUIS: Firstly, I was not involved in
this process at all. And then that first sentence, the
implementation of the process regarding the absorption of
security guards is a critical deliverable, and so forth. My
understanding of this is we have had, I do not know the time
frame, but I think it is from 2019 onwards, we have had this
20 council resolution that mentioned absorption of security
guards.

And there was a total mentioned, *et cetera, et cetera*. I do not have the information in front of me. But the absorption means that the security personnel that is in your service through a contract, whether that is a certain

time period contract or a month-to-month contract or service delivery contracts that you have in place, when you do an absorption, you look at bringing those people, those security guards, into the employment of the city. They then become fully-fledged employees. That is how I understand the term absorption.

ADV MOSIKILI: And with your limited knowledge, as you said you are not involved in this process, but what I am tapping into is your experience, as you said, that you have
10 34 years into at least working in the city of Tshwane. What is the situation now with the absorption, if any, of the security personnel?

COMMISSIONER BOLHUIS: Thank you. I believe we have ...[intervenes]

CHAIRPERSON: Do you mean, Mr Mosikili, in 2021 or after reabsorption, back to TMPD? What stage are you referring to?

ADV MOSIKILI: Commissioner Bolhuis, more directly to after, when the unit was handed back. Because it seems to
20 us that the purpose then was part of it was the absorption. And then now, when it was handed back, what is the situation? I mean, the more pointed question would be, was that done?

CHAIRPERSON: The purpose, as I understand, was the transfer of the function. So, the question of the absorption

followed more that purpose. So, the same people who were doing the function within the TMPD then get absorbed within the office of the city manager. But the purpose being more the transfer of the function, as I understand it.

ADV MOSIKILI: A part of the question would relate to the debate that has been going on as to - I suppose there was a debate, or at least there has been a debate, as to the pros and cons of outsourcing and absorbing some of the security functions into the city.

10 **COMMISSIONER BOLHUIS:** Yes, thank you, Commissioners. I can speak to that. My belief is that from this time, and I will come to the part where the function has been moved back to the Tshwane Metro Police Department, but from this time, 15 April 2021, up to the time that the function was moved back to the Metro Police Department, not much has moved in a direction of full absorption of the security guards.

20 Since the appointment of Deputy Chief Spies, there has been a real movement. I do know for a fact I have sat in some of the meetings. There has been consultative process between Deputy Chief Spies, the department, and Group Human Capital Management and political leaders and leaders of the city to fast-track this process, and there is a plan in place that has been adopted by council.

I cannot speak to it. I do not have all the

information, but that this absorption process is now moving forward. This will mean that certain benefits will come in at a certain time, and other benefits will come in at another time, so that process is ongoing. I hope that touches or answers the questions.

ADV MOSIKILI: Thank you, Commissioner Bolhuis. Can we then read into the record the last paragraph of point 3 under the background?

COMMISSIONER BOLHUIS: The last paragraph states,

10 Commissioners:

“The instruction by the Executive Mayor for the Asset Protection Services Unit to be transferred from Tshwane Metro Police Department to the Office of the City Manager was implemented as directed. The transfer included the movement of staff reporting on the Asset Protection Services Unit and cost centre 4923 for the budget and expenditure management of the unit.”

20

ADV MOSIKILI: And then, most importantly for us, would you move to the next page under the topic Human Resource Related and just deal with that, what is at paragraph 4.1.1?

COMMISSIONER BOLHUIS: Do you want me to read it?

ADV MOSIKILI: Read the record, and then we can just

debate what that meant.

COMMISSIONER BOLHUIS: Noted, 4.1.1, under Human Resources Related Matters, the subheading is Staff and Organisational Structure:

10 “The organisational structure of the Asset Protection Services Unit was not amended during the transfer of the Asset Protection Services Unit from Tshwane Metro Police Department to the Office of the City Manager. Therefore, the transfer of the Asset Protection Services Unit back from the Office of the City Manager to Tshwane Metro Police Department will not affect the organisational structure of both departments. The Asset Protection Services approved structure consists of 4 106. Of this, there are 31 officials - official employees...”

20 There is spelling mistakes there, apologies:

“On a permanent basis, and a further 1 287 contracted security officers.”

ADV MOSIKILI: I think this ties with the question that was raised by Commissioner Khumalo earlier on. Can you then explain to us on practical levels what did this mean,

especially when you have to deal with a human resource, in terms of what you are receiving now as part of your responsibilities?

COMMISSIONER BOLHUIS: Yes, I can.

ADV BALOYI SC: Maybe before you do that, the mathematics here does not seem to add up. You have 31 officials on a permanent basis and 1 287 contracted security officers, and yet in the first sentence you say there was 4 106.

10 **COMMISSIONER BOLHUIS**: I can explain that, Commissioner.

ADV BALOYI SC: Thanks.

COMMISSIONER BOLHUIS: I will make it part of my explanation. Firstly, Commissioners, if I received this document in time for my caretakership, I would have not agreed fully with the statement made here. You cannot just say something and then it becomes the truth. It does not work that way. Just to say that the structure is moved from one reporting channel to another reporting channel and
20 there is no implication or no difference does not just make it the truth or does not make it correct or does not make it practical.

Let me explain. Let me first explain then, Madam, what you have brought up and then I will carry on with the rest of the explanation why I do not agree with this. It

makes provision in this statement at the end that the structure and they make reference to the proof structure consists of 4 106. So, the structure they are referring to is the organisational structure of APSS.

Those are the boxes as you all know. You have got your divisional aid, all the different levels and so forth all the way down to the bottom level. Bottom levels where you will find 1 287 contracted security officers. So, I do not have a problem with those figures at that time because I
10 cannot verify it. I am assuming it is correct. The 4 106 is still the approved structure but most of those positions are vacant.

That is why the mathematical - the mathematics will not make sense. But then to transfer an approved structure, in this case 4 106, to the Metro Police and make an indication that there is no implication or an assumption is incorrect. It is not the practise of a municipality nor a department such as the Metro Police Department to have an elaborate structure with vacancies on it.

20 And it is clear that in the time period from 21 April, from April 2021, let me get the date right, 15 April 2021 up to the point where this function was transferred back to the Metro Police that there was no, I cannot say no, I do not know, there was not a serious attempt and project in place, plan in place to fill the vacancies of this approved structure

of 4 106.

Now this is moved back to the Metro Police. Now the Metro Police sit with all these additional vacancies. That is the first thing. Most of these vacancies will then be unfunded. Why? Because there would not automatically be a budget in place to fill it. You have got funded vacancies on the one hand and unfunded vacancies. If you then look externally, when the AG looks at a municipality and at our different organisational structure, Macro, Micro, the AG
10 would indicate to us and has that you cannot continuously for years on end sit with so many vacant positions, either fill the positions or remove the vacancies, because it becomes an audit query.

So that is where the problem comes in for the department. Hence, we have started a process, and I am in the middle of that process. That is one of the functions I do as the Chief of Staff. I do organisational design and coordinate that process within the department. The structure that we have received, yes approved at that time,
20 still approved because it is still on the structure, approved structure, is not a feasible structure for the Metro Police. It is not implementable. It is not practical. It is not funded. We are restructuring that process totally and it will probably be a lesser number because we are not in a financial situation, not the department, not the city, to fill 4 000

positions. I hope that gives clarity to your questions.

ADV MOSIKILI: What I am struggling to comprehend, Commissioner Bolhuis, is this. You are already inundated with two and a half posts or positions and just on the human resource element and given what you just discussed now with the Commission, would you say this was the best decision to add this transition to your tasks?

COMMISSIONER BOLHUIS: Look, Sir Commissioners, I think it was the best decision under the circumstances. I do
10 not want to sound arrogant, but the Chief of Police looked at this and looked at her situation with her top management at that stage and what is available within the EMPD and determined that I would be the best suited candidate to deal with this and I am going to leave it at that. Was it the best decision to move this function back to Tshwane Metro Police? No. Well, you did not ask a question about it, so I am not going to elaborate, but I do not think it was a very good decision by the city to do so. Let me pause there.

ADV MOSIKILI: Let me ask the question differently. Is it
20 possible, would it have been possible to assign this task to other Deputy Commissioners and perhaps you would be direct to say someone like Deputy Commissioner Umashi Dlamini, would that have been possible as well?

COMMISSIONER BOLHUIS: It would have been possible for the Chief of Police to do so, but if you understand a

policing environment or any semi-military environment, when you find yourself in such a situation, let us call it semi-crisis management, where the Chief needs to take control of something and it is unsure what will come out of it and it is an interim situation because we already expected as a department to appoint a Deputy Chief roundabout October 24 onwards, between October and December, but you know with recruitment processes, I am not sure exactly what happened there, but it was not forthcoming and then
10 the appointment eventually only came in March the next year.

It would be typical for a Chief of Police to give such a function because it is interim to the Chief of Staff. If it was more on a semi-permanent basis, which we did not know at that time, she could have made another decision and given it to another Deputy Chief. We were under the impression it will be anything between three, four, five, maybe six months, but it ended up being eight months. So that is my view.

20 **ADV MOSIKILI**: My concern was that you seem to have been overloaded, but I accept that answer. Can we then deal with, because we are dealing with the human resource element, can we deal with the budget and the procurement element of this move? And that would be, if you can just pick it up from 4.2 of that report.

COMMISSIONER BOLHUIS: I can. Commissioners, 4.2 is the heading Budget and Procurement Related Matters.

4.2.1 Appointed Security Service Providers:

10 “The City appointed 22 Security Service Providers through Tender TMPD02-2016.17 to supply the physical security [guarding] services to protect the property assets and personnel of the City of Tshwane for a period of 3 years with effect from 1 February 2022. The monthly service contract for the appointed service providers amounts to 50 million, which equates to 600 million per financial year.”

On the next page on top, Commissioners:

20 “The Security Service Providers provided a total of 2 559 security guards at 545 sites who operate at the PSiRA Grade C security grading level to safeguard the infrastructure assets of the City against theft and vandalism.”

Do you want me to continue, sir?

ADV MOSIKILI: Yes, because it still relates to the budget, yes.

COMMISSIONER BOLHUIS: Commissioners, 4.2.2 2023-

24 Adjustment Budget:

“The operational budget allocation for asset protection services was increased by R305 611 361 from R489 374 219.15 to R794 985 580. This was due to a request for additional funding request submitted to Group Financial Services for Watchman Services. The original operational budget allocation for Watchman Services was R245 million for 2023-24 financial year, which was not enough to provide the guarding services through the appointed service providers. A shortfall of R305 611 361 was indicated. In response to this, the budget for Watchman Services was increased by the indicated shortfall amount to R550 611 361. The 2023-24 capital budget allocation remained unchanged with an amount of R2 million under WBS level percentage/9.80100.1 and then there is a L or I PR01 W for infrastructure asset protection. The budget provided is for the incorporation of electronic security system. However,

the procurement is on the specification level.”

Should I continue with the indicator budget?

CHAIRPERSON: I do not think so.

ADV MOSIKILI: Before you even go there, I need you to go back just to have a proper understanding of what we are inheriting essentially, because if you look at, at least what is glaring is that there was a clear shortfall already. What would have been the impact of this when it came to you? I
10 accept that this document obviously only came to your knowledge after the fact.

COMMISSIONER BOLHUIS: Yes, look firstly senior management in the city must all do a Municipal Financial Management Act. I think it is a NQA 6 level course and it is expected of senior management to know, understand, plan and properly execute budgets. So, when I was instructed to be the caretaker of this function, I knew what the budget was for the financial year.

Remember, now we are talking the 24-25 financial
20 year, because the function was moved to us 1st of July 2024, correct? If we - when we then looked at the historic information pertaining to this budget, it was a clear indication to both me and the Chief of Police, and I do not want to speak on her behalf, but we work very closely together, that the budgets of the previous financial years

were insufficient on a regular basis, if not at all times.

Which caused whoever was dealing with it, excuse me, to follow a certain process to ensure there is funds allocated to ensure that services can be delivered through the financial year. I did exactly the same. In the first three months, I would determine what would be the actual expenditure. Thereafter, I could do a projection for the remainder nine months, because you do also in finances, in a municipality work with your monthly cost, but quarterly
10 cost, and quarter 1, quarter 2, quarter 3, quarter 4.

By quarter 1, you have enough information, three months, plus baseline from the previous year, plus historic information to make proper projections for the rest of the financial year, to ensure that service delivery does happen. We had the 22 companies they provided services at certain infrastructure sites and properties of the city. Then, once you determine in your projection that you are going to have a shortfall, it was clear to me that there was a regular, short budgeting process.

20 Whether that was deliberate, whether that was a financial technique to deal with cash flow, I am not a CFO, I do not know. But it was cumbersome for us to notice again that this financial year that I was the caretaker or part of it, that we have under budget. So, then we would, and which we did, we would look at the finances, and we will draft a

document that is called the upliftment of funds.

So, a document is drafted to indicate that this is the expenditure, this is the projected expenditure, we are going to have a shortfall of this, that, and the next thing. If you do it properly in the first three months and do your calculations and your projections, you can go with such a document to the city, and it can be looked at. If you do not do this, you are going to find yourself at the adjustment budget process.

10 Now the adjustment budget process is exactly what it states. It is the adjustment of your approved budget. You cannot legally, procedurally come and ask for more money in an adjustment budget. So, if you do not do your work and you come to the adjustment budget only and ask for additional funds for Watchman Services, then it means the CFO in the city will have to find funds somewhere else within the approved budget and allocate it to Watchman Services.

20 So that is what I was grappling with, and we went the route of early financial detection to determine we are going to have a shortfall. We started the process of upliftment and that upliftment process was subsequently approved. It is recommended by the Chief of Police, it is recommended by the CFO, it is signed off and approved by the accounting officer.

ADV MOSIKILI: And Commissioner, just to understand, this only is, it only relates to the Watchman Service, this budget, not the ad hoc services.

COMMISSIONER BOLHUIS: This relates to the total budget for Watchman Services and all information known to you. If additional ad hoc services come in, it would not have been included in that because you cannot do upliftment for funds or adjust your budget on maybes. It must be factual information, the books must balance, it
10 must be available to be audited, to be clear-cut that this is the finances allocated for Watchman Services and spend it accordingly. So, no ad hoc services, unknown ad hoc services would not have been covered by that.

ADV MOSIKILI: Thank you, Commissioner. Would you say, having considered this report, say if you had it when you were given the task of handing over in a transitional period, would you say you would have benefited from this report if it came to you on time?

COMMISSIONER BOLHUIS: I can say I would have partly
20 benefited, but this, in my view, is not a good handover report because it dwells on information that is readily available to anyone if you go look for it. I would have expected a handover report indicating to us as a department this, plus further historic information on the budget, why was the budget done the way it was done, why was it short

budgeted for, what was the reasons, and what are the information - where is the information on all the sites, the sites that have been deemed critical, the sites that are not critical, the sites that we do not cover at all, what has been done in regards to filling the structure, what has been done in regards to human resources, the absorption, it does not really touch on that. So, I find big holes in this report in hindsight, but it is what it is. As you know, I did not receive this report. We were in the dark and we dealt with it on an

10 ongoing basis.

ADV MOSIKILI: Maybe lastly on the issue of the report or the handing over process, did you at any stage ask for a handover report or a handover meeting from the city manager's office, it being the city manager or the group head, Paledi Marota, at any stage of the handing over?

COMMISSIONER BOLHUIS: Look, it was understood by us that we were supposed to get a handover report. I do not have documentation in front of me like emails and that, but we did have one specific meeting with the MMC for

20 community safety. I will have to go check my records on that exact date and time, where we had Mr Nava Pillay and his support team, Mr Malatji and his team, myself, I believe the Chief of Police was also there, where it was agreed upon that all the information would be made available to us and in writing, emails, reports, at a certain time and that

was not forthcoming.

I did not perhaps in hindsight make enough of a follow-up, but if you are thrown in the deep end with such a thing, you find your way and that is what we did. We started sourcing the information ourselves, we looked at what we had in front of us, and we were very busy starting the new tender as well, because we had to immediately, I think we started in August, immediately start with a new tender because the current tender was to expire soon and it is quite a process in the city to start a new tender. So yes, I know about that one specific meeting, there could have been some emails as well. I am not confident to say exactly what, how many or what it was, yes.

ADV MOSIKILI: Yes, ...[intervenes]

CHAIRPERSON: Yes, I want to, Deputy Chief, I want to take you back to your response to the second last question by Mr Mosikili. I just want to make sure that I understood you. Did you mean that there is no budget whatsoever for ad hoc security services?

20 **COMMISSIONER BOLHUIS:** Yes. Look, as I explained before, Commissioner, if ad hoc has come in already and it is now part of the operationalisation on a daily, monthly basis, then that would have been counted in and worked in. Look, this was maybe unplanned for, but now it is part and parcel of the operations, that would have been covered by

the budget.

CHAIRPERSON: But something that may arise from the point onwards, that is not budgeted for whatsoever?

COMMISSIONER BOLHUIS: No.

CHAIRPERSON: Thank you. Yes, Mr Mosikili.

ADV MOSIKILI: Thank you, Commissioner Bolhuis. And just understand, this is not an attack on you, that the difficulty we have is that if the handover was mismanaged or was botched to begin with, and you were left to be on
10 autopilot and you had to find your way, you know, we need to understand, because ultimately we know, we now know that there were challenges that came with this transition when things happened without even your knowledge.

And we are trying to find out exactly where the problem might be. And this is, like I said, this is not an attack on you, but it is just trying to understand. Remember, as the Commission, as we said, we do not even know, and the question was posed to you, we do not even know why this unit was initially moved. And it is not even
20 clear why it was moved back again.

But when that is done, the handover process is not done in a way that, as you testified, in the most, one would have said, acceptable manner, to allow you to do what you are supposed to do. And it is really on that score that I keep on asking you this question to say, did you make sure

that you do your best as well, to make sure that you are given a proper handover?

COMMISSIONER BOLHUIS: Look, once the ugly things come out, it is not so easy to say you have done your best, because you scrutinise yourself, and you think to yourself, what could you have done better? So, I am a very hard person on myself. Have we done the best? No, I do not think we have. Could we have done much better? Yes, we could definitely have done better.

10 Could I personally have done more? I should have. And I stand for what I have done and what I have not done. I am an honest person. But it is clear, looking back now at what has transpired, that there are elements within the city and in our department that uses the processes and things in place. They use that as a mechanism for their corruption and for their ill-doings.

 We were used as decent, law-abiding, loyal officials. Both me the Chief of Police, other officials, we were used because it happened under our nose. And it is
20 shameful. We could have done better. But it comes again to, you trust people. You do not want to enter into a space with immediate mistrust. But if there would have been any form of indication to us, to me, I could have maybe put in more measures in place to ensure that the system is very tight and that wrong things cannot creep through. I think

that is all I can say about that.

ADV MOSIKILI: Thank you, Commissioner.

ADV BALOYI SC: Deputy Commissioner, can I just, just to make sure that I understand the import of what you are saying, are you saying that the movement of APSS from the office of the city manager to TMPD, that in itself, is that what you are referring to when you say you were used? And had you known better, you would have responded better. Is that relocation that you are complaining about, is
10 you being used and taken advantage of?

COMMISSIONER BOLHUIS: Madam Commissioner, not necessarily, but that could be the case, I do not know.

ADV BALOYI SC: Yes.

COMMISSIONER BOLHUIS: I am referring to once the move was done to the department, and the day-to-day running of the division which was handled by Director Malatji and his team. In that day-to-day running, under our noses, things happened, and we, in that, we were used.

ADV BALOYI SC: Okay, I understand. Thank you.

20 **COMMISSIONER BOLHUIS:** Thank you, Ma'am.

ADV MOSIKILI: Thank you, Commissioner. Can we then go to what we say, the uglies? Can we, we now know that you did inherit as part of the transition, this tender 02-2016-2017. Can we, can we deal with that? It is from paragraph 17 of your - of your statement, Commissioner.

COMMISSIONER BOLHUIS: Thank you, Commissioners.

Paragraph 17 under E, tender TMPD 02-2016-17:

10 “I inherited the above tender with the transfer of APSS. In this tender, the city appointed 22 security service providers to supply the physical security [guarding] services to protect the property, asset, and personnel of the city of Tshwane for a period of three years, with effect from March 2022.”

Paragraph 18 ...[intervenes]

ADV MOSIKILI: Commissioner, I think we do have the name of the company. You do not need to put the company on record. Can you then go to paragraph 19?

COMMISSIONER BOLHUIS: Thank you.

ADV MOSIKILI: Thank you.

COMMISSIONER BOLHUIS: Paragraph 19:

20 “I had to oversee the implementation of this tender going forward until such time that the new Deputy Commissioner was appointed to take over.”

On to the next page, 20, paragraph 20:

“To reiterate the context of the tender, the above tender for the supply of physical security to protect the property,

assets, and personnel of the Tshwane Metropolitan Municipality originated from a request to advertise, which is a TAR, T-A-R, a tender issued by Mr Tshukudu Malatji, Director Protection Services, on 8 July 2016, co-signed by the then Deputy Chief of Police Specialised Services, Mr RR Mahlaule, and approved on 19 July 2016 by the then Chief of Police KS Ngobeni, the late KS Ngobeni, may his soul rest in peace. The TAR and specifications are attached as Annexure SB2 to Mr Revo Spies's statement, and I need to not attach the same here, herein.”

The – 21:

“The background to the tender has been dealt with sufficiently by witness Depo - Deputy Revo Spies and Chief Yolande Faro, which I agree with and do not repeat.”

ADV MOSIKILI: Yes, carry on. Another topic of uploading of purchase orders between January 2025 and February 2026.

COMMISSIONER BOLHUIS: Thank you, Commissioners.

Paragraph 22 under F:

“I have come to learn that the Chief Financial Officer, Mr Gareth Mnisi, and Deputy Commissioner Umashi Dlamini communicated with each other on 5 March 2025 by sending messages through Sergeant Fannie Nkosi in relation to the creation of purchase orders for ad hoc security services.”

10 Paragraph 23:

“The purchase orders created out of this process were registered on the TMPD system only on the following day, 6 March 2025. These included purchase orders for ad hoc services, ostensibly procured from Gubis85 Solutions (Pty) Ltd. In the aggregate amount of R13 635 133.60.”

In brackets, it gives the number without VAT, it is:

20 “R11 856 638.14 plus VAT. A spreadsheet listing these purchase orders is attached as Annexure SB3. All of these amounts were paid to Gubis85 (Pty) Ltd.”

Paragraph 24:

“Though these purchase orders were created and loaded on 5 and 6 March 2025, after my acting stint as caretaker of APSS, some of these purchase orders refers to work and services allegedly provided during my tenure as caretaker.”

25:

10 “I am aware that Commissioner Revo Spies already pointed the obvious skewed allocation of work favouring Gubis85 Solutions (Pty) Ltd.”

Paragraph 26:

“I reiterated that I never gave permission nor was I aware of such allocation of work to Gubis85 Solutions (Pty) Limited during the time in question and in particular January 2025, February 2025 or to any other company.”

20 **ADV KHUMALO SC:** Commissioner Bolhuis, is that not itself irregular that purchase orders are only created many months after the work is done? Is the practise not that in order to allocate work to somebody a purchase order has to be created? Why is it here for example that on the 6th of March you have got purchase orders created and loaded on the system but the work in some instances was done the

previous year in 2024?

COMMISSIONER BOLHUIS: Commissioner, I am not a financial expert, but I am not hundred percent sure about that process. I would assume that once the sites have been allocated to a service provider you would receive an invoice. Then the invoice in the department will go to the financial section, a purchase order would be created and then I believe it goes to supply chain management to the buyers to do something and then payment from the CFO's office.

10

ADV KHUMALO SC: So, the purchase order is created after the invoice?

COMMISSIONER BOLHUIS: I am under correction, but I do think so, I am not sure.

ADV KHUMALO SC: Is that not a problem because my understanding of procurement is a purchase order is an indication of the goods and services that you would have ordered and it will give you an indication of how many people, what is the price and what is going to be deployed and that prepares you then for when the work is done. The invoice that is issued will match the purchase order and you verify so you compare one with the other and you say these are the goods and services that I have asked for, they were provided, the invoice matches the purchase order then I can make the payment. But if you get a purchase order after

20

the invoice and many months after the work is done, what service did you procure and what did you use to procure the service?

COMMISSIONER BOLHUIS: I see your sentiment there, Commissioner. We have to also keep in mind that this is an approved contract, approved service providers and ad hoc services were then allocated to a service provider, in this case seemingly irregular but let us say for argument's sake it was not and in an approved contract with an approved
10 budget and then it is invoiced and then it goes to the department financial section for the further processing and that includes the purchase order. But as I say I am not in a position to speak on finances that much, the CFO will be able to clarify that in detail and even Deputy Commissioner Dlamini who is in charge of our financial, overall in charge of the financial section in the department.

ADV KHUMALO SC: But it worries me because you say at some point before the process was changed, you were responsible for co-signing invoices after Director Malatji
20 had approved them.

COMMISSIONER BOLHUIS: Yes.

ADV KHUMALO SC: So if you are not aware of the process and we need to get answers from the CFO, it worries me because it means that people who are approving and co-signing invoices, running into millions, I mean this is

13.6 million, are not aware what the process is and they are just signing and people are being paid public funds without understanding the process. It is a concern for me.

COMMISSIONER BOLHUIS: Noted.

ADV MOSIKILI: Commissioner Bolhuis, are you then saying in response to the question by Commissioner Khumalo, as, and I use the word loosely, as the head of the department, of the APSS unit, you played no role, or what role did you play, let me put that, what role did you play
10 when ultimately it comes to the processing and the payments of the service rendered, especially on the ad hoc basis?

COMMISSIONER BOLHUIS: Yes, and once the operational part is concluded, let us say documents are provided, invoices are generated from the service provider and it comes through APSS, it goes to the financial section within the department. Once it is there, I do not play another role there. There is a financial process that they follow that has to be in line with the MFMA, supply chain management
20 procedures of the city, *et cetera, et cetera*.

So I do not play a role how it is put on the system, we as a city use a SAPS system, I do not play a role how it moves from the finance section to supply chain management, and I do not play a role how it moves from supply chain management to the CFO and his office for

actual payment. I can, as a senior official, make enquiries about late payments, why this has not been done, whilst all invoices submitted, those kinds of things, but not physically part of that financial process.

ADV BALOYI SC: I know you say, somewhat further on in the statement, that you had no involvement, you were not informed about the allocation of these ad hoc sites.

COMMISSIONER BOLHUIS: Yes.

ADV BALOYI SC: Your internal operating procedures, they
10 do not require that you should be informed when there is a request for ad hoc services, so that you can approve, or even it is just for noting, do your operating procedures not require that?

COMMISSIONER BOLHUIS: It is required, it is not a written, down standing operating procedure, SOP, well it should be, but it was not at that stage. But as mentioned before in some other remarks I made earlier, is when there is an operational impact, financial impact, and contract impact, I must, as the head, as the overseer of APSS, I
20 must be informed.

Because although Director Malatji runs that unit or section division, he runs it basically in totality, day-to-day running, managing the contract. If it starts affecting the budget, he does not sit in the top management budget meeting between the Deputy Chiefs and the Chief of Police

to determine what the status is of the budget, the expenditure, what we must do with upliftment of funds, what we must do with the adjustment budget, *et cetera*.

So, it was clear in our communications, in our meetings, in the way we worked, that this information should have come to my office. Because prior, in 2024, once again, Klipgat is a very good example. We were informed, I was informed about the ad hoc requirements, it was looked into, it was investigated, it was allocated, funds
10 were made available for that.

Whether there was good planning or not, that is another matter, that is the internal issues of a municipality. So, there is no ways that the management of APSS could have thought there is no need for the head, the overseer, the Deputy Chief, not to inform him about these ad hoc services, which will have a severe effect on our budget and operational implications. So yes, Ma'am.

ADV MOSIKILI: Commissioner, let me understand it from a different angle. It is correct that you would not, as part of
20 your job, be involved in confirming that the actual warm bodies were actually placed by service providers as per invoice. That would not be part of your job?

COMMISSIONER BOLHUIS: Definitely not. That would be part and parcel of the management and instructions by Director Malatji. And I did mention it earlier as well about

the mid-level people that were supposed to go and check up on the service provider, we call it contract management, to ensure that they actually do what they say they do. Because if they do not, there is a penalty clause that must be implemented. That is part and parcel of the contract and the SLAs between us, the city, and the service providers. So, it would be their function.

ADV MOSIKILI: Yes, so you are not involved on that level, on confirming the warm bodies were actually deployed, but
10 also you are not involved in the final leg where the payment processes are engaged. And I am trying to understand then your oversight role. Where does it start? Where does it end? And is it by design, which is something that this Commission might have to speak to when it makes a recommendation? Or is it something that had to do with you perhaps being overwhelmed by two and a half posts that you are already engaged with? Or are there any other factors that maybe we need to consider that led to this difficulty? What is your comment?

20 **COMMISSIONER BOLHUIS:** Yes, look, in hindsight, I would say it is a and it was a flawed process. I understand when the Commissioner raised the serious concerns about not knowing the actual financial processes, how it unfolds. And if one look at it, standing back, look at it like you now looking at it holistically with a bird's eye view, and you need

to be more hands on, especially if your staff is not in place, your systems are not in place, you do not have all the resources as Deputy Chief Spies is.

And as he continues to involve himself more and more into this space and putting systems in place and instructions and so forth, more information is coming out, and it is managed in a much better way. So, I would believe, yes, a combination of those things, but definitely flawed from my side. Oversight should have included the
10 complete process till it leaves the financial office when it goes to supply chain management. Whether that would have stopped irregularities, I doubt it. But look, if you have to fall on your sword for not doing enough, you have to fall on your sword.

ADV MOSIKILI: Thank you, Commissioner. Commissioner, can we then move to the next topic, which deals with, I think we touched on it a bit, the allocation of ...[intervenes]

ADV KHUMALO SC: I am just looking at time. Maybe let me ask my question and then it will take us to lunch,
20 because I see you have two minutes. If you are starting a new topic, it is going to compromise you. Just out of interest, Commissioner Bolhuis, did the Auditor General raise any issues in the 24-25 financial year about the ad hoc security services? Was there any finding in relation to those? Do you know?

COMMISSIONER BOLHUIS: I cannot recall, Commissioner, but I cannot say with certainty. I would have to check. Once again, CFO would be able to immediately answer that, but I cannot recall. I do not think so, but I am not sure.

ADV KHUMALO SC: And how does it work with your departments? Is there an internal audit that audits individual departments and then you submit your reports for the full audit of the city, or is TMPD audited individually?

10 How does it work exactly?

COMMISSIONER BOLHUIS: We have internal audits in the city. It falls under the Group Audit and Risk Department, GAR, and they have the internal auditors. They do internal audits as they see fit in all departments. They do further internal audits if there is a pre-indication by the AG that there is something untoward or something that they have picked up irregular in a department or in multiple departments.

20 They also advise on a high-level what procedures and systems and policies to have in place to ensure that we do not necessarily cause our own demise by causing unnecessary audit findings. Then in the department, in the Metro Police Department, we have a very small component that works closely with the internal auditors, but also looks internally to educate, to coordinate, and to manage possible

audit issues and to ensure that management is aware of where there could be issues and where management action plans must come into place to ensure that we rectify matters. So those are the processes in place.

ADV KHUMALO SC: And will you check for us to see if they did not flag these issues for ad hoc security services?

COMMISSIONER BOLHUIS: I will check in the break. I will see if I can find that information.

10 **ADV KHUMALO SC:** You may have to do it in a supplementary statement.

COMMISSIONER BOLHUIS: That is fine.

ADV KHUMALO SC: I do not want you to just say, I checked, this is what they said. Because remember, this must be evidence before the Commission.

COMMISSIONER BOLHUIS: We will do so, Commissioner, definitely.

ADV KHUMALO SC: All right, thank you.

CHAIRPERSON: Let us adjourn and resume at 2 pm.

INQUIRY ADJOURNS

20 **INQUIRY RESUMES**

CHAIRPERSON: Yes, Mr Mosikili.

ADV MOSIKILI: Thank you, Commissioners. Commissioner Bolhuis, we are right towards the end of your statement. We are about to start with the topic, allocation of sites to Gubis. That will be at paragraph 27 of your

statement. Would you please pick it up from there?

COMMISSIONER BOLHUIS: I will. Thank you,

Commissioners. Paragraph 27:

10 “Given the issues raised in the Madlanga Commission of Inquiry, I need to point out that the very next level under me, while I was the caretaker of APSS, was Director Tshukudu Malatji, who managed the APSS function from a management point of view and the day-to-day running of the function, including management of the security contract in place.”

Paragraph 28:

“Regarding the allocation of sites, Director Malatji was required to inform me of any such site allocation to any of the service providers due to operational, financial and possibly contractual implications.”

20 Paragraph 29:

“While acting as the caretaker of APSS, as described above, specifically during January and February 2025, I was not approached nor made aware of any ad hoc allocation of sites to any security

company, including Gubis85 Solutions, (Pty) Ltd, or any other service provider. In particular, I was not privy to the allocation of additional ad hoc sites to Gubis85 Solutions(Pty) Ltd. As a result, I would not, and I do not know the number of sites allegedly allocated to Gubis85 Solutions (Pty) Limited, nor the value of the services provided by Gubis85 Solutions (Pty) Limited, save to what has already been presented to the Commission through the evidence of Commissioner Revo Spies.”

10

Paragraph 30:

“However, I was not consulted by Director Malatji nor by the then Senior Superintendent, now Colonel, Doctor KE Madihlaba [?], nor by the then Inspector, now Superintendent-Major, Lebogang Phiri, about the allocation of sites in question.”

20

Paragraph 31:

“I reiterate that I have later become aware that during my time, sites were allocated to Gubis85 Solutions (Pty) Ltd

and others without my knowledge and/or involvement. I deal with this in detail below.”

ADV MOSIKILI: Thank you, Commissioner. You may proceed under the next topic, delegation of authority and attached responsibilities.

COMMISSIONER BOLHUIS: Thank you, Commissioners. H, delegation of authority and attached responsibilities. Paragraph 32:

10 “As indicated above, it has come to my knowledge recently that the then Inspector Phiri allocated numerous sites to one of the service providers, Gubis85 Solutions (Pty) Ltd. The schedule of sites allocated to Gubis85 (Pty) Ltd during January 2025 is attached as Annexure SB4, notification for deployment letter signed by Mr AL Phiri.”

Paragraph 33:

20 “Inspector Phiri was an inspector, Asset Protection Services. In such a position, he does not ordinarily have the necessary powers and/or delegation to allocate sites to any service provider.”

Paragraph 34 ...[INTERVENES].

ADV BALOYI SC: Before you proceed, as inspector, Asset Protection Services, what are his functions and responsibilities or powers even?

COMMISSIONER BOLHUIS: On that level, Madam Commissioner, and in the attachment where we look at the job description of a generic inspector, it is a low-level supervision position. so I would then assume that he would have exercised supervisory, visionary role over junior personnel. It is not a management position. It is an entry-
10 level, supervisory level.

ADV BALOYI SC: But supervising the juniors that he is supervising, what functions do they perform? I assume he does not supervise across the board in the TMPD or even in the APSS. There are certain functions that are performed by the juniors that he is supervising.

COMMISSIONER BOLHUIS: Ja. I do not know his exact functions in APSS or what his functions was at that time, but it would have coincided with that level. So if a supervisory role on that level, he would have had to
20 exercise those powers over junior members, and that would have then included security guards, but I do not have his actual functions of APSS in front of me.

ADV BALOYI SC: Maybe let me ask the question differently. The powers to allocate sites to service providers, is that a power that is reserved for management

level?

COMMISSIONER BOLHUIS: Yes.

ADV BALOYI SC: Okay, thank you. And you say he was not management at the time?

COMMISSIONER BOLHUIS: He was not.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: Commissioner Bolhuis, now that you have seen this document in SB4, it is 42 allocations over a space of two months running into millions of rands allocated
10 to one company. Now that you have seen this, so you can just have a quick look at it from page 67 to 109 of File 1. Now that you have seen it, what do you have to say about it?

COMMISSIONER BOLHUIS: Commissioner, it is clear that it is irregular and it was completely illegal to do so, and that the person that allocated those sites, Mr Phiri implicated, had no authority to do so. I believe he will be in front of the Commission soon to answer to those things.

As indicated before, the day-to-day running and
20 management of APSS and management of the contract was duly the function of Director Tshukudu Malatji and could have never been delegated, in my view, to such a junior person to allocate sites. And never was these sites indicated to me, and I became knowledgeable of that after the fact.

ADV KHUMALO SC: I do not want to state this as a fact yet because we are still investigating and we still have to hear from the other witnesses. But looking at this, it shows me how easy it is for outsiders to capture a municipality and basically have a blank cheque as far as municipalities' funds are concerned.

Because there is no supervision. Somebody who is not authorised to send security guards to sites in a space of a month, from the 14th of January until 13 February 2025, it is a space of a month, he signs this and it is 42 of them. And the money involved is millions of rands. It is not thousands. It is millions of rands of public funds.

COMMISSIONER BOLHUIS: I agree with you.

ADV KHUMALO SC: So somebody must account for this.

COMMISSIONER BOLHUIS: I totally agree with you. And if I may comment on that? Yes, as I said, I totally agree with you, and someone must account or many or whoever needs to account. And I remind you of what the Chief of Police also mentioned that these things must be further investigated and will be investigated to determine what needs to happen. But you are 100% correct.

ADV MOSIKILI: Thank you. Commissioner Bolhuis, can you then continue? I think we are dealing with paragraph 34, which will deal with the summary of Annexure SB4. So could you continue then from 34 downwards?

COMMISSIONER BOLHUIS: I can do that. Thank you, Commissioner. Paragraph 34:

10 “It is clear from Annexure SB4, mentioned above, that Mr Phiri is a signatory, issued notification letters to the directors of Gubis85 Solutions (Pty) Ltd in terms of which TMPD purportedly allocated various sites to Gubis85 Solutions (Pty) Ltd for the provision of security services. Such notification letters can be summarised as follows:

34.1. The first batch was issued on 14 January 2025, effective from 15 January 2025.

34.2. The second batch was issued on 21 January 2025, effective on the same day.

20 34.3. The third batch was issued on 13 February 2025, effective from 15 February 2025.

34.4. Each notification letter mentioned the name of the allocated site, number of security offices to be deployed, number of patrol vehicles, and monthly cost per site.”

Paragraph 35 continues:

“It would then appear that during the period of 14 January to 13 February 2025, Inspector Phiri allocated 40 sites to Gubis85 Solutions (Pty) Ltd to the value of R14 101 520.89. The schedule of invoices by Gubis85 Solutions (Pty) Ltd during the said time is reflected in Annexure SB5, attached above.”

10 **ADV KHUMALO SC**: Commissioner, I counted 42, so maybe my counting is incorrect, but 67 to 109 gave me 42.

ADV MOSIKILI: It might explain the other two. This one might be attributed to Madihlaba [?], Commissioner.

ADV KHUMALO SC: Can we add to your statement then that the sites allocated to Gubis were 42, and out of that 42, Phiri was responsible for 40? I think that is a more accurate statement.

COMMISSIONER BOLHUIS: Yes, we can do so. Thank you, Commissioner.

20 **ADV MOSIKILI**: Thank you, Commissioner.

COMMISSIONER BOLHUIS: Apologies for that. Paragraph 36:

“I repeat that during January 2025 to February 2025, as the caretaker, I never allocated these sites to Gubis85

Solutions (Pty) Ltd, nor did I instruct Inspector Phiri to do so, nor did I give him permission or the delegated authority for him to do so.”

Paragraph 37 ...[intervenes].

ADV BALOYI SC: Before you do that, the reporting line, so you are the caretaker, and then who is on a daily basis? I think you say Malatji.

COMMISSIONER BOLHUIS: Malatji is the director, the
10 manager over the whole function, yes.

ADV BALOYI SC: Okay. So would it be correct to say that he would have had, if you did not delegate or give Phiri this power, Malatji would have had to be the next person to have given him, assuming that Malatji had that power in the first place.

COMMISSIONER BOLHUIS: That would be the assumption.

ADV BALOYI SC: He would have been the one that delegates him or that gives him the power to do this.

20 **COMMISSIONER BOLHUIS:** Yes, correct.

ADV BALOYI SC: Okay.

COMMISSIONER BOLHUIS: Yes.

ADV BALOYI SC: Thank you.

COMMISSIONER BOLHUIS: Thank you, Commissioner.

Paragraph 37:

“In my view, Inspector Phiri did not have the power or authority to allocate sites to security service providers. The allocation of sites would have been the function of APSS management, specifically Director Malatji, who was the director in charge of APSS function to allocate such sites.”

ADV BALOYI SC: Just to be clear, if Malatji, Director
10 Malatji were the one that had authorised these allocations of ad hoc services, would you take issue, and not so much about budget issues, but the exercise of that power? Would you say he did not have that power, or even if he had that power, he still needed my approval? Would you have raised the issue with that?

COMMISSIONER BOLHUIS: I would have a serious issue with that.

ADV BALOYI SC: And the issue would be what? What would be the complaint?

20 **COMMISSIONER BOLHUIS:** The issue would be that he is busy allocating operational responsibilities to service providers that might or will have a serious impact on your daily operations, your budget allocations, and contract management. And the fact that he does not inform his management of his actions, which is expected of him to do

so. So that will be a serious issue, and that would be an issue for further internal investigation and possible disciplinary steps.

ADV BALOYI SC: I guess what I am asking is, is this a matter that was within his powers to do? He may well have been, let us say, reckless at best to carry on doing it and exhausting the budget as it turned out to be, and he may have had a misstep, assuming all is innocent, a misstep not to inform you when he should have informed you. So I am
10 putting those as innocent facts.

If that were so, would he have a good answer to say, but this was a matter that is within my powers? I could do this. I could allocate ad hoc services or deployments without reference to my superior?

COMMISSIONER BOLHUIS: I believe it is in his powers to allocate such sites, but I do not believe it is proper for him to do it in isolation from the department and as his direct supervisor, and because of what I have explained before, the implications of such allocations or what might happen, it
20 would have been his duty to at least consult and report it to top management. But as he was the day-to-day manager managing the whole process plus the contract, it would be in his ambit to allocate such.

ADV BALOYI SC: Maybe finally, if these allocations were made within budget and there was no picture that we have

now, which is Gubis being favoured, appears to have been favoured because they got the chunk or the bulk of these allocations, if those were not issues, let us say there was fair distribution amongst Gubis, Triotic, I think is the other?

COMMISSIONER BOLHUIS: Triotic.

ADV BALOYI SC: Triotic, and there is another company, a third company whose name I do not remember. If there had been a fair distribution and all of that was done within budget, the Watchman Services budget, you would not have
10 an issue that he made those allocations. Would you have an issue if he made those allocations and did not inform you or seek your approval even?

COMMISSIONER BOLHUIS: I would still have a serious issue with him.

ADV BALOYI SC: Okay.

COMMISSIONER BOLHUIS: And look into the issue. If it was an innocent mistake, rectify it, put a management principle in place. If it was done deliberately and it can be proven, I would take up disciplinary steps against him as
20 the manager because the adding on of additional sites, whether let us say for argument as you state, Madam Commissioner, that it would have still been in budget and all of that, and fair distribution, it places an additional burden on that division and on the operational capacity, and it could in future lead to further challenges such as

miscommunications, such as non-transparency, maybe even AG findings.

In my logical thinking, it would be improper for any manager in any organisation, in any type of work, to allocate additional operational responsibilities with financial implications even though there is budget and not inform the organisation itself. In that case, it is the next line of supervision.

ADV BALOYI SC: Yes.

- 10 **COMMISSIONER BOLHUIS:** Because it defeats the purpose of the collaboration we have as departments and heads of departments and senior personnel of departments with service delivery departments to ensure that for the right reasons, ad hoc services are allocated to water, electricity, or whatever the case might be. And that would have then been in the dark.

ADV BALOYI SC: Thank you.

CHAIRPERSON: Deputy Chief, where do we find provision for Mr Malatji's power to make the allocations?

- 20 **COMMISSIONER BOLHUIS:** Commissioner, this is in the – it stems from the level that he occupies. He is the director, the highest-ranking official in APSS. He is responsible for, and it was commonly known as we received the function back from the City Manager, it was commonly known and understood that Director Malatji was the man, the person

that ran APSS, that managed the day-to-day running, managed the contract. So if you are asking, was there a specific document penning this down?

CHAIRPERSON: Yes, that is exactly ...[intervenes].

COMMISSIONER BOLHUIS: No. There is no such document, but it was commonly known and commonly expected. And if you also look, which I do not have in front of me, but if you look at his job profile and job description, it would have clearly indicate management responsibilities
10 to that of APSS.

CHAIRPERSON: Thank you.

ADV MOSIKILI: Thank you, Chair. Chair would have also noticed from the documents that initiated this entire tender that Malatji would have been the person, contact person through and through, and the custodian, so to speak, of this document from the very first advertisement. But it might well be that it will be conversed with him tomorrow when he comes in terms of the legislative powers where he sources that power to allocate.

20 But it has been common call that he has been the ultimate responsible person, even when this function was moved between different units. Now, Commissioner Bolhuis, just to round off the point, as was conversed with you by Commissioner Baloyi, the Commission this morning had a couple of service-level agreements that were signed

by Commissioner Spies.

But it was very clear that in those documents, it was very clear on the face of it that he was signing on behalf of Commissioner Faro. So that is clear that it is a delegated power. Now, I want you to have a look at page 67 of the bundle in front of you, it is one of the notifications for deployment, keeping in mind what I have just said to you.

Now, this is just one of the notices signed by Mr
10 Phiri. And my question to you is that on the face of it, *prima facie*, does it appear that the power that was exercised there was delegated power?

COMMISSIONER BOLHUIS: Through you, Commissioner ...[intervenes].

CHAIRPERSON: Please repeat that, Mr Mosikili.

ADV MOSIKILI: The proposition to Commissioner Bolhuis is this. The signature there of Mr Phiri, does it *prima facie* appear to be a signature exercised as someone who has been delegated the power through somebody? And, Chair, I
20 have said juxtaposed to the SLA that we saw this morning, where it was very clear that the person designated for that position to sign those SLA, it was very clear it was Faro, but the signature would have been for Spies. If the Chair follows ...[intervenes].

CHAIRPERSON: During a time when Deputy Chief Spies

was acting.

ADV MOSIKILI: Indeed so.

CHAIRPERSON: So in that acting capacity, he was effectively the Chief.

ADV MOSIKILI: Yes.

CHAIRPERSON: Ja.

ADV MOSIKILI: But even when they were signing, it was clear that even then he was still acting under delegation, that two-day extension that he received as the Chief. And
10 that is a question, really, or the proposition I am putting to Commissioner Bolhuis, to say on the face of it, does it appear that ...[intervenes].

CHAIRPERSON: Deputy Chief, do you know, or do you not, that Mr Phiri had delegated power to sign these documents from 67 all the way to the last one, excluding the two signed by the doctor.

ADV KHUMALO SC: Madihlaba.

CHAIRPERSON: Madihlaba, yes.

COMMISSIONER BOLHUIS: Thank you, Commissioner.
20 Let me answer this in different parts. If, firstly, Mr AL Phiri, I can with confidence say he did not have delegated powers because he could not have had delegated powers. If Director Malatji delegated authority downwards, he would have delegated it to Mr Mahlangu, who is the immediate level under him. It is like me. I am a Deputy Chief of

Police. I cannot delegate my authority and accountability to an inspector working in my office. It cannot happen. It would be illegal. It would be nonsensical. It would not be valid.

CHAIRPERSON: Yes, yes. Yes, continue, continue.

COMMISSIONER BOLHUIS: Thank you. So, if I look at the face value of this document, there is no indication on this document that Mr Phiri is acting on a delegated authority, because it is not stated in the document.

10 Secondly, it is signed in his own information signature and level as an inspector. So, this document is irregular.

CHAIRPERSON: And on what you said on delegation, there are instances where some functionaries do not even have the power to delegate.

COMMISSIONER BOLHUIS: Exactly.

CHAIRPERSON: Thank you. Yes, Mr Mosikili.

ADV MOSIKILI: Thank you, Commissioner. I think we are at paragraph 39. 38, in fact, of your statement with reference to Doctor Madihlaba. Can you pick it up from
20 there, then?

COMMISSIONER BOLHUIS: Excuse me. Paragraph 38:

“I point out that as part of Annexure SB5 referred to above, there are two notification letters that were signed by Doctor KE Madihlaba, Senior

Superintendent, APSS.”

39 ...[intervenes].

ADV MOSIKILI: Perhaps there, just to keep in mind the question by both the Chair and Commissioner Baloyi, would you still have the same difficulty with Doctor Madihlaba having signed at least those two notices, the same problems you had with Mr Phiri?

COMMISSIONER BOLHUIS: I would have exactly the same comments and the same challenge and the same disregard.

10 It is irregular. Totally irregular.

ADV MOSIKILI: You can continue. Thank you.

COMMISSIONER BOLHUIS: Thank you. 39:

20 “It would appear that Doctor KE Madihlaba allocated two sites to Gubis85 solutions (Pty) Ltd through notification letters dated 21 January 2025 and 20 January 2025 respectively. These notification letters deployed 24 security officers per site, two patrol vehicles for one site and one patrol vehicle for another site. The total value attached to these allocated sites was R1 060 345.02 per month.”

Then 40:

“I emphasise that while acting as

caretaker, I did not authorise Doctor KE
Madihlaba to allocate the two sites to
Gubis85 solutions (Pty) Ltd, nor did
Doctor KE Madihlaba have authority to
allocate sites because such authority lies
with the Director APSS, Mr Malatji. At no
stage has Mr Malatji informed me that he
gave permission for the allocation of
these sites and/or that he delegated the
10 allocation of sites to Mr Phiri and to
Doctor KE Madihlaba.”

41 ...[intervenues].

ADV MOSIKILI: Before you go there, can we then quickly
go to Annexure SB5, which is on page 110? Are you there,
Commissioner?

COMMISSIONER BOLHUIS: I am.

ADV MOSIKILI: Yes. You would see that that document
there on top, it says summary of sites allocated to Gubis by
Phiri and it mentions the source of this table. What really I
20 want to ask from you, and you can benefit probably from
your knowledge, you would notice that, especially on page
1, except for the first two, all of these notices are dated the
same day.

And with all of them, the effective date being the
15th of – so they are drafted on the 14th and the effective

date being the 15th of January. And in the next column, you will see that it is a number of personnel deployed and then the patrol vehicles and then the amounts per allocation.

COMMISSIONER BOLHUIS: Yes.

ADV MOSIKILI: My question to you, and it goes on to page 2 as well, is this plausible, this type of allocation done by one person, essentially in one day and especially going to these amounts? Is it plausible?

COMMISSIONER BOLHUIS: Look, on the look and the first
10 glance of this document, summary document of these allocations, it looks irregular, but I am not saying that it is impossible to have an emergency situation within the City and you have to make a very quick decision of allocating of sites.

But then you would follow the procedure that I have mentioned before a few times. The example was the Klipgat scenario, but it could even be an immediate emergency. You could have, for argument's sake, a piece of infrastructure of the City and the outside perimeter of such
20 infrastructure received extensive damage from a nature incident, and you must now allocate.

Then if Director Malatji would phone me at home and say, Deputy Chief, we have got this situation, it is urgent, we need to allocate four security officers to such and such an infrastructure due to this, and then I can give

verbal permission, and the paperwork can follow tomorrow and the procedures would follow correctly.

But to do it in this way, allocating sites by a junior person and there is no further communication on a high level or an assessment done or a pre-approval done, that is why I say when you look at it, at the look of it, it looks irregular and we now know this is irregular. I hope that answers your question.

ADV MOSIKILI: I think my question is a bit more pointed
10 than that. The question is this. This allocation, compared to your example of one incident, this what we have here is a situation where deployment cuts across almost all the regions in Pretoria on the same day.

You will see, I know you have mentioned Klipgat, there is Moraleta, there is Karina, there is Valhalla, there is Centurion, there is Rayton, there is Elardus. It cuts across. Hence I am saying is it plausible all in one day if we accept that ad hoc it is supposed to be for exact that purpose?

COMMISSIONER BOLHUIS: It does not seem possible to
20 me. It is impossible. It does not make sense. I cannot get my mind around this. I cannot think of a scenario where this could be possible.

ADV BALOYI SC: Just asking, to get to the point where Inspector Phiri issues that deployment letter. He surely does not make the decision himself that this site requires

deployment. There has to be a request.

COMMISSIONER BOLHUIS: Yes.

ADV BALOYI SC: From which, is it a department, is it a unit, that generates that request which he would then execute?

COMMISSIONER BOLHUIS: Normally, Madam Commissioner, such a request would come from the service delivery department. Be that waterworks, electricity, or whatever the case may be.

10 **ADV BALOYI SC**: Okay. So, if this is done properly, this deployment, if it was done properly, it would have been generated by that service department and you would expect to find a record of a request for a deployment to a site?

COMMISSIONER BOLHUIS: Definitely, Madam. Everyone in the City, at least on senior management level, knew at that stage that Metro Police is the custodian of APSS. It was common knowledge that I was the caretaker. They have access to the Chief of Police.

20 In such a case, the department would internally resolve it with its own group heads and cluster heads, and such a request would come through either directly to Director Malatji, but I would have been copied by the department, and so the Chief of Police, and so the COO, and so maybe the Office of the City Manager and the CFO because there could be financial implications, like with

Klipgat and other examples.

So this is totally, totally irregular, unauthorised, not following any standard communication procedure or authority or delegation or any of this whatsoever.

ADV BALOYI SC: Is it correct, this proposition, that at the very least you would expect that there was a request to Director Malatji?

COMMISSIONER BOLHUIS: Yes.

ADV BALOYI SC: Let us say you were not copied and all
10 the other people, because Inspector Phiri, his position is not to receive those kinds of requests. They are not directed to him.

COMMISSIONER BOLHUIS: Yes, definitely not.

ADV BALOYI SC: Okay. So it would have been directed to Director Malatji, and then assuming all is done properly, he then says to Phiri, you go ahead and issue the deployment letter, if that were done properly. But at the very least, you expect a request to Director Malatji?

COMMISSIONER BOLHUIS: A 100% correct.

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

ADV KHUMALO SC: I want to just follow up on this document on page 110. Just have a look at it. It is the same document we are looking at. It runs to page 112, and that is where you have the total figure of 14 million, which also appears on page 10, paragraph 35 of your statement.

And my problem with this is that your statement does not reflect the actual amount paid to Gubis arising from these allocation letters. Because if you look at the allocation letters, let us take the one on page 67, for example. Please go to page 67.

What they do is they give you the effective date of the allocation and the deployment, and then they give you the total monthly rate, which in that case you see is R406 000. Do you see that?

10 **COMMISSIONER BOLHUIS**: I do.

ADV KHUMALO SC: So it seems to me that what you have done is you have calculated the grand total in all these 42 allocation letters, and that is how you arrive to your 14 million.

COMMISSIONER BOLHUIS: I have to assume that is correct.

ADV KHUMALO SC: And let me tell you what my problem with that is. We know that these allocations were only stopped at the end of June.

20 **COMMISSIONER BOLHUIS**: Yes.

ADV KHUMALO SC: So you must multiply that by five, another five months, to get to the actual figure. So what will assist us is actually proof of payment to Gubis arising from these allocation letters, because then we can know how much Gubis was paid.

It may be that it is 14 million, but it could be as high as 60 million, because what you have done here with your calculations is that you have just taken the grand total in the 42 allocation letters, and that grand total gives us 14 million.

COMMISSIONER BOLHUIS: Yes.

ADV KHUMALO SC: But that is only for one month. It is not for the full period when the ad hoc services were provided.

10 **COMMISSIONER BOLHUIS**: I understand your concern and your question, Commissioner. I am giving evidence only on this portion. So what you are asking can be given, but most probably from a supplementary statement by Deputy Commissioner Spies.

ADV KHUMALO SC: Ja, because what you gave us in paragraph 35, read with these two documents, including the one on page 112, is not the full picture.

COMMISSIONER BOLHUIS: I agree. I totally agree.

ADV KHUMALO SC: Yes, thank you.

20 **COMMISSIONER BOLHUIS**: It is just for that period of time.

ADV KHUMALO SC: It is for one month. That is what it is.

COMMISSIONER BOLHUIS: Yes, that is 100%.

CHAIRPERSON: Let me take you to pages 111 and 112, Deputy Chief. At 111, you will see on the right margin there

are two entries that say, Madihlaba signed this notification latter, not later. Latter is an l-a-t-t-e-r. So there are two of those entries, one after the other. Do you know what this means? If you have dealt with it, please forgive me. Do you know what this means?

COMMISSIONER BOLHUIS: If I understand your question correctly, Commissioner, these are the two ...[intervenes].

CHAIRPERSON: I assume these are the two by Doctor ...[intervenes].

10 **COMMISSIONER BOLHUIS**: Madihlaba.

CHAIRPERSON: Yes, yes.

COMMISSIONER BOLHUIS: Yes. That is correct.

CHAIRPERSON: But what I am asking is, Madihlaba signed this notification latter. What does that mean?

COMMISSIONER BOLHUIS: I am not sure this was prepared ...[intervenes].

ADV MOSIKILI: Chair, I can assist as to what that means, Chair.

CHAIRPERSON: Yes.

20 **ADV MOSIKILI**: Perhaps the easiest way, if the Commissioners have the first file with them, the easiest reference I can make is on page 22.

CHAIRPERSON: Indeed do. So that is not where we have a collection of all these, with the one signed by Doctor Madihlaba, somewhere in the middle.

ADV MOSIKILI: No, no.

CHAIRPERSON: Something else altogether.

ADV MOSIKILI: It is specific to the question latter. To the word latter.

CHAIRPERSON: Just a minute.

ADV MOSIKILI: So the first file, page 22.

Mr Mosikili, the same file, page 84.

ADV MOSIKILI: Yes.

ADV BALOYI SC: And 85.

10 **ADV MOSIKILI:** Yes, that is correct. And really, the latter part, Chair, perhaps it is not even for the witness to answer. It is really what is apparent there, Chair, is that you will see that the notice on the top right is dated 21 January, and then ...[intervenes].

CHAIRPERSON: 2025.

ADV MOSIKILI: 2025. And then you will see that it will say notification for redeployment. Then:

20 “This correspondence letter serves as a notification for deployment at Rietfontein Rietvlei Nature Reserve, effective from 21 January 2025 at 06:00 on a month-to-month basis.”

Now, Chair will see that at the bottom right, this is where the question is answered. The date there by both Doctor Madihlaba and Khumalo, not this Khumalo, will be the 20th.

So that will explain. I think they wanted to say the dates do not match because this date would have been – so this thing would have been signed a day before it was produced, if this notices anything to go by.

CHAIRPERSON: There is a 21 January at the top and against the signatures at the bottom, there is 20 January 2025.

ADV MOSIKILI: Indeed, Chair. It is something amiss that we do not know what to make of them. I do not think this
10 witness will assist us as well what to make of ...[intervenes].

ADV KHUMALO SC: Is it not the effective date of the deployment? Because if you read notification for deployment and then the second sentence after that, effective date from, so it seems to me that those dates reflect not the date when the letter was produced, but the effective date of the deployment.

ADV MOSIKILI: I accept that, but for the top part, Commissioner Khumalo, of the letter which is 21st, that is
20 where the anomaly comes and then it distorts the effective date of the 21st. I do not think anything for now, at least for this witness, will turn on that. It might well be that it is something to make of at a later stage, but that is the anomaly that is noted on the table, Chair.

CHAIRPERSON: Ja, I still find it vague.

ADV MOSIKILI: It is, it is, Chair.

CHAIRPERSON: All right, anyway, thank you, thank you, Mr Mosikili. I said I was taking the Deputy Chief to pages 111 and 112. I noticed right at the end that what I assumed is a reference to what was signed by Doctor Madihlaba was subtracted from the total. Maybe there is an explanation in plain sight, but do you want to tell me why this would have been subtracted?

COMMISSIONER BOLHUIS: The document, Commissioner,
10 gives the total value in the red part at the end of the column, which is just over R15 million. Then it showcases the deduction of the two that were signed by Madihlaba, which is just over a million, and it comes to that 14 million because the heading of this document at page 110 on top would be a summary of sites allocated to Gubis by Phiri. So this then gives the total picture of Phiri, and then we know the total picture of ...[INTERVENES].

CHAIRPERSON: They are subtracted ...[intervenes].

COMMISSIONER BOLHUIS: That is just for that.

20 **CHAIRPERSON:** Because the two do not relate to Mr Phiri.

COMMISSIONER BOLHUIS: Yes.

CHAIRPERSON: It is not about the entire or the full total. All right, okay, thank you.

ADV MOSIKILI: And, Commissioner Bolhuis, while we are there, the Commission knows that Mr Phiri has been placed

on suspension.

COMMISSIONER BOLHUIS: Yes.

ADV MOSIKILI: And he is facing disciplinary hearing in relation to this. What do we know about Mr Madihlaba for this one million?

COMMISSIONER BOLHUIS: I know it is part of an investigation, but that is all I know. I am not privy to the details of that investigation. I am not involved with it myself. As far as I know, he is not on suspension at this
10 stage, but it is part of an investigation.

ADV MOSIKILI: Thank you, Commissioner Bolhuis. We were going to paragraph 41 of your statement.

COMMISSIONER BOLHUIS: Can I continue?

ADV MOSIKILI: Please do.

COMMISSIONER BOLHUIS: Thank you, Commissioners. I will continue at paragraph 41:

20 “In summary, an inspector in the APSS cannot allocate services worth millions of rands to service providers under the Municipal Financial Management Act number 56 of 2003, also known as the MFMA, and Local Government Municipal Systems Act number 32 of 2000, without proper delegation and adherence to procurement protocols. I refer to

Annexure SB6, job description of a warrant officer, Regional Policing, which is a generic job description for a warrant officer (inspector), it is the same level, within the department. Mr AL Phiri functioned on this level.”

But I have given further explanation on that already. In any case, I will continue with 44. 42, apologies, Commissioners:

10 “Similarly, a senior superintendent in the APSS cannot allocate services worth millions of rands to service providers without specific delegated authority to do so. I further refer to Annexure SB7, job description of a senior superintendent, Regional Policing, which is a generic job description for the level. Doctor KE Madihlaba functioned on this level.”

43:

20 “It is therefore my view, from the above, that Gubis Solutions (Pty) Ltd was improperly allocated sites between January 2025 and February 2025.”

44:

“At this point, let me refer the

Commission to email correspondence between myself, Director Malatji, and Director Veli Nwandule (Director of Management and Admin Support). I further refer to Annexure SB8.”

Perhaps let us call there, Commissioner Bolhuis.

ADV BALOYI SC: Maybe as you do that, if you would just again explain who is Director Nwandule and how does he fit in in the department?

10 **COMMISSIONER BOLHUIS:** Thank you, Madam Commissioner. Director Nwandule is, as indicated in my statement, the Director for MAS, M-A-S, Management Administration Support. In this directorate, you find the finance section. So he is overall responsible for finance and the departmental budget, under the supervision of Deputy Police Commissioner Dlamini. On page 124, Commissioners, that is Annexure SB8.

ADV MOSIKILI: Commissioner Bolhuis, just to follow the correct timeline of these emails, I think you should start on
20 page 128.

COMMISSIONER BOLHUIS: 128?

ADV MOSIKILI: Yes. You will see that at the bottom there. That will be the email from yourself sent on Wednesday, 2nd of October at 11:26. Then we will follow that timeline.

COMMISSIONER BOLHUIS: Okay.

ADV MOSIKILI: So you will read that from 128 and flip over to 129. 128 to 129, then we will go.

COMMISSIONER BOLHUIS: No problem.

ADV MOSIKILI: In terms of the timelines, ja.

COMMISSIONER BOLHUIS: Thank you, Commissioners. On page 128 at the bottom, it is an email from myself sent on Wednesday, 2 October 2024, at 11:26 in the morning to Director Veli Nwandule and in the same line to Tshukudu P Malatji. And I cc'd Deputy Police Commissioner Dlamini, Mr
10 Jethro Seleka, who is also in the finance section, the COP, Mr Reginald Mahlangu from APSS, Doctor Elvis K Madihlaba, Winnie B Mahlangu, who also works in that office by APSS. Then the next people are my support staff, Kuzette [?] van Aswegen and Carleen van Zyl.

The subject was, or is, APSS non-payment of service providers, importance high. Director Nwandule, and in brackets underneath, Director Malatji:

20 “Please urgently advise on the slow (non-payment) of security service providers. What are the issues and how can we urgently resolve it? Your immediate attention to this will be highly appreciated. Kindest regards, by myself.”

So do you want me to continue?

ADV MOSIKILI: Yes, then a response to your email would follow at, so it is on 127. You will see at the bottom there a response from Veli Nwandule at, on the same day, at 13:02.

COMMISSIONER BOLHUIS: Yes.

ADV MOSIKILI: I think you can skip the designation of the email and go to the content.

COMMISSIONER BOLHUIS: Ja, it was sent to everyone.

ADV MOSIKILI: Yes.

COMMISSIONER BOLHUIS: That was already mentioned.

10 Thank you, Commissioners. In that email, page 127 at the bottom, Director Veli Nwandule responds to all of us, to me and all of us:

20 “Good day, Deputy Police. We only need to adhere to some little procedures. I have reported to the unit (the Asset Protection) that I am sitting with 35 variable requisitions in my SAP inbox. I also indicated that on each requisition no SLA, no letter of appointment, no invoices were attached on the system (something very strange). In attempting to bring a quick solution, I requested that the SLA letter of appointment be attached on the system or hand-delivered to my office without success. I also requested

that the original invoices be hand-delivered to my office without success. Instead, the invoices were sent via email, apparently at the instruction of the Director of Protection Services. Further to unprofessional conduct, the service provider was told the Metro Police Cost Centre owner does not want to pay them. I am still waiting for the original invoices

10 to be hand-delivered as per the promise of the ladies I spoke to, which is (Winnie and Ulander). Hope the above is found in order. Kind regards Veli Nwandule.”

ADV MOSIKILI: And then if you follow the sequence, you are going to have to go to page 126. You will see that in the middle of that page there is a response from one Tshukudu Malatji at 15:20. He now responds to Director Nwandule. Can you take it from there, please?

COMMISSIONER BOLHUIS: I can. Thank you, Commissioners. The response is on Wednesday, 2 October 2024, 15:20, from Tshukudu Malatji to Mr Veli Nwandule and the rest of us are cc'd:

20

“Hi, Director Nwandule. Thank you very much for the email below. I think you would agree with me that Asset

Protection is responsible for the management of this contract. To this end, any documentation relating to the management of this contract must be kept safe by my office for ease of reference and response to all sorts of enquiries. These documents would include, but not limited to, copy of contract, the SLA, and monthly invoices.

10 The reason being that the documents are central to the effective management of the project. Audits which are carried out or conducted frequently by both internal and external institutions. Therefore, I would like to humbly request that you return the original documents after use for record keeping. Your cooperation in this regard will be highly appreciated.

Kindest regards, Tshukudu Malatji.”

20 **ADV MOSIKILI**: And then lastly, on the email chain, then you will need to go to page 124. This will be the last email from Veli Nwandule. And you will see that email starts on top of the page and the time there, it is 18:09 in the evening.

COMMISSIONER BOLHUIS: I see it.

ADV MOSIKILI: Could you just take it from there, from the body of the language? He responds to Director Malatji.

COMMISSIONER BOLHUIS: Thank you, Commissioners. On page 124, from the top, from Veli Nwandule to Tshukudu Malatji:

10 “Evening, Director Malatji. I herewith
acknowledge receipt of your original
invoices after a long and unnecessarily
delay. Thanks to the patient messenger I
sent to your offices. I confirm that I only
received 22 invoices for the month of
August 2024. Your email hereunder is
rather shocking. The Asset Protection
Unit is not a new service to the TMPD. It
has just been returned, and my
expectation was that we were going to
have a seamless process in executing
our duties and a smooth transition would
unfold. It is not news to you that our
20 department has its own finance section,
which is responsible for all finance
matters of the department, including but
not limited to the management of
contracts and procurement administration
and the administration of the budget.

Take note of the following important basics for your attention. On contracts:

10 1. The TMPD has the contract management subsection, which administers all departmental contracts and ensures their safekeeping. As courtesy to the client division, copies are made on a request and given to whoever makes such a request. I will request that you spearhead the handling over the letters of the appointment of the service level agreements for each service provider to the TMPD contract management subsection (Vusi Mabona) for your convenience.”

It follows, Commissioners, on the next page, page 125 on top:

“On monthly invoices:

20 1. TMPD Finance has one central point of processing all contracted services invoices and there shall be no confusion/parallel activities elsewhere.

2. The responsibility of the client division (Asset Protection) is to receive the invoice, verify the service against the

billed amount, sign it off and send that original invoice to the department finance.”

And, Commissioners, you will recall that I previously spoke about this when you asked me when did I stop co-signing invoices. When this process was implemented, it is just confirmation of that:

10 “Remember that as a client division, you are an overseer of one of the services of the TMPD.

3. The responsibility of the finance section of the department is to create a requisition for each original invoice received.

20 4. A received original invoice will be signed by the cost centre owner or his nominee before any processing can be done. The requisition creator, SAO/procurement services, verifies the contents before requisition is created.

5. The cost centre owner will then release requisitions on the system upon satisfaction that all the necessary documents were received and attached on the system.

6. On a lighter note, original invoices belong to a person who pays. We keep a record of such at one central point. Copies will be made for you upon request.

7. I therefore expect your cooperation regarding the above going forward.”

Then there is a subheading notable, it is supposed to be anomalies, but anomalies, anomalies. It starts with a dash:

10 “13 requisitions have been created by yourselves to the tune of R8 282 682.19 without invoices, and yet you expected me to blindly release these requisitions. Only you can provide a better explanation to your supervisor and the Chief of Police on those, and I will be given a go-ahead to release as the cost centre owner upon clarity. Lastly, a lie was spread that I want to have a meeting

20 with service providers before I release their payments. A second lie was circulated that I am refusing to release their payments, and you have done everything on your side, whereas you deliberately forgot to inform the service

provider that you were refusing to bring the documents that would enable payments for them. I hope it is the last time I am treated with that level of unprofessionalism. Hope the above is found in order. Kind regards, Veli Nwandule.”

ADV MOSIKILI: Thank you, Commissioner. That is quite a loaded exchange of emails, because your question was quite, or at least your email was quite simple to say why is there a slow or no payment of service providers, and what you get is this strong exchange of emails between at least appears to be Veli Nwandule and Tshukudu Malatji. What do you make of this to your initial question?

COMMISSIONER BOLHUIS: Yes. Initially, I just wanted to have clarity on what is the issue, but I am extremely glad it unfolded the way it unfolded because in a subsequent email, I do not know if it is part of this bundle somewhere, but in a subsequent email, I instructed Mr Malatji to adhere to the financial section's procedure, and that was the instruction.

So, yes, at first I did not expect it, but as I say, it was an eye-opener and it initiated the process clearly defined so by the finance section, seeing that Director Nwandule, as indicated in his correspondence, he is the

cost centre owner that releases the funds for this payment, and that he is actually saying to Director Malatji that he is refusing to release payments if not all procedure is followed and documents are handed in as per his explanation, which immediately became the system in place to ensure that this is done procedurally correct.

And I must mention that Director Nwandule was correct to say that this is not a new service, basically, if I can paraphrase, in the Metro Police. APSS has been
10 returned back to Metro Police and it is common knowledge that Metro Police, not like other departments, have their own financial section because we do deal with contracts and service providers like the Watchman Services and others.

ADV MOSIKILI: I think what is concerning to me, Commissioner Bolhuis, is that we do not seem to be dealing with the problem of Phiri only in January 2025 or February and so on. This phenomenon of not submitting invoices and all relevant documents seems to have existed, at least when
20 you look at this email, as it is discussed, as early as October 2024, and this has nothing to do with Phiri, at least on the face of this exchange. What do you make of that, Commissioner?

COMMISSIONER BOLHUIS: I am of the same view. I have even got my own suspicions that there could have been a

long-standing process of manipulating whatever systems is in place, or lack of systems, for that matter. Whether that was for financial gain or for corruption, I do not want to be the person that uses hearsay and accuse people without evidence.

But I refer again to what Chief of Police Faro said in her witnessing here at the Commission that all these things will be looked at and must be looked at. It could be, let me use my words carefully, it could be that the systemic
10 rot and corruption has been going on for quite some time, even before the function was returned to the Metro Police, right under our own noses.

And yes, I remember exactly the frustration illustrated by the Commissioners about why was more not done, why did we not pick up on that, and we hear the sentiment. We do not have proper answers on those. We did fail in that, I agree. We could have done better. But we are here now with this before us, and we have to deal with what we have. And this will definitely be part of that further
20 investigation.

ADV MOSIKILI: Thank you, Commissioner. Commissioner Bolhuis, I think we have just dealt with those emails. We have dealt with paragraph 45 and 46. So perhaps you can just take it up, pick it up from paragraph 47 instead.

ADV BALOYI SC: Before you do that, in these email

exchanges, what is set out is their process. That is what Mr Nwandule is doing, setting out the process.

COMMISSIONER BOLHUIS: Yes, Madam.

ADV BALOYI SC: So in respect of the problematic payments, that is to Gubis, because we have these WhatsApp exchanges where Mr Mnisi is involved in processes of invoices must now be uploaded, there must be an upliftment of the amounts that must be paid, and eventually even the Deputy Commissioner Dlamini is
10 involved in it, right? And eventually somebody says, yes, all sorted payments will be made.

If it is done properly, or when Mr Malatji does come to testify, which he will do, and Mr Mnisi testifies, we should expect that this payment process that is lined out by Mr Nwandule would have been complied with.

COMMISSIONER BOLHUIS: Yes.

ADV BALOYI SC: The documents should be there.

COMMISSIONER BOLHUIS: It should have ...[intervenes].

ADV BALOYI SC: For payment eventually to be released.

20 **COMMISSIONER BOLHUIS**: Yes.

ADV BALOYI SC: Okay.

COMMISSIONER BOLHUIS: Ja, definitely. Otherwise the finance section, Director Nwandule or his colleagues would have reported back to me in the time span when I was the caretaker that although they waited, but it was eventually

followed. They would have reported back to me that it was not followed.

ADV BALOYI SC: Yes.

COMMISSIONER BOLHUIS: Then I could have intervened. So I have to assume that it was followed correctly from that point onwards. Exactly how they manipulated that, I am not sure, but that will come out most probably in other evidence before you.

ADV BALOYI SC: Now, Director Nwandule does not define
10 a role for the Chief Financial Officer in this approval of payments matrix.

COMMISSIONER BOLHUIS: Yes.

ADV BALOYI SC: Where does the CFO feature?

COMMISSIONER BOLHUIS: The CFO does not fit into this process.

ADV BALOYI SC: Yes.

COMMISSIONER BOLHUIS: This process is the same process that the Commissioner asked about, do I know the financial process? And I am not very well versed in this,
20 but this is the process that is followed within the department when it relates – well, this process is for all types of finances, but when it relates to contract management.

ADV BALOYI SC: Yes.

COMMISSIONER BOLHUIS: So as Director Nwandule

explained it here in that document, this is the process followed in the department. From there it goes to supply chain management.

ADV BALOYI SC: I see.

COMMISSIONER BOLHUIS: And from there to the CFO for payment. So the CFO comes into that process.

ADV BALOYI SC: Okay, thank you.

COMMISSIONER BOLHUIS: So just remind me which page, which paragraph?

10 **ADV MOSIKILI:** We are on page 12, so we are on paragraph 47.

COMMISSIONER BOLHUIS: 47?

ADV MOSIKILI: Yes.

COMMISSIONER BOLHUIS: Thank you, Commissioners.

Paragraph 47:

“On 28 February 2025, the City Manager sent an extension letter to Gubis85 Solution (Pty) Ltd. This is attached hereto as Annexure SB9.”

20 The next page:

“The total amount paid under TMPD 02/2016/17 to all service providers since inception (March 22 to the end of January 2026) is R2 923 000 467.84.”

And that is written again in brackets there:

“Approximately R730 857 460 per year.

This much is also confirmed in
Commissioner Revo Spies’ statement.”

ADV MOSIKILI: Chair, perhaps to be fair, that this extension letter was also sent to the other 21 service providers. It was not exclusive to Gubis. The only question I have for you, Commissioner Bolhuis, in this regard, is that were you involved in any of the processes dealing with the extension of this tender? Because this letter is dated 28
10 February and it is a time that you would have been a caretaker, were you ever involved in those processes?

COMMISSIONER BOLHUIS: I was involved in communication and supply of information, even letters, reports, documentation to the City and to the CFO and also to the BAC in regards to the extension of the contract, yes.

ADV MOSIKILI: All right.

ADV BALOYI SC: And maybe also too, just for completeness and just so that there is no confusion, that this extension, it is the extension not of the ad hoc services
20 but of the contract itself.

COMMISSIONER BOLHUIS: Of the security contract.

ADV BALOYI SC: Yes.

COMMISSIONER BOLHUIS: The bigger security contract, yes.

ADV BALOYI SC: Thank you.

COMMISSIONER BOLHUIS: Because the new tender could not come into place, then as per the MFMA, you will have to extend it in a certain procedural manner, which we have done.

ADV BALOYI SC: Yes. And maybe lastly, in that letter of extension, and this is, I am not asking, I just want you to confirm if I am correct. At page 131, there is a number of people there who are copied, I suppose. One of them is Mr Cain Mpofo in supply chain management. Do you recognise
10 that name? At 131?

COMMISSIONER BOLHUIS: Page 131?

ADV BALOYI SC: Yes. There are a number of names there of people that are copied and at number four, you have got Cain Mpofo.

COMMISSIONER BOLHUIS: Yes, he is a senior person in the supply chain management process of the City of Tshwane.

ADV BALOYI SC: Thank you. Thank you.

ADV MOSIKILI: Thank you, Commissioner Bolhuis. Can
20 we then move to the last, the second last topic before the remarks, the closing remarks? It is the topic dealing with requests for additional funding. That is paragraph 48. Can you take it from there, please?

COMMISSIONER BOLHUIS: Thank you. Paragraph 48:

“I am aware that to ensure that the TMPD

can meet its financial obligations during the extension period, a request was made to uplift an amount of 91 million for the 24/25 funds for security services, specifically to pay for the invoices submitted by the service providers for the period of May to June 2025. I attach this letter of request as Annexure SB10. The request is recommended by the CFO, Gareth Mnisi, and the Chief of Police, Commissioner YRC Faro, and approved by the City Manager, Mr J Mettler.”

10
ADV MOSIKILI: Chair, this letter, it was dealt with by Commissioner Spies. If my memory serves me well, it might have been dealt with by Commissioner Faro as well. So I do not think there is a need for this witness to go there, especially given that it was during June time where he had stopped being a caretaker, but at least to accept for the point that he will make later on two paragraphs later why he
20 needs to speak to this, to make reference to this letter. Can you then continue to paragraph 49, Commissioner Bolhuis?

COMMISSIONER BOLHUIS: Thank you, Commissioners.
Paragraph 49:

“On or about 12 March 2025, I was

copied on an email from Deputy Commissioner Dlamini, which stated that the deployment of ad hoc security guards had grown exponentially and indicated that an extra 37 sites were added in January 2025, with a further six sites added in February 2025, in total 43 sites. A copy of the mail and the annexures is attached as Annexure SB11.”

10 **ADV MOSIKILI**: Chair, I think a similar comment applies that Commissioner Spies dealt with this letter before the Commissioners, and we do not need to go there. Commissioner Bolhuis, can you then move to the next paragraph?

COMMISSIONER BOLHUIS: Paragraph 50, Commissioners:

20 “But I later realised that, in fact, the initial request for the additional funding emanated from a WhatsApp message I received from the Chief Financial Officer, Mr Gareth Mnisi, sent to me on 25 February 2025. I quote the message below:

“25 February 2025, from Gareth Mnisi. Good afternoon, DC. Please assist with

loading the approval for budget upliftment. The team needs to upload with the budget team in order to upload payment.”

And then it says forwarded, and in brackets, in italics again, it says request for additional funds to made available.

Paragraph 51:

“The message is attached as Annexure SB12 hereto.”

10 **ADV MOSIKILI**: Can we then go to that WhatsApp message, please?

COMMISSIONER BOLHUIS: SB12.

ADV MOSIKILI: It is page 143.

COMMISSIONER BOLHUIS: Yes, I am there.

ADV MOSIKILI: Yes, can you take us through that exchange? Who are the participants in that conversation?

COMMISSIONER BOLHUIS: Yes, I am. This is a WhatsApp message, Commissioners, on page 141, 143, sorry. It is from the CFO, Gareth Mnisi, to me. So

20 ...[intervenes].

ADV MOSIKILI: So you took a screenshot from your phone?

COMMISSIONER BOLHUIS: Ja, I took a screenshot from my phone.

ADV MOSIKILI: Thank you.

COMMISSIONER BOLHUIS: Then it says here, good afternoon. The first messages are other messages:

“Good afternoon, DC. Please assist with loading the approval for budget upliftment. The team needs to upload with the budget team in order to enable payment.”

Then there was a forwarded document, request for additional funds to be made available. So that is an actual
10 attachment, a document.

ADV BALOYI SC: Deputy Commissioner, what is this concept of budget upliftment? I have never encountered it before. What does it mean? And what happens there?

COMMISSIONER BOLHUIS: It is a term that we, Madam Commissioner, that we use in the City, in the department. It is when you realise, and I spoke about this earlier, when you realise early in the financial year that you are running out of funds for a certain function to complete, that you write a memo or report to the City Manager, but via your
20 group, CFO, et cetera, to indicate that you do not have enough funds.

And please, I am explaining it from my own experience. I am not, again, a financial specialist. Where you explain to the City that you need so much funds and you give explanation why and motivation to complete the

task or whatever you are busy with, and then the CFO, upon approval, the CFO will uplift funds, meaning he will make funds available.

ADV BALOYI SC: In this WhatsApp exchanges, good afternoon, DC. This is addressed to you.

COMMISSIONER BOLHUIS: To me.

ADV BALOYI SC: By?

COMMISSIONER BOLHUIS: Mnisi, CFO.

ADV BALOYI SC: Okay. And then – okay. So where it
10 says:

“Thanks, DC. We will expedite
tomorrow.”

Who is speaking? I am just trying to make sense of this sequence of communication.

COMMISSIONER BOLHUIS: That is not part of that, this communication.

ADV BALOYI SC: I see.

COMMISSIONER BOLHUIS: I will have to go back in my records to see what that was part of.

20 **ADV BALOYI SC:** Okay. All right, but the only relevant part here, in this page, the only relevant WhatsApp message is this one, good afternoon, DC, to you.

COMMISSIONER BOLHUIS: Yes, plus the forwarded attachment, which is the actual document about the upliftment.

ADV BALOYI SC: Thank you.

COMMISSIONER BOLHUIS: Yes.

CHAIRPERSON: So you say the CFO, Mr Mnisi, would be the one who actually releases funds, but now he wants you to initiate the process so that he may then release funds. Correct me if I am misunderstanding.

COMMISSIONER BOLHUIS: Yes. Commissioner, let me explain. The upliftment permission was already done.

CHAIRPERSON: Okay.

10 **COMMISSIONER BOLHUIS:** So he is requesting me to load that information. Once again, I just referred all of that to Deputy Chief Dlamini and the finance office because they know what to do with it.

CHAIRPERSON: Okay. When you say it had already been done, who had done it and at what stage was it? I want to understand the need for you to do something, whatever the something was.

COMMISSIONER BOLHUIS: Then we will – sorry, Commissioner. Do we have the document on file? The
20 upliftment document, sir?

ADV MOSIKILI: Would it be the same document?

COMMISSIONER BOLHUIS: Am I allowed to consult my phone?

CHAIRPERSON: Yes, yes, you may.

COMMISSIONER BOLHUIS: Yes.

ADV MOSIKILI: Is it not the same document on 132?

COMMISSIONER BOLHUIS: 132?

ADV MOSIKILI: Ja.

COMMISSIONER BOLHUIS: Let me see quickly.

ADV MOSIKILI: It might not be when you look at the dates, but that is the closest I can come to assisting you, but it does not look like it anyway.

COMMISSIONER BOLHUIS: I think it is the same one. I just want to check if you give me a second.

10 **CHAIRPERSON:** It cannot be the same one because the chats seem to date early in 2025 and this document at 132 is dated 30 June 2025.

COMMISSIONER BOLHUIS: Commissioners, I cannot open that downloaded, that document that was forwarded to me because it is obviously out of time. So I will have to, if it is not on file, I would be able to make a supplementary statement to that because I do have it on my computer. So what I have done, once I received this message from the CFO plus the document, I forwarded it to Deputy Chief
20 Dlamini, Deputy Police Commissioner Dlamini. I cc'd the Chief of Police, CFO and whomever, relevant people, and I have actually quoted the message verbatim plus I added that document and I sent it to Deputy Police Commissioner Dlamini to say he needs to action this.

CHAIRPERSON: Is this what you say had been done

already? Is that what you are referring to?

COMMISSIONER BOLHUIS: I believe so because when you do upliftment, it is not a process started, you are in consultation with the CFO, but it is not a process started by the CFO. It is a process you start in the department. So we would consult with the CFO and then we start an upliftment process by writing a document, whether it is a C9 report, which is a typical system we use in the City department, or a memo.

10 And this is addressed to the City Manager and then we explain why. And then the whole process is explained and then the Chief recommends, CFO recommends, it goes to the City Manager and it is signed off. I would make a deduction because why would the CFO asking me to upload the information if it is not something that has already been done?

CHAIRPERSON: Ja.

COMMISSIONER BOLHUIS: So he is obviously waiting for that approved report or memo to be uploaded through our
20 finance section somehow, somewhere, so that he can then release funds.

CHAIRPERSON: Release funds. Okay. So basically you are saying it was still winding its way within the ...[intervenues].

COMMISSIONER BOLHUIS: Yes, it was still in process.

CHAIRPERSON: Within the TMPD.

COMMISSIONER BOLHUIS: Yes.

CHAIRPERSON: So that is why he is saying, please do it.

All right.

ADV BALOYI SC: But then it would also mean from the process that you are describing the point at which the CFO becomes involved, it would mean that this WhatsApp message from him, somebody in your department has alerted him.

10 Your internal departmental processes are not yet complete. That is why he does not see this information on the system. So someone in your department must have informed him that this is happening, but it is still holding because of you.

COMMISSIONER BOLHUIS: That is possible, Madam. Or it could have been that he knows the processes is almost in completion because he recommended and he is now waiting for us. Because once a document has been signed off, the Chief of Police recommends, CFO recommends, City

20 Manager signs off.

 Because the document is originated in the Metro Police, the document returns to the Metro Police. He would know that he signed because he signed and that it has probably gone via the City Manager for signature and is now returning to the Metro Police. So it is either that or

someone is alerting him that it is still lying by us and we are hanging on to the document and not processing it, but I am speculating.

ADV BALOYI SC: Yes. Yes, thank you.

ADV MOSIKILI: Commissioner Bolhuis, so that we do not conflate issues, can you go to page 134?

COMMISSIONER BOLHUIS: 134?

ADV MOSIKILI: Yes.

COMMISSIONER BOLHUIS: Yes.

10 **ADV MOSIKILI:** Now, this is an email from Deputy Commissioner Umashi Dlamini. I want you to read into the record the very last paragraph of that email.

COMMISSIONER BOLHUIS: Okay. Thank you, Commissioners. The last paragraph of this email states:

20 “Further that you explore the possibility of engaging the requesting sister department and to persuade them to engage the CFO to approve or make funds available for ad hoc duties. That upon approval and availability of this set funds, the necessary journal be made accordingly so that our budget is not overburdened.”

ADV MOSIKILI: So you will see the subject of that email says ad hoc duties versus available budget for APS.

COMMISSIONER BOLHUIS: Yes.

ADV MOSIKILI: And that email would have been sent on the 12th of March. So where I need you to balance us, Commissioner Bolhuis, is that there is this text from the CFO and then you said you forwarded all of that as a package with the annexure to Deputy Commissioner Umashi Dlamini.

COMMISSIONER BOLHUIS: Yes.

ADV MOSIKILI: And then two weeks later, he sends this
10 email where you see at the end there is a request to be made or someone who is requested to persuade the CFO to approve or make funds available. Are the two interlinked or the SMS, the WhatsApp and the email?

COMMISSIONER BOLHUIS: I would not be able to say with confidence, yes, but it could be. It could definitely be. If I look at it from the little that we have before us, it is clear to me that there is a request for more funds the whole time. And there is one thing to ask for upliftment of a budget to deal with the finances of the contract.

20 Now, this is additional to that, and it is because it mentions ad hoc services. So, someone increase ad hoc services, as we have seen, irregularly. And now there is a further asking for funds for the ad hoc services for the payment thereof. So, how it links specifically or how far it is integrated, I cannot say, but it seems that way.

ADV BALOYI SC: Why or how would Deputy Commissioner Dlamini become involved in this to a point where he has got this kind of information and he is sending this email to Deputy Commissioner Spies? What is his involvement in terms of position in a matter like this?

COMMISSIONER BOLHUIS: Look, the Deputy Commissioner Dlamini is the Divisional Head of Support and Administrative Systems, and the finance section falls within that. How much influence he has over the finance section,
10 or does he have or does he not have, I do not know. I do not have any evidence or personal information to that, so I would not know.

What happens, what could have happened and what happens on an ongoing basis within the Metro Police Department is that, let us say there is an issue at finance section, they will elevate the matter to Deputy Police Commissioner Dlamini. And he will then consult or collaborate with the other Deputy Chiefs, either directly or in what we call Executive Management Meeting, EMM short.

20 Then something is brought to the table, we discuss it, then we make a decision, we move on. So I am not sure what happened here and what is the precursor to this. But on a quick view, it looks to me like whether this is related to irregular ad hoc and future ad hoc and monies and all that, let us park that for one side.

It looks to me on the eye that he is now consulting with Deputy Chief Spies to ensure that sister departments, and I must assume he is referring to where service delivery requests would come from, that they make funds available so that these services can be paid and we do not overburden the budget. That is on a quick eye view. That is what I can say.

ADV BALOYI SC: Maybe lastly on this, you are the overseer, or the caretaker of the APSS in January and
10 February.

COMMISSIONER BOLHUIS: That is correct, Madam.

ADV BALOYI SC: When this is being incurred, I would, and correct me if I am wrong, I would expect that you would have been informed about this, you should have been informed about this problem of additional sites having been added, and so many, as he says in this email, and the effect of it on the budget, that you would be informed before Deputy Commissioner Dlamini is informed, because you are the caretaker at that time. You are the person responsible
20 for that function. Is that a fair assessment?

COMMISSIONER BOLHUIS: That would be a fair assessment. I believe I am copied in most of these communications from the onset, but your assessment makes sense, that because I was the caretaker, it happened under my watch to inform me, to determine if I know anything

about it, or what can I say about it. So that is a fair assessment.

ADV BALOYI SC: Thank you.

ADV KHUMALO SC: So you are now copied on this email. It is still early March. It does not seem like you did anything about it, because in this email they are not just talking about the issue of ad hoc. They also mentioned that in the January month, 30 sites were added. In February, six sites were added. I do not see anywhere where you say,
10 who authorised this? I never authorised this. How come I was not told about this?

COMMISSIONER BOLHUIS: Yes. The emails of 12 March, there was a flurry of emails. By the time I saw the flurry of emails, was already at a point where the Chief has already given instruction to Deputy Chief Spies to address the matter. We consulted one another, but verbally. I did not respond to the email. It was overtaken already by events. So you would not see any response from me on the 12 March flurry of emails.

20 **ADV KHUMALO SC:** Ja, but the instruction to Spies is that ad hoc services must be cancelled.

COMMISSIONER BOLHUIS: Yes.

ADV KHUMALO SC: It does not talk to what was added in January and February, and who added it and why, where did they get authority to do that, which is your issue. Spies'

issue is cancel all ad hoc services.

COMMISSIONER BOLHUIS: Yes.

ADV KHUMALO SC: And he sends the email, they ask for an official letter, he sends it at the end of June. You are saying, while you were the head of this division, exercising supervisory authority, these two things happened. In January, 30 sites that you know nothing of were added. In February, six sites that you know nothing of were added.

COMMISSIONER BOLHUIS: Correct.

10 **ADV KHUMALO SC**: You must account for what happened in the past, not what Spies is going to do going forward. How come you did not say to those below you, I want a full report on this, who authorised this, how did it happen? I mean, the fact that Spies only knows about the allocations, specifically the ones to Gubis, he becomes aware when he sends the official letter in June.

COMMISSIONER BOLHUIS: Yes.

ADV KHUMALO SC: And Gubis then shows him all these documents, that is later in the year. But you in March know
20 that sites have been added and people who added them did not have authority and they did not consult you, but you do not seem to have taken that up with either Malatji or any of the people below him.

COMMISSIONER BOLHUIS: No, I have not. At that period of time, as you know yourself, Commissioners, I was not

anymore the caretaker. Spies has taken over. So all the functionality of possible investigations, even though it is invoices coming from the previous months, he looked into that.

He gave evidence to that. I am not sure if that is part of the investigation that was done, I believe so, and then later the information came out as to exactly what transpired. But I take your point, I understand.

ADV KHUMALO SC: My point is that it happened under
10 your watch, and you seem to have washed your hands and said because Spies is there now, he will deal with it. It is no longer my problem.

COMMISSIONER BOLHUIS: It is unfortunate that it seems that way, but I hear your view.

ADV KHUMALO SC: Do you understand my question?

COMMISSIONER BOLHUIS: I understand, Commissioner.

ADV MOSIKILI: Perhaps just to add on that, Commissioner Bolhuis, you did testify earlier on that you prepared a handover report to Spies. Would that report have included
20 this information about the allocation as per email by Commissioner Umashi Damini?

COMMISSIONER BOLHUIS: No, it would not, and it did not. It covered basically the information collated up to late February, towards end of February. But at that stage, I did not know about any of the ad hoc sites, so it is not part of

the report.

The report, I cannot remember exactly when it was handed over. I think it was the second week or third week of March, but it would have concluded with the information that I had up to end of February only. New information that surfaced in March would have been dealt with Deputy Chief Spies.

I have to just stress to the Commissioners that we, from the onset that Deputy Police Commissioner Spies was appointed, there was an ongoing consultative process between the Chief of Police, myself, and Deputy Chief Spies on an ongoing basis. Many, many, many consultative processes where we sat, spoke about things, looked at strategies, gave feedback, advised him where to look, what to do, as he was still new to the City.

So it was not just a case where the Chief or me or others just washed our hands and stood back. And I know it comes across that way, but it is definitely not the case.

ADV MOSIKILI: Okay, thank you. Perhaps I missed your answer as to the question why did you forward the request by the CFO, Mr Mnisi, to Mr Dlamini. I think I might have missed that.

COMMISSIONER BOLHUIS: For the simple reason that any financial matters must go through his division. So even though, as the staff officer, I write certain documents with

financial implications and it is signed off by the Chief of Police and maybe even checked, I am using an example, maybe even checked by Deputy Police Commissioner Dlamini, when those documents are returned and when it must come into effect, the financial part of it, it will go to Deputy Chief Dlamini and to the finance office. So it had to go there.

ADV MOSIKILI: And did you support the upliftment of the budget or the request for additional funding? If the two
10 concepts are not confused, did you support that?

COMMISSIONER BOLHUIS: I supported the upliftment of funds for security services because as mentioned earlier in my testimony, the shortfalls every year on the budget process for security services was a common thing that we have experienced.

So we knew from the onset that we are going to have to ask for additional funds and ask for upliftment funds or go through the adjustment budget and secure funds that way. So yes, I fully supported the upliftment of funds.

20 I did not support and still do not support the asking for additional funds for ad hoc services because I have explained in detail a few times now that although in my stint there was not a written process, now there is. A request must come from a department. There must be a process. Everyone that is supposed to know should know. Then a

decision is made.

Then the money is allocated from wherever, whether it is from a client department or whether it is from our budget, et cetera, et cetera. So I do not support that, and I still do not support it.

ADV MOSIKILI: Thank you. Chair, we are done. The last paragraph, it is really up to Mr Spies, Commissioner Bolhuis to make any closing remarks over and above what is stated at least paragraph 54 of the statement.

10 **COMMISSIONER BOLHUIS**: Thank you, Commissioners. I am grateful for the opportunity to make a closing remark. I think it is important that you know and understand my views of all of this. So I am reading from my statement, paragraph 54:

20 “I am appalled at the corruption taking place in the City of Tshwane and, for that matter, at most municipalities and government departments. We are public servants and it is expected of us to be loyal, ethical, and serve our people. I will continue to be a good and honest public servant. May God help me. May God help us all.”

Thank you.

CHAIRPERSON: Mr Mosikili, is that it from your side?

ADV MOSIKILI: That is it, Chair.

CHAIRPERSON: Thank you.

ADV MOSIKILI: Thank you.

CHAIRPERSON: Deputy Chief, thank you very much for your testimony.

COMMISSIONER BOLHUIS: Thank you, Commissioners.

CHAIRPERSON: You are excused.

NO FURTHER QUESTIONS

CHAIRPERSON: Let us adjourn and resume at 09:30

10 tomorrow.

INQUIRY POSTPONED TO 9 APRIL 2026

INQUIRY ADJOURNS
