

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

**HELD AT**

**BRIGITTE MABANDLA JUSTICE COLLEGE**

**9 APRIL 2026**

**DAY 87**



**PROCEEDINGS ON 9 APRIL 2026**

**CHAIRPERSON:** Yes, Mr Sikhakhane.

**ADV SIKHAKHANE:** Good morning, Commissioners. Can we start with the ...[intervenes]

**CHAIRPERSON:** In fact, I should have said good morning instead of yes. Good morning.

**ADV SIKHAKHANE:** No, no, no, I take it in good spirits, Commissioner. Today we are going to start with the procedural issues. The witness that was supposed to start,  
10 Mr Phiri, we seek that he be excused and will not lead his evidence today. And we request that the Chair excuse him for a further date that he will appear on, which is likely the 21<sup>st</sup> of April for that. And Mr Phiri is here with us on the stand.

**CHAIRPERSON:** Mr Malatji.

**ADV SIKHAKHANE:** Phiri. This is Mr Phiri.

**CHAIRPERSON:** Oh, this is Mr Phiri.

**ADV SIKHAKHANE:** Mr Phiri. Apologies. Mr Malatji is the main witness.

20 **CHAIRPERSON:** My mind is fixed on the fact that we are hearing Mr Malatji. Good morning, Mr Phiri.

**INSPECTOR PHIRI:** Morning, morning, Commissioner.

**CHAIRPERSON:** Thank you. As Mr Sikhakhane, the evidence reader, says, you are excused for today, but you are directed to be here on the 20?

**ADV SIKHAKHANE:** On the 21<sup>st</sup> of April.

**CHAIRPERSON:** On 21 April 2026.

**INSPECTOR PHIRI:** Yes, Commissioner.

**CHAIRPERSON:** Thank you. We will see you then.

**ADV SIKHAKHANE:** Apologies, Chair. I think I did get my dates wrong. It is the 20<sup>th</sup>. I really apologise.

**CHAIRPERSON:** Two zero?

**ADV SIKHAKHANE:** It is Monday, the 20<sup>th</sup>.

**CHAIRPERSON:** Two zero.

10 **ADV SIKHAKHANE:** Yes, thank you. Apologies.

**CHAIRPERSON:** Mr Phiri, as you heard, my direction is now, the area one is recalled, and the direction now is that you must appear on 20 April 2026.

**INSPECTOR PHIRI:** Yes, 20 April 2026.

**CHAIRPERSON:** Yes, yes. Mr Sikhakhane, what is the position regarding Mr Phiri's statement?

20 **ADV SIKHAKHANE:** The statement, he had submitted a draft, but he has not signed it at this point. I understand that he was supposed to get assistance for him to sign it, and then we will then deal with it later on.

**CHAIRPERSON:** So, it is finalised and ready, but for signature?

**ADV SIKHAKHANE:** Yes, the first of the statement is signed, I believe.

**CHAIRPERSON:** Mr Phiri, do you want to say something

on your statement?

**INSPECTOR PHIRI:** On my statement?

**CHAIRPERSON:** At what stage is the process of preparing or finalising it?

**INSPECTOR PHIRI:** I think it will take me about two to three days to finalise it.

**CHAIRPERSON:** So, it is not finalised?

**INSPECTOR PHIRI:** It is not finalised.

**CHAIRPERSON:** Okay, is it Mr Mosikili who is handling it?

10 **INSPECTOR PHIRI:** Yes, it is Mr Mosikili who is handling it.

**CHAIRPERSON:** Oh, okay, okay.

**INSPECTOR PHIRI:** I understood ...[intervenes]

**CHAIRPERSON:** Which perhaps explains the lack of detail on your part.

**INSPECTOR PHIRI:** Thank you.

**CHAIRPERSON:** All right, no problem.

**INSPECTOR PHIRI:** Thank you.

20 **CHAIRPERSON:** Anyway, we had been told that Mr Mosikili would be attending to these housekeeping matters.

**INSPECTOR PHIRI:** Yes, I think he is held up with another witness, and that request I am dealing with it now.

**CHAIRPERSON:** Yes, Mr Phiri, I direct that at the latest the Commission should have a signed and read a statement five days before the 20<sup>th</sup> of April 2026.

**INSPECTOR PHIRI:** Five days before.

**CHAIRPERSON:** Do you understand?

**INSPECTOR PHIRI:** I do understand the Commission.

**CHAIRPERSON:** Yes, yes, yes. Mr Mosikili, we have excused Mr Phiri and directed him to be in attendance on the 20<sup>th</sup> of April 2026, and we have also directed that he must submit his finalised statement at the latest five days before the 20<sup>th</sup> of April 2026. Are there any other housekeeping matters you want to place before us?

10 **ADV MOSIKILI:** Yes, good morning, Chair, and the Commissioners.

**CHAIRPERSON:** Yes.

**ADV MOSIKILI:** Yes, Chair, there is still a bit of housekeeping issues that we need to deal with. However, we are not ready to deal with them immediately because we are busy in consultation with other witnesses as well, trying to sort out the most practical dates for when those witnesses can come. We are busy with Mr Gareth Mnisi's lawyers. That arrangement will affect Mr Lebogang Phiri's  
20 appearance on the 20<sup>th</sup>. So perhaps, Chair, the best solution is to let us ...[intervenes]

**CHAIRPERSON:** Perhaps let us leave it at the 20<sup>th</sup> if there are other arrangements that can be done along the way.

**ADV MOSIKILI:** Indeed, Chair. The only thing I will do, Chair, because Mr Mnisi is here with his lawyers, at an

opportune time we will come and ...[intervenes]

**CHAIRPERSON**: Oh, you are saying he is present?

**ADV MOSIKILI**: He is present with his attorneys upstairs. At an opportune time, we will ask for a few minutes to come and address you as to when he will come and a subsequent arrangement with that.

**CHAIRPERSON**: Is it not possible for an agreement to be reached on that?

**ADV MOSIKILI**: It will be. Unfortunately, we have to  
10 check with other evidence leaders, other diaries as well, on those dates who are supposed to lead him.

**CHAIRPERSON**: Yes, I am asking this so that perhaps after the tea break, when you come to us, you come to us saying this is the agreed date.

**ADV MOSIKILI**: That is the suggestion. The suggestion was that let the proceedings continue with, I think the intended witness is Mr Malatji, and then after tea break, we can then update the Chair on the arrangements with Mr Mnisi's attorneys.

20 **CHAIRPERSON**: Thank you. Anything else Mr Mosikili?

**ADV MOSIKILI**: That is all, Chair. Thank you.

**CHAIRPERSON**: That is all. Thank you very much. Mr Phiri, you are excused. Thank you very much.

**INSPECTOR PHIRI**: Thanks, Commissioners.

**CHAIRPERSON**: Yes, Mr Sikhakhane.

**ADV SIKHAKHANE**: Thank you, Chairperson and Commissioners. The witness that we are calling for today is Director Malatji, Mr Malatji.

**CHAIRPERSON**: If he is close by, we will not adjourn. May he be called?

**ADV SIKHAKHANE**: Yes, I think he is ready to be called.

**CHAIRPERSON**: All right, thank you. Good morning, Mr Malatji. Good morning, Mr Malatji.

**DIRECTOR MALATJI**: Good morning, Commissioner.

10 **CHAIRPERSON**: Thank you. Will you be swearing or affirming?

**DIRECTOR MALATJI**: Swearing.

**CHAIRPERSON**: You will be swearing.

**DIRECTOR MALATJI**: Correct.

**CHAIRPERSON**: All right, please state your full names for the record. It looks like I am not audible. Please state your full names for the record.

**DIRECTOR MALATJI**: I have got a bit of a hearing problem. But yes.

20 **CHAIRPERSON**: Is there - where is Jeremy? He usually helps us with hearing. Do you use a hearing aid?

**DIRECTOR MALATJI**: Yes, let me take – let me take off this one.

**MALE SPEAKER**: Chair, can I perhaps request that ...[intervenes]

**CHAIRPERSON:** Yes, perhaps. Let us just – we will just adjourn very briefly, and you will please indicate to us when the sound issues have been sorted out. Thank you.

**MALE SPEAKER:** Thank you, Chair.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Yes, Mr Mosikili.

**ADV MOSIKILI:** Thank you, Chair and the Commissioners. Chair, thank you for the indulgence. We did say that we will  
10 come back to you in regard to the testimony of Mr Gareth Mnisi, but before we do that, Chairperson, and what we have agreed upon, we have Ms Van Den Heever, briefed by Mr Mathapo here, and we have reached some agreement, Chair, but before I get to that.

I must say that there was a bit of a misunderstanding that Mr Gareth Mnisi was here today, but he is not meant to testify today, and we have agreed on the next day that it will be practical for all concerned, and the date is the 17<sup>th</sup> of April. We will exchange the bundles, and  
20 he will receive all the necessary bundles later than tomorrow, close of business being the 10<sup>th</sup> of April.

Because he came here under that subpoena that he has to be appearing before the Commission today, we deemed it inappropriate, Chair, that you will have to interpose him to the next appearance, so we could not do it

behind closed doors. So, if it is acceptable, Chair, then perhaps the Chair can then - first we have Ms Van Den Heever agree to the agreement, and then the witness can be then interposed to the next date.

**ADV VAN DEN HEEVER:** Good morning, Commissioners. It is correct, I appear on behalf of Mr Mnisi on instructions of Mr Mathapo this morning. Mr Mnisi is present, he is here under subpoena. I further agree that my learned friend and myself have reached an agreement about the next date,  
10 which is the 17<sup>th</sup>, and there is further an agreement reached that the bundles would be given to us by tomorrow close of business. May it please you.

**CHAIRPERSON:** Good morning, Ms Van Den Heever, and thank you very much. Good morning to you too, Mr Mathapo. Good morning, Mr Mnisi.

**MR MNISI:** Good morning, Chair.

**CHAIRPERSON:** You are directed to be here on 17 April 2026 at 09:30. Thank you. You are excused. And you are excused also, Mr Mnisi. Just a minute. Thank you. You  
20 are excused. You are excused, Mr Mnisi. Thank you. Are you fine now, Mr Malatji?

**DIRECTOR MALATJI:** I am fine, Commissioner, thank you.

**CHAIRPERSON:** Thank you, thank you. I asked you earlier whether you would be swearing or affirming.

**DIRECTOR MALATJI:** I will be swearing.

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

**DIRECTOR MALATJI**: So, help me God.

**TSHUKUDU MALATJI**: (duly sworn states)

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

**EXAMINATION BY ADV SIKHAKHANE**: Thank you, Commissioners. I think we have done the introductions, Mr  
10 Malatji. Just on the issues of housekeeping, there should be three files that we are going to use for today's proceedings. Please, are the physical files with you? And, Mr Malatji, do you have those files, three files?

**DIRECTOR MALATJI**: Yes.

**CHAIRPERSON**: Yes, they are, Mr Sikhakhane.

**ADV SIKHAKHANE**: Thank you. Thank you. The first file is the statement and annexures from Mr Malatji.

**CHAIRPERSON**: Yes.

**ADV SIKHAKHANE**: Containing the statement that he  
20 prepared.

**CHAIRPERSON**: Yes. Let us go to the others when you take us there.

**ADV SIKHAKHANE**: Okay.

**CHAIRPERSON**: Do your preliminaries with the witness.

**ADV SIKHAKHANE**: Thank you. And then I have just

requested to hand two documents. I apologise. But we will refer to them very briefly. But I do need to deal with them. Can I request them to be handed? Thanks. The first document is EXHIBIT number CJC104. And that is a news article. We will deal with it at the right time. The second document is the Supplying Chain Management Regulations, CJC105. Thank you. Thank you, Mr Malatji. Would you then turn to your statement, File 1.

**DIRECTOR MALATJI:** Sorry, Commissioner.

10 **ADV SIKHAKHANE:** File 1.

**DIRECTOR MALATJI:** File 1, yes.

**ADV SIKHAKHANE:** Of your statement.

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** Would you please, when you are answering questions, direct them to your answers to the Commissioners?

**DIRECTOR MALATJI:** Yes, Commissioner.

**ADV SIKHAKHANE:** Yes, and if you are - if I am not audible or the Commissioners are not audible sufficiently,  
20 just indicate. I would be more than happy to repeat the question.

**DIRECTOR MALATJI:** Thank you. Thank you, Commissioner.

**ADV SIKHAKHANE:** Thank you. This is the statement. Could you then go to the last page of your statement page

9.

**DIRECTOR MALATJI**: Yes, I am on page 9, Commissioner.

**ADV SIKHAKHANE**: Do you confirm that that is your signature and you are the deponent to this statement?

**DIRECTOR MALATJI**: I confirm, Commissioner.

**ADV SIKHAKHANE**: And you confirm that you took it before Commissioner Fox?

**DIRECTOR MALATJI**: I confirm.

**ADV SIKHAKHANE**: Okay, if my role is evidence leader,  
10 the Commissioners are there, just for the record.

**DIRECTOR MALATJI**: Thank you. There is no problem.

**ADV SIKHAKHANE**: Thank you. The way we are going to deal with this, we are going to request that you go through the statement and refer us to the necessary annexures. But in between then, we are going to ask some questions. That is myself and the Commissioners. And if there are any hanging things to be probed, we will probe it at the end. And make certain propositions for your comment on it.

**DIRECTOR MALATJI**: Thank you.

20 **ADV SIKHAKHANE**: Thank you. Can we then start with paragraph 1 of your statement or the introduction?

**DIRECTOR MALATJI**: Yes, maybe before I start with paragraph 1, let me indicate to the Commissioner that my statement, sworn statement, backslash TA Malatji. It should read TP Malatji.

**ADV SIKHAKHANE:** I did not get that part.

**DIRECTOR MALATJI:** I said sworn statement on page 1.

**ADV SIKHAKHANE:** Yes.

**DIRECTOR MALATJI:** It should read TP Malatji, not TA Malatji.

**ADV SIKHAKHANE:** Thank you.

**DIRECTOR MALATJI:** Thanks, Commissioner. I am going through my statement. And in my statement, I am stating under oath that:

10                    “I am an adult male, currently employed as a director, Tshwane Metro Police Department, Asset Protection Services. I was appointed on the 1<sup>st</sup> of June 2023. I have attached my appointment letter...”

**ADV SIKHAKHANE:** Sorry, Mr Malatji ...[intervenes]

**CHAIRPERSON:** Please pull the mics closer to you.

**DIRECTOR MALATJI:** Thank you. Thank you. I was saying:

20                    “I was appointed on the 1<sup>st</sup> of June 2023. I have attached my appointment letter detailing my employment functions marked as Annexure TP1. The facts contained herein are within my personal knowledge and are to the best of my belief both true and correct unless

indicated otherwise by context.”

Paragraph 3:

“I confirm receipt of the notice issued in terms of Regulation 6 of the Regulations of the Judicial Commission of Enquiry into Criminality, Political Interference, and Corruption in the Criminal Justice System...”

**CHAIRPERSON**: Just before you move on, what is the  
10 correct year? Is it 2013 or 2023? The year of appointment.

**DIRECTOR MALATJI**: 2013, Commissioner.

**CHAIRPERSON**: 2013.

**DIRECTOR MALATJI**: Correct, Commissioner.

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

**ADV SIKHAKHANE**: And just to follow up from the Chair, this position, you have held it since then in terms of responsibilities. You have never changed title?

**DIRECTOR MALATJI**: Yes, Commissioner, I held it since  
2013.

20 **ADV SIKHAKHANE**: And perhaps could you then take us through what would be your responsibilities as a director?

**DIRECTOR MALATJI**: Yes.

**ADV SIKHAKHANE**: And who reports to you and who you report to?

**DIRECTOR MALATJI**: I report to the Deputy Chief of

Police. Currently, it is Commissioner Spies who just joined TMPD in March last year.

**ADV SIKHAKHANE:** And before that, around 2015, 2016, who were you reporting to?

**DIRECTOR MALATJI:** I was then reporting to Deputy Chief of Police, Commissioner Bolhuis.

**ADV SIKHAKHANE:** Bolhuis?

**DIRECTOR MALATJI:** Bolhuis. Before Commissioner Bolhuis, I was reporting to Mr Nava Pillay in the Office of  
10 the City Manager.

**ADV SIKHAKHANE:** Sorry, who?

**DIRECTOR MALATJI:** Before reporting to Mr Bolhuis, Commissioner Bolhuis ...[intervenes]

**ADV SIKHAKHANE:** Yes.

**DIRECTOR MALATJI:** I reported to Mr Nava Pillay.

**ADV SIKHAKHANE:** Nava Pillay.

**DIRECTOR MALATJI:** Nava Pillay, who is in the Office of the City Manager. Before reporting to Mr Nava Pillay, I reported to the Deputy Chief of Police, Mr Rex Mahlaule,  
20 who is retired as we speak.

**ADV SIKHAKHANE:** Thank you. And who reports to you currently? Or perhaps it is just your management structure underneath you that you are responsible for?

**DIRECTOR MALATJI:** I have got the Beauty Director Mahlangu, Reginald Mahlangu, who reports directly to me. I

have got Dr Elvis Madihlaba

**ADV SIKHAKHANE:** Mali?

**DIRECTOR MALATJI:** Madihlaba.

**ADV SIKHAKHANE:** Madihlaba.

**DIRECTOR MALATJI:** Madihlaba, who is reporting to Reginald Mahlangu in terms of our operational structure. And I have got senior security officers, including other members, sergeants and inspectors, particularly Inspector Phiri, who are reporting to Senior Superintendent Madihlaba.

10 I am actually outlining line of command.

**ADV SIKHAKHANE:** So, does Phiri report directly or he reports to someone before you?

**DIRECTOR MALATJI:** He reports to Senior Superintendent Madihlaba ...[intervenes]

**ADV SIKHAKHANE:** Madihlaba?

**DIRECTOR MALATJI:** Madihlaba. I am told that they are currently, they have been promoted not long. He is also at the level of colonel, who is also reporting to Reginald Mahlangu, who is the Acting Director at the moment, since I

20 am not in the office for the past 10 months or so.

**ADV KHUMALO SC:** Sorry, do you know when Phiri was promoted? Good morning, do you know when Mr Phiri was promoted?

**DIRECTOR MALATJI:** Good morning, Commissioner. I am not - I just heard ...[intervenes]

**ADV KHUMALO SC:** When was it this year or last year?

**DIRECTOR MALATJI:** It was this year, according to the information I heard.

**ADV KHUMALO SC:** This year, 2026?

**DIRECTOR MALATJI:** 2026.

**ADV KHUMALO SC:** It was after you were suspended?

**DIRECTOR MALATJI:** Exactly.

**ADV KHUMALO SC:** Yes, okay.

**ADV SIKHAKHANE:** Just for the record to be clear, he was  
10 promoted to which position?

**DIRECTOR MALATJI:** I am told he has been given the position of a major, but this is what I have heard. I do not have a record.

**ADV SIKHAKHANE:** Okay, just to be clear also for my purposes, in 2025, around January, what was his position and who did he report to?

**DIRECTOR MALATJI:** He was an inspector, Commissioner.

**ADV SIKHAKHANE:** Please proceed.

20 **DIRECTOR MALATJI:** Paragraph 4 of my statement reads as follows:

“I have noted questions from the Commission and wish to respond there to as follows. TMPD capacity to protect its property, assets, personnel, and decision

to outsource security service tender under TMPD2, 2016-2017.”

My response to this question is as follows, Commissioner:

10 “TMPD did not have capacity to protect its property, assets, and personnel. It was not only TMPD, but the City of Tshwane as a municipality did not have capacity to protect its properties, assets, personnel. Hence, the Asset Protection Services Section was established under TMPD, Specialised Policing Division. The objective was to protect the property, assets, and personnel of the City.”

Paragraph 6, under the same question:

20 “When I was appointed as a Director in June 2013, the City of Tshwane was already outsourcing functions of Asset Protection Services to external service providers. During 2016, the then Chief of Police, the late Mr Steve Ngobeni, may his soul rest in peace, instructed former Deputy Chief of Police Rex Mahlaule to prepare tender TMPD2, 2016-2017 for advertising. I was then requested by Mr Mahlaule to assist with the tender

specifications for further handling. Mr Mahlaule was my senior at that point in time. I assisted as requested and submitted the tender specification to him for reviewing, consideration, inputs, and further handling. The tender specification documents were then forwarded to Supply Chain Management Department for further handling. The Supply Chain Management subsequently advertised their tender, TMPD2, 2016-2017, in September 2016 together with other tenders. I have attached the tender advertisement extracted from Pretoria News issued on the 30<sup>th</sup> of September 2020...”

It should be 2016 not 20, marked as Annexure TMPD2:

“I was thereafter appointed by the City Manager to serve in the bid evaluation committee together with other members from different relevant departments of the city. The tender was evaluated accordingly by the BEC members, including myself. The BEC then adopted the report which was handed over to the

Chairperson for further handling. The  
City of Tshwane was later...”

**CHAIRPERSON:** Just before that I want to ask something relating to your membership of the BEC. We have heard evidence to the effect that in respect of some tender there was communication from within the City of Tshwane to an outsider, alerting the outsider to the fact that that particular tender was non-compliant, indicating the nature of non-compliance and suggesting that urgent correction be made  
10 to make the tender compliant.

As someone who has been a member of the BEC, what shortcomings do you think exist that make it possible for such improper correction of bids to be made after submission but before evaluation? How does that happen? What shortcomings are there? I will ask you a follow-up, which is, how do you think those may be corrected or should be corrected? But please answer the first question.

**DIRECTOR MALATJI:** Commissioner, I am not having knowledge, as I am seated here, of anything that might  
20 have gone wrong with the tender TMPD2 that I was a member of.

**CHAIRPERSON:** I am asking the question generally, which is why I do not even mention the internal person within the city, nor do I specifically mention the outsider, that is, the person who is not within the city. So, I am asking the

question in general terms. Where do you think the shortcomings would be for this to happen? For example, a tender has been submitted, someone finds that it is not compliant, and that someone is acting in cahoots with the outsider and obviously also with the person who submitted the tender. And then the tender is corrected. So that by the time it reaches evaluation, it is compliant. What are the shortcomings within the procurement process that would make this possible?

10 **DIRECTOR MALATJI:** It could be a number of factors, which might include the fact that for as long as tenders are submitted on files like this, and to these files, officials have access to each and every file. I am talking here specifically within the supply chain management environment. Such incidents could take place, but now, thinking of how these kinds of things can be prevented going forward.

**CHAIRPERSON:** Before that, perhaps, you seem to lay emphasis on the effect of physical files.

**DIRECTOR MALATJI:** Exactly.

20 **CHAIRPERSON:** Physical files in contradistinction to what?

**DIRECTOR MALATJI:** I think physical files in ...[intervenes]

**CHAIRPERSON:** Do you have perhaps, do you have in mind filing electronically? I just want to understand your

emphasis in as long as these are submitted in files like this, and you pointed to the physical file in front of you.

**DIRECTOR MALATJI**: Exactly.

**CHAIRPERSON**: So, I want to understand what you are suggesting as an alternative.

**DIRECTOR MALATJI**: As an alternative, I am thinking of suggesting that going forward, tender responses should be more electronic right as compared to the filing system. And that would make it difficult. Because out there in the public  
10 space, there are complaints to the effect that files are submitted, documents are taken out, and all of that. This is what we are hearing in the public space when people are complaining about issues of tenders and the like. But now, if alternatively, files could be submitted electronically, I think that would assist a lot in terms of addressing the issue of loose files. Files being taken out of, I mean papers being taken, papers being replaced out of the tenders, yes.

**CHAIRPERSON**: And I think it is a euphemism to say you  
20 hear that documents get lost. We know from what we have heard, or at least all indications are that that is in fact so. Because take for example, I think it was this very tender process. Which led to even litigation, and part of what was alleged in the litigation was that documents had gone missing.

And in the end, an award was made, or awards

were made without the evaluation process having taken place. Which in itself was quite odd, even if it took place in terms of a Court Order. After the two sides, the two adversaries in the litigation had reached agreement and therefore asked for an order from the court by agreement. But to cut a long story short, at the centre of the litigation was the fact that documents had gone missing. I am saying this just to correct you when you seem to suggest that this is something you heard about. It appears to have been  
10 fact.

**DIRECTOR MALATJI:** Commissioner, I hear, and I am not disputing, but allow me, Commissioner, to say. In as far as TMPD2, 2016-2017, wherein I participated as a BEC member I can assure the Commissioner and this Commission, that from the beginning to the end, we never had a situation where there was a complaint to the effect that documents were tampered with, and so forth and so on.

We just waited. We waited for a very, I would say, for a very long time. Nobody, I am talking from the  
20 accounting officer down there, has brought it to our attention. I am referring to the BEC. Our attention that the tender document that you got involved in has got problems, and these are the nature of problems. We never had that. Until today, I do not remember, us or myself as a member who participated, being called and getting informed about

irregularities that might have happened in the run-up to the BEC completing its job and handing over the report and the documents back to supply chain management. Such communication, no.

**CHAIRPERSON:** But it is this tender that was, or rather, in respect of which awards were made pursuant to a Court Order, is it not?

**DIRECTOR MALATJI:** It is so, Commissioner.

**CHAIRPERSON:** And what was at the centre of the  
10 litigation, do you remember?

**DIRECTOR MALATJI:** I do not know, Commissioner.

**CHAIRPERSON:** So, your focus is only at the stage of your participation as a member of the BEC.

**DIRECTOR MALATJI:** Yes.

**CHAIRPERSON:** So, what you are telling us relates to that stage only.

**DIRECTOR MALATJI:** Exactly.

**CHAIRPERSON:** So, you would not know what happened later, and you would not know whether issues were raised  
20 about missing documents. You would not know that.

**DIRECTOR MALATJI:** I would not know that, Commissioner.

**CHAIRPERSON:** Oh, all right, thank you, thank you.

**ADV BALOYI SC:** Can I just check that, Mr Malatji, the evidence so far is at some point in this tender process,

documents were removed from the offices of the municipality and taken, I think, to a training college or something, where the evaluation was done. Do you not know that happened?

**DIRECTOR MALATJI**: What I am referring - I am talking to that particular issue in my statement, where I am mentioning that before these documents were moved to, the documents were moved from supply chain management premises, I mean, yes, premises, to the Tshwane leadership  
10 ...[intervenes]

**ADV SIKHAKHANE**: Mr Phiri can I just – Mr Malatji, can I just direct the Commissioners to the answer, perhaps?

**ADV BALOYI SC**: I have read the statement. I am asking a different question. Mr Malatji's evidence is that he never became aware, as I understand him in his discussion with the Chairperson, he never became aware that there were irregularities. And I am wanting you to clarify, is that your evidence, that you never became aware that there was an issue in this tender process, or there were allegations at  
20 least, that documents were removed from the premises of the municipality and taken to some other place, I think it is a college, where the evaluation is supposed to have happened there, or whatever the backstory to it. But that step of documents being removed from the municipality to another location in the tender process, are you saying you

never became aware of that?

**DIRECTOR MALATJI**: No. I wanted to assure the Commissioner that there were reasons why these documents, right, why the BEC requested that the documents be moved from supply chain management to Premos. And those reasons were purely ...[intervenes]

**CHAIRPERSON**: Premos is the college?

**DIRECTOR MALATJI**: College.

**CHAIRPERSON**: Okay.

10 **DIRECTOR MALATJI**: Those reasons were based purely on security issues that, as the BEC have observed, right, before we could start with the actual evaluation process. And those security issues were as follows. While sitting and expecting supply chain management officials to present us with documents, right, we observed that the facility which was adjacent to the boardroom where we were supposed to conduct, right, the storage facility was accessed without control by city officials, right, and that concerned the BEC.

20 And the Chairperson said, colleagues, what are we going to do with this situation, right. We then had to check exactly what was happening. So, there was no access control in and out. Nobody could tell us who was having the key, right, and officials were going in and out, which indicated that there might have been other documents kept

in the same storage facility. The cameras were not working.

**ADV BALOYI SC**: Yes, so that takes you to the conversation you were having with the Chair. Remember when the Chair started and you gave the explanation that you made the suggestion that BEC submitted could be done so electronically, that is to avoid tampering and people having access to them.

**DIRECTOR MALATJI**: Exactly.

10 **ADV BALOYI SC**: It is exactly this that the Chairperson is talking about, that from the evidence we have heard, tender documents were received, they were in a room, there are allegations that documents were removed, some documents were missing at some point, what can be done to avoid people having access to tender documents before the process is complete?

And your suggestion was electronic. But you confused me when you said, well, as a BEC member, I am not aware that there had been any issues about this tender  
20 process. When in fact now you do accept that you did become aware, even as a member of a BEC, that there are issues about storage of tender documents. And you were part of the decision or the request that those tender documents be removed from supply chain management to a college. That is all I wanted to clarify with you, because

your evidence suggested you never became aware of any issues relating to this tender.

**DIRECTOR MALATJI:** Commissioner, let me put it like this. I never became aware of documents that went missing. Hence, the documents were taken out of these premises, down to the college, and when the actual process of evaluation started, each document was gone through, and I am not aware of any missing documents that, as the committee, we could see or realise that documents were  
10 missing. I never became aware of that. So, we did our work, we went through each and every document without any such report.

**ADV BALOYI SC:** Can I just interrupt you there? Is it my misunderstanding of the evidence so far that this tender ended up in court because someone went to court, complained, and rather, in fact, the starting point, and please correct me if I misunderstood the evidence, the municipality cancelled this tender, sought to cancel this tender, because of this complaint about documents having  
20 been removed and being retained, some documents missing. Then it went to court, and the court directed that this tender must continue. There is no basis to cancel it, and the processing or the evaluation of the tender should proceed. Did I misunderstand that part of the evidence, or you are just not aware that that happened?

**DIRECTOR MALATJI:** Commissioner, I would say - I would not say the Commissioner is misunderstanding anything, but from where I am sitting, all documents that were taken down got evaluated from the start to the end.

**ADV BALOYI SC:** No, that is not my question, Mr Malatji. We are not yet at a point where we are asking you to defend anything. We are not there yet. We are still trying to understand the facts as you recall them.

**DIRECTOR MALATJI:** Okay.

10 **ADV BALOYI SC:** I will ask you the simple question. Did I misunderstand the evidence that the municipality made a decision to cancel this tender because there were allegations and complaints that documents were removed from SCM Supply Chain Management, and when they were retained, some documents were missing, right? It was cancelled, and then someone went to court, and the court said there is no basis to cancel this tender. It must proceed to evaluation. Do you know or not know that that happened?

20 **DIRECTOR MALATJI:** I do not know.

**ADV BALOYI SC:** You do not know that anything like that happened?

**DIRECTOR MALATJI:** Exactly.

**ADV BALOYI SC:** And you are in Supply Chain Management, and you were the contact person for this

tender, according to the documents that we have seen?

**DIRECTOR MALATJI:** Yes, let me correct. I am not in Supply Chain Management. I am the director responsible for the function.

**ADV BALOYI SC:** Were you not the contact person for this tender? At least I think from documents that we have seen, you were referred to as the person to whom enquiries should be directed.

**DIRECTOR MALATJI:** I agree, even though I do not have a  
10 copy of the document with me, that I was the contact person.

**ADV BALOYI SC:** Yes.

**DIRECTOR MALATJI:** But from the context of any bidder, maybe having questions, clarity-seeking questions, before the tender closed.

**ADV BALOYI SC:** Yes.

**DIRECTOR MALATJI:** The reason for my being the contact person would be to clarify whatever ...[intervenes]

**ADV BALOYI SC:** Let me stop you. I am not asking you to  
20 explain why you were the contact person.

**DIRECTOR MALATJI:** All right.

**ADV BALOYI SC:** You have agreed or confirmed that you were the nominated contact person when the tender went out, right? Your name appeared as the contact person, and that is the evidence we have. So that is done. We agreed

on that. You were the contact person. But now let me confirm very clearly. You say you are not aware that this tender went to court because there had been a complaint or an allegation that documents were removed and some documents were missing, and the Court Ordered that that is the basis to cancel the tender. It must proceed to evaluation. You say you never became aware of that.

**DIRECTOR MALATJI:** I heard that the tender is in court, but as to reasons why it has been taken to court, I never  
10 became aware of those reasons.

**ADV BALOYI SC:** Thank you.

**CHAIRPERSON:** What you have just said now is something you said in response to one of my questions earlier. That is, you have no idea as to what the litigation related to. I just want to make this suggestion to you. You were closely involved with the process right from the start. Literally right from the start. Remember, once a request was made to Mr Mahlaule to work on the tender specifications, he requested you to assist him.

20 That is the very first stage of the process after a decision has been taken that there should be a tender. So, what are the specifications? What exactly do we require? That is the very first step. So, you were intimately involved with the process right from the beginning. And that goes further. You then become a member of the bid evaluation

committee.

You say so yourself in your statement. And that is not the end. As Commissioner Baloyi has just engaged you on, you were the contact person. So, all of those indicate how intimately involved you were with the process. Now you do the evaluation, so you are not just a member, you actually get engaged in the evaluation process. And as the BEC or bid evaluation committee, you even prepare a report for the bid adjudication committee.

10           Again, an indication of how closely or how intimately you were involved with the process. Then there is litigation after it was indicated that the process was being cancelled for the reason that some documents were missing. Of course, you say you are not aware of that issue about documents missing. And then there is litigation. I think it was about 22 or so companies that said, no, no, no, this cannot be cancelled. They went to court.

                  And there was then the agreement. And the court made an order in terms of or in accordance with that  
20 agreement, which was basically that an award should be made to those 22 or so companies. I find it very, very strange that when you were so intimately, so closely involved with this process, right from the start, when there is litigation, of which you say in response to Commissioner Baloyi, you were aware you do not know what that litigation

related to.

And we say it actually related to the missing documents. Fine, those who litigated were saying that this cannot be cancelled. But the cancellation itself was as a result of missing documents. That part you just happen not to know. I find that very, very strange. So, you are intimately involved from the beginning, throughout the stages, but just before evaluation.

And all of a sudden, you turn your back and you  
10 forget about the whole thing. It simply does not make sense, Mr Malatji. And I do not even understand why you would want to be defensive on this issue. You did not lose the documents. This is very odd.

**DIRECTOR MALATJI:** Commissioner, my involvement, as you correctly put it, as the Commissioner correctly put it, started when I developed the tender document.

**CHAIRPERSON:** Please do not repeat that process. You are part of the specification process. You are a member of the BEC. You participate in the decision-making of the  
20 BEC. You prepare a report for the Bid Evaluation Committee. That is sent through to where it should go. And then there is litigation. Please zoom in there because that is where my problem is. I say I find it strange that you, at that stage, suddenly have no idea as to what happened.

**DIRECTOR MALATJI:** From the Bid Evaluation

Committee's report, my involvement ended there, right. And from there, my understanding, even though I am not an expert in supply chain management, but from there, once the report is submitted to supply chain management, they will do what they do and take the report up to another committee in the BEC. This is the committee wherein I do not participate.

**CHAIRPERSON**: I know you do not participate. You are not a member of the Bid Adjudication Committee.

10 **DIRECTOR MALATJI**: Yes.

**CHAIRPERSON**: But it is basically your tender.

**DIRECTOR MALATJI**: Correct.

**CHAIRPERSON**: The very fact that you are asked right at the start to prepare the bid specification, it is your bid. You cannot tell me that somewhere through the process you completely lose interest and you are aware that there is litigation. You basically do not care what that litigation is about. That is what I find very odd. It is your bid. Do you not want to see where it ends, ultimately? It is your bid.

20 **DIRECTOR MALATJI**: Commissioner, I must mention here that, yes, it is my bid. But at the level of BEC and what happens, right, going up, I would always expect information or, yes, the city or the department, like they appointed me when there are issues pertaining to this bid for which I was appointed to serve. Now, in this instance, nothing of that

sort happened, right. I heard it like any member of the public that this bid was being challenged. But from ...[intervenes]

**CHAIRPERSON:** You are not any member of the public, Mr Malatji.

**DIRECTOR MALATJI:** I agree, Commissioner. Excuse me for the word. I just wanted to emphasise that there were no formal engagement and information that this bid has been taken to court in this instance.

10 **ADV BALOYI SC:** It is difficult to accept that because you are the client representative. That is why Mr Deputy Commissioner Mahlaule, I think, he appoints you.

**DIRECTOR MALATJI:** Yes.

**ADV BALOYI SC:** So, this is a tender for his department, APSS, and he appoints you to be the representative, to be the person that deals with it, but you are the client. It is very difficult to accept that this tender would run into problems. You do not know anything about it. Apart from the fact that you are a member of the BEC, you are the  
20 client. It runs into problems.

You do not know anything about it. It is taken to court. You do not know about it. It takes forever to finalise, and you are the client. You are the one that is responsible for this service. You are the one with a direct interest to get this tender finalised, and it is not getting

finalised, and you say, well, I heard it like any other member of the public.

I am prepared to accept when you say member of the public, you mean like any other employee of the TMPD or Tshwane Metro, and it has to be because you are not a member of the public. But in that capacity as a client, that you do not know because nobody said anything about it, and you do not make enquiries, it is your tender, it is difficult to accept.

10           Let me speak for myself. I find it very difficult to accept that you remained ignorant of the issues that are delaying your tender. When you had a direct interest in this tender being finalised and security companies being appointed, you must have known, you must have asked the questions, otherwise something is seriously wrong. If you, as the client representative who has a direct interest in this tender being finalised, you did not ask the basic question, what is happening? Supply chain, what is happening that this tender is not being finalised. There is no way you did  
20 not ask that question. I want to put it that high. There is no way you did not ask that question.

**DIRECTOR MALATJI:** Commissioner, let me make the Commissioner aware. Within the department, there are stages of involvement. This is what is happening practically, even today. Within the department, there are

different stages of involvement. At a certain stage, I do not get involved, irrespective of whether the issue that they are discussing at top management or EMM of the department, irrespective of whether such an issue is affecting me, right.

Therefore, I would expect whoever my superior is brought to terms with the issues that are involving me in my capacity as the employee to come down and say, Director Malatji, that bid has got the issues. These are the issues. I am saying to the Commissioner, such a thing never took  
10 place. Hence, I agree with the Commissioner when the Commissioner says, it would be very difficult to accept.

I want to make a point that says, under normal circumstances, when the situation is as it is now, it is very difficult. Since involving you as the Director, people are taking decisions about those things. When they are deciding on those things, they do not even have the courage to invite you, right. Once they are done, they give instructions. Yours is to make sure that whatever instruction is given, you do your best of your ability in order  
20 to adhere to that particular instruction. Hence, when it comes to these issues, I was never informed.

**CHAIRPERSON:** No, no, continue, continue. We can multitask.

**DIRECTOR MALATJI:** Thank you. When - hence I am saying, when it comes to the court issues, the reasons

behind why this tender was litigated, it was never brought to my attention. I heard in the corridors, but from the top management, who assigned me a duty right from the beginning to take me in confidence and say, Director, come here. Here there is a problem.

Such a thing never happened. Mind you, when it happens, it does not only involve my department. At the BEC level, there are legal services, there are CFOs and all of that. From where I operated or from where I am  
10 operating, it would always be very difficult to go and knock on individual doors to say, hey, what is the problem with this? What is the problem with that? But once you get formally informed or formally involved, you are able to participate, you are able to get yourself familiarised with issues and play your role in order to make input and have them result if they are resolved.

**CHAIRPERSON**: May I just say this? And it is meant as advice, Mr Malatji.

**DIRECTOR MALATJI**: Thank you.

20 **CHAIRPERSON**: The very first question I asked you, which was in general terms, related to tenders generally, it was not about a specific tender. It was not about your tender, the tender we are talking about now. My sense was that you immediately got defensive. And I had to explain to you that, Mr Malatji, please do not be defensive. This is not

about your tender. I am asking about tenders generally. And it was only thereafter that you then gave an answer to my question. And I must say to you that the answer was quite useful.

**DIRECTOR MALATJI**: Thank you.

**CHAIRPERSON**: Now on the issue that Commissioner Baloyi and I are engaging you on, my distinct sense, and from what Commissioner Baloyi also said, I think that is her sense as well, you are again being defensive. And yet  
10 again, you are being defensive on something that, although it relates to impropriety, from where you are sitting, there has been no suggestion, or at least I am not aware, that the missing documents were as a result of any act of impropriety on your part.

Thus far I am not aware of such evidence. But you are being defensive. That is my sense. That is Commissioner Baloyi's sense and even though he has not said anything on the matter I am sure that it is also Commissioner Khumalo's sense. Now here is the advice,  
20 your evidence will flow much more smoothly if you do not get defensive when you do not have to. Your evidence will run much, much more smoothly. I do not know if you, I do not think that calls for any comment on your part but if you want to comment you may.

**DIRECTOR MALATJI**: No, no, thanks Commissioner for

making me aware that I am being defensive. I was not aware that I am ...[intervenes]

**CHAIRPERSON:** You are, you are.

**DIRECTOR MALATJI:** Okay.

**ADV KHUMALO SC:** Thank you. Director Malatji, very quickly, I am only seeking clarity, I am not probing you. My understanding of the documents is that the reason why the city itself took a decision to cancel this TMPD 2016-2017 tender was because there was an allegation that 50 bids  
10 went missing. Did you at any stage become aware of the allegation that 50 bids went missing?

**DIRECTOR MALATJI:** Commissioner, I did not know, I did not become aware of that allegation.

**ADV KHUMALO SC:** And what were the BEC members told was the reason for the cancellation of this tender?

**DIRECTOR MALATJI:** Commissioner, from where I am sitting, I am not aware of any information that was given to the BEC members about missing documents.

**ADV KHUMALO SC:** I am not asking about missing  
20 documents.

**DIRECTOR MALATJI:** Okay.

**ADV KHUMALO SC:** At some point you must have become aware that the tender has not been finalised.

**DIRECTOR MALATJI:** Yes.

**ADV KHUMALO SC:** So, what was the reason given to the

members of the BEC for the tender not being finalised?

**DIRECTOR MALATJI:** Commissioner, I am not aware of any session where BEC members were informed of the tender not being awarded.

**ADV KHUMALO SC:** And then you specifically, I mean let us say you are now in 2020, it is a tender that started in 2016, it is now 2023, four years later, and you are aware that nobody has been appointed.

**DIRECTOR MALATJI:** Yes.

10 **ADV KHUMALO SC:** And you are the contact person, so all the security companies that submit bids, you are the face of this bid, you are the person they call and ask how far the process is, am I still in the running, am I still not. What did you know about the bid or the process not moving forward? I am talking now about 2020 because BEC has done its function like you said, they have evaluated the bids. Now years go by there is no appointment. What did you learn was the reason for the non-appointment of successful bidders?

20 **DIRECTOR MALATJI:** Commissioner, can I introduce, before I get to the question specifically.

**ADV KHUMALO SC:** But I do not want a long story because I just want you to make me understand what you knew.

**DIRECTOR MALATJI:** All right.

**ADV KHUMALO SC:** So, I do not want you to tell me about other people. If your answer is going to be, I heard a rumour, this was the rumour, that is fine, but I just want to know what you knew.

**DIRECTOR MALATJI:** I ...[intervenes]

**ADV KHUMALO SC:** Let me just stop you. You are a contact person, you are the face of the bid, you sat in the evaluation committee, you prepared a report that went to SCM for SCM to involve BAC. Nothing happens. Did you  
10 not enquire what is happening with the bid? How far is the bid? Why has there not been an appointment? Because you are a director of security services, you are the client ultimately.

**DIRECTOR MALATJI:** Commissioner, I hear and I understand Commissioner. Maybe for me to say, between May 2017 to 2019, I was not in that space. They took me out of that space, right. And I must mention that there might have been communication to the effect that the tender is not moving, these are the reasons and the like. But now,  
20 since I was taken out of the position for almost two years, right, that part I might have missed. I am not sure, Commissioner.

**ADV KHUMALO SC:** I think let us leave it there for now.

**DIRECTOR MALATJI:** Thank you.

**CHAIRPERSON:** Let us adjourn, Mr Sikhakhane. Let us

adjourn and resume at 11:40.

**DIRECTOR MALATJI**: Thank you, Commissioner.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON**: We started the precedent by acknowledging the presence of students from TUT. I have just been informed that there are students from the University of South Africa in the political science department. Welcome. Thank you. Mr Sikhakhane.

10 **EXAMINATION BY ADV SIKHAKHANE**

**(CONTINUES)**: Thank you, Chair. I will go back to the statement, but I just wanted us to finish one of the issues I wanted to deal with on your question.

**CHAIRPERSON**: Thank you.

**ADV SIKHAKHANE**: Mr Malatji, earlier on when you were probed, you indicated that you were not a participant in some of the decisions at the BEC, am I correct? For example, you said from 2017 to 2019 you were taken out.

20 **DIRECTOR MALATJI**: Yes, 2017 to 2019 I was taken out of the position, but that was after the BEC has completed its work.

**ADV SIKHAKHANE**: That was after the BEC?

**DIRECTOR MALATJI**: Yes.

**ADV SIKHAKHANE**: Okay, so your statement at paragraph 19 remains accurate?

**DIRECTOR MALATJI:** Yes, my statement remains accurate, thank you.

**ADV SIKHAKHANE:** And participating in these meetings and resolutions of the BEC entails that you also take ownership of those decisions?

**DIRECTOR MALATJI:** Correct.

**ADV SIKHAKHANE:** We will come back to it, especially around the missing documents. I just wanted to make sure that I understood you correctly.

10 **DIRECTOR MALATJI:** Thank you.

**ADV SIKHAKHANE:** Thank you.

**CHAIRPERSON:** I think Mr Sikhakhane, Mr Malatji was done with paragraph 9.

**ADV SIKHAKHANE:** Apologies?

**CHAIRPERSON:** I think he was done with paragraph 9.

**ADV SIKHAKHANE:** Yes, I think we are getting into the Court Order 10 and then thereafter.

**CHAIRPERSON:** Paragraph 10.

20 **ADV SIKHAKHANE:** Correct, I think he had just indicated that there was a Court Order in all of this.

**CHAIRPERSON:** Mr Malatji, when I began to engage you, you were starting to read paragraph 10. So, if you can just start all over and read paragraph 10.

**DIRECTOR MALATJI:** Thank you, Commissioner:

“The city of Tshwane was later served

with a Court Order which awarded tender TMPD2 2016-2017 to 22 security service providers including Gubis Solutions (Pty) Ltd. I attached a copy of the Court Order dated the 22<sup>nd</sup> of October 2021 marked as Annexure TB3.”

**ADV SIKHAKHANE**: Thank you, could you go to page 8 of your bundle, annexure bundle?

**CHAIRPERSON**: Do you want to go through the Court  
10 Order?

**ADV SIKHAKHANE**: No, no, no, I just wanted to identify.

**CHAIRPERSON**: Page?

**ADV SIKHAKHANE**: Page 8.

**CHAIRPERSON**: 8, yes.

**ADV SIKHAKHANE**: Can I just ask one question in relation to this Court Order? Apologies, Chair, I just wanted to probe one question around this Court Order. My understanding of the Court Order would have been that there was agreement between the city and - but if - are you  
20 aware of the instructions that were given around this Court Order?

**DIRECTOR MALATJI**: Yes, I am aware of the instructions by the Court Order.

**ADV SIKHAKHANE**: Were you part of the BEC that was dictated ...[intervenes]

**CHAIRPERSON**: I wonder if you are not talking at cross purposes.

**ADV SIKHAKHANE**: Yes, Chair.

**CHAIRPERSON**: Yes, are you aware, Mr Malatji, as to what led to the agreement, the agreement which then became a Court Order? Are you aware of that?

**DIRECTOR MALATJI**: No, no.

**CHAIRPERSON**: I thought you were talking at cross purposes.

10 **ADV SIKHAKHANE**: So, you were not aware of what influenced this agreement?

**DIRECTOR MALATJI**: Yes, I was not, I am not aware of what influenced the agreement.

**ADV SIKHAKHANE**: Okay, but were you not interested to find out how this happened?

**DIRECTOR MALATJI**: I think my interest was, I confined my interest to the orders that the court had issued to the municipality. My interest became there because it was obvious the municipality has to implement the order of the  
20 court.

**ADV SIKHAKHANE**: Okay, thank you. We will come back to it in the statement. Can I take it - we will go to the BEC report, right. What would have appeared also is that since you are part of the BEC, you would have recommended that these 22 entities be appointed for providing security

services.

**DIRECTOR MALATJI:** Correct.

**ADV SIKHAKHANE:** After evaluation.

**DIRECTOR MALATJI:** Correct.

**ADV SIKHAKHANE:** I am asking.

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** It follows.

**DIRECTOR MALATJI:** I do know.

**ADV SIKHAKHANE:** No, no, I did not get that.

10 **DIRECTOR MALATJI:** Yes, I participated.

**CHAIRPERSON:** Mr Malatji agrees.

**ADV SIKHAKHANE:** Yes.

**CHAIRPERSON:** His response is in the affirmative. Thank you.

**ADV SIKHAKHANE:** Then, when - is it normal that, obviously that the court, I just want your understanding, that it would have, the decision should have then gone, the report, the way it goes, it should have gone to the BAC, the report. Did it ever go to the BAC just for completeness?

20 Because I understand that it did not, your report.

**DIRECTOR MALATJI:** I do not know what to say, but I take it that every BEC report, right, once it is adopted and taken to supply chain management, it is supply chain management who takes that report forward, including to present it before the BAC. So, I took it that it is accepted for the BAC, even

though I do not have evidence.

**ADV SIKHAKHANE**: Okay. So, you assume that it did go to the BAC?

**DIRECTOR MALATJI**: I assume, yes.

**ADV SIKHAKHANE**: Okay. Okay, please proceed with the statement, paragraph 11.

**DIRECTOR MALATJI**: Paragraph 11:

10 “As indicated in paragraph 5 above, the properties, assets, and personnel which required protection are from all the departments, including TMPD. The said properties and personnel include clinics, cemeteries, water reservoirs, pump stations, electric substations, storage facilities, markets, regional offices, emergency services, executive mayor, mayoral committee members, and any official whose life is in danger, the list is exhaustive.”

20 **CHAIRPERSON**: Just a minute. Mr Malatji, paragraph 11 does indicate what you are to deal with. That is, the properties and whatever else that require protection. So, even though you did not read the preceding heading, just above paragraph 11, the intro, which is in paragraph 11, does explain what everything is before the next heading.

But I just want to say, for context, you should always read the headings.

**DIRECTOR MALATJI**: My apologies, Commissioner.

**CHAIRPERSON**: No problem, no problem. Please continue. You do not need to go back to the heading.

**DIRECTOR MALATJI**: Thank you:

10 “All the municipal departments require security services from asset protection services. There are many departmental security services requested since March 2022. I have been unable to source this security service request from the municipality departments due to my current suspension from employment.”

**ADV SIKHAKHANE**: Thank you. Perhaps, just while we are there, could you just explain to us and the Commissioners perhaps, what is your role, from a managerial point of view, in relation to the city's assets?

20 **DIRECTOR MALATJI**: I am going to refer the Commissioner to page 6 of my Annexure TP1. On page 6:

“My role as the director responsible for protection services is to ensure that protection of council premises and personnel is executed, to monitor internal guards, to monitor external guards,

10 monitoring of cash in transit services, the provisioning of high-level VIP protection of the executive mayor, MMCs, and other dignitaries, the provisioning of a secure and integrated metro police communication system service, identify, evaluate, and make recommendations on possible strategies, solutions, plans, and projects to prevent the asset loss of the city, the provision of CCTV camera operations to prevent crime and related incidents in the COT, the reduction of burglaries [break-ins] at owned and hired CTM properties, number of inspections on compliance with firearm legislation implementation of the MIS document, ad hoc duties and as and when required by the top management.”

20 I must inform the Commissioner that even though this is the list that constituted my primary functions, but there are some of these functions which I could not execute due to various reasons, but, yes, mostly until now I am responsible for the protection of properties of the city assets personnel. Some of these functions were taken away from me since 2017. As I mentioned earlier on that I was taken out of the

position for almost a period of two years, and when I came back, some of these, many of these functions were taken away from me, and they were never returned. They are being performed somewhere.

**ADV BALOYI SC:** When you say in that period that some of the functions were taken away, did that include the protection of council properties? Was that also taken away from you?

**DIRECTOR MALATJI:** No, no. The protection of council  
10 properties.

**ADV BALOYI SC:** So, you have remained consistently, since your appointment in 2013, you have remained consistently responsible for that function?

**DIRECTOR MALATJI:** Yes, Commissioner.

**ADV BALOYI SC:** Thank you.

**ADV SIKHAKHANE:** Just to follow up on the protection of assets, of state assets, is there a system in place, or that you have in place, to ensure that all assets are protected in terms of monitoring them? Do you have a system in place  
20 around that, and in how you allocate responsibilities to your, to people under yourself?

**DIRECTOR MALATJI:** Yes, Commissioner. In terms of the system, we have got a system through which we identified how many council assets and/or properties are there, that which needs to be protected. And in order to ensure that

they are protected, we then - I then made sure that I have got a team within the asset protection services, which team's job is to monitor performance of both private guards and in-house security services.

During the process of monitoring, they do inspections on those, what you call, properties and assets. They make sure that security guards are in place, security measures that are put in place on specific sites are working, and anything that goes wrong on those sites, they  
10 report back. And how they report back, they have got inspection reports that they submit.

And, yes, I think that is basically the system. They also conduct security risk assessment on an as and when required basis, and this is one important tool that we use to inform and guide us when we take decisions in terms of which asset is more of value than which one, and then we take those factors into account when we do the actual deployment of guards to ensure safety and security of those properties and assets of the city of Tshwane.

20 **ADV SIKHAKHANE**: Thank you. And in your time, were they effectively managed?

**DIRECTOR MALATJI**: Yes, Commissioner.

**ADV SIKHAKHANE**: And they reported to you, your team reported to you?

**DIRECTOR MALATJI**: They did, yes, the team reported to

me.

**ADV SIKHAKHANE:** And you oversaw the process and you were satisfied over the years?

**DIRECTOR MALATJI:** Yes, Commissioner, I was satisfied with what the team was doing. I must also mention here that in security there is a saying that hundred percent security is a myth, meaning even if we could have all the sites covered, right, you would always encounter security challenges, break-ins, theft, and so forth and so on. But I  
10 must also bring it to the attention of the Commissioner that since 2018 to date, the city has not been able to protect all its assets.

It has not been able to protect all its assets. And out of more than 1 000 assets of the city, up until I was suspended in July last year, we were covering almost 545 sites, which means that almost the same amount of assets remained unprotected to date. And the reason is always financial capacity, because with security, you know you are outsourced, you need a sufficient budget, and the budget  
20 that the city has been making available has not been able to enable us to cover every, every, every, every asset.

So, we had to prioritise and make sure that those that we think are of priority are protected around the clock using private guards. And it is about three years, if something of that nature, I am not sure of the exact date,

the city went on and decided to insource security officers, and yes, the number, it is not enough to enable us to cover all the sites that the city needs to be covered. I just wanted to bring that to the attention of the Commissioners.

**ADV SIKHAKHANE:** Of the 500 and something odd, were they jointly serviced by the internal security and external or just only external?

**DIRECTOR MALATJI:** We initially - okay, I would say of the 545, right, if my memory serves me well, it is  
10 somewhere in my, what do you call it, 545 we are utilising private security guards to guard them, and there is some that out of 545 that have been guarded by in-house. For example, I would confirm, I was just checking here, it indicates that 547, 547 Commissioner are guarded by private guards, and 127 are guarded by in-house. So almost the same number, 600 and something, it remains guarded to date.

**ADV SIKHAKHANE:** Thank you. On File 2, could you turn to page 397.

20 **CHAIRPERSON:** Is it which page Mr Sikhakhane?

**ADV SIKHAKHANE:** Page 397, Chair.

**CHAIRPERSON:** 397, thank you.

**ADV SIKHAKHANE:** Are you there Mr Malatji?

**DIRECTOR MALATJI:** Yes, I am there, yes.

**ADV SIKHAKHANE:** This is a report, a handover report

that was compiled by Ms Moroka to hand over the APSS to  
TMPD.

**DIRECTOR MALATJI:** Yes, Commissioner.

**ADV SIKHAKHANE:** Did you have any input into this  
report?

**DIRECTOR MALATJI:** I would say not a formal input, I  
would say not a formal input, but why I am saying not a  
formal input, I was not invited by my supervisor there. By  
the way, in the office of the city manager, I was reporting to  
10 Mr Nava Pillay, right.

**ADV SIKHAKHANE:** Mister?

**DIRECTOR MALATJI:** Mr Nava Pillay.

**ADV SIKHAKHANE:** Nava Pillay?

**DIRECTOR MALATJI:** Yes, so I was reporting to Mr Nava  
Pillay. So, I do not remember us having a meeting in order  
to compile or make inputs into the handing over, but I would  
accept that this report represents what was the status.

**ADV SIKHAKHANE:** Now, this is the unit that deals with  
the assets of the city, which you have accepted that you  
20 were part of at management level.

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** So, they did not consult you when  
they were moving it and compiling a report?

**DIRECTOR MALATJI:** They did not consult me they just  
told me we are going to move. A decision has been taken

by the executive with effect from, they gave us the date the unit would be going back to TMPD and that was it, the date came and we were called to TMPD and that was it.

**ADV SIKHAKHANE:** Okay. If you turn to page 400 of this report, 4.3 paragraph 2.

**DIRECTOR MALATJI:** Okay.

**ADV SIKHAKHANE:** I think perhaps it supports what you are saying, it indicates that work rendered by a security service provider was not monitored as per service level agreement and it then says, I think there is a mistake, Metropolitan Police Department does not monitor the deployment of the security personnel at least twice a month as stipulated in the SLAs. What would be your comment to that, would this report be accurate in this regard or not?

**DIRECTOR MALATJI:** It would not be accurate. It would not be accurate because security service providers were and I believe they are continuing to be monitored at this point in time unless things have changed since I left office to date. But in the run up to when I was still in office, monitoring teams are on the ground monitoring 24-7 deployment of security service providers.

**ADV SIKHAKHANE:** So, evidence that while this is untrue and actually you monitor the sites 24-7?

**DIRECTOR MALATJI:** Exactly, that is right.

**ADV SIKHAKHANE:** For 545 sites?

**DIRECTOR MALATJI:** Yes, 545 sites. When I say monitor, I want to bring it to the Commissioner that in practical terms it would always not be easy to cover every site on daily or twice daily or thrice given the shortage of personnel that are there to conduct this specific function. But we have been doing what we could to ensure that basically the monitoring is in place and it continues to be in place which makes me believe that it is still in place because I would not think of any reason why we cannot have the service  
10 providers monitored around the clock even though, yes I agree, we would not be able to what you call at each and every site given the shortage of personnel.

**ADV SIKHAKHANE:** Thank you.

**ADV BALOYI SC:** Before you move on, if you are moving from this, you see that paragraph, that paragraph Mr Malatji refers to monitoring reports, that paragraph 2. It says:

20                   “The review of the monitoring reports revealed that the TMPD does not monitor the deployment at least twice a month as stipulated by the SLA.”

So, are you disputing the correctness of this because you have seen the monitoring reports for the relevant period? There are two parts to this paragraph. The one is that monitoring reports say something and then also that the monitoring does not happen twice a month as agreed in the

SLA. I am just trying to understand which part do you disagree with?

**DIRECTOR MALATJI:** Commissioner, I would not, I would not with certainty say I dispute what I disagree with what the paragraph is saying, more especially when they are talking twice a month. Hence, as a result of me having said, personnel capacity is always the issue. Even though the SLA stipulates that monitoring should be done twice, twice a month, given the size of the, I mean the number of  
10 the sites that we need to monitor, possibility is that yes, somewhere we are not able to reach the target.

**ADV BALOYI SC:** So, you are not, you are not disputing where it says that this was not, the monitoring was not happening twice a month as per the SLA agreement. You are not in a position to dispute that. In fact, your explanation is you were short of personnel, so you were not always monitoring. So that part you are not disputing. I agree.

**DIRECTOR MALATJI:** I agree.

20 **ADV BALOYI SC:** Okay. Do you have - do you know the monitoring reports that are referred to in this paragraph and is it stuff that you looked at, documents that you would look at? Were they presented to you on a regular basis? Did you look at them, or do you verify for yourself what is contained in those reports?

**DIRECTOR MALATJI:** Yes, I would assume that they are referring to what in the environment we call inspection reports.

**ADV BALOYI SC:** Yes.

**DIRECTOR MALATJI:** Right, and which inspection reports are completed on site, they are brought to the office, right, and we go in through them, we check, right, and make sure that indeed this monitoring team is doing its work.

**ADV BALOYI SC:** Okay, so, just to be sure, we, and I just  
10 want to correct your answer to Mr Sikhakhane, you responded to his question that you do not agree with what is contained here, that monitoring was not happening. So, I just want to clarify that with you, that you accept, and this seems to be in your answer, in fact, that because of capacity constraints, monitoring was not happening the way that the SLAs required it to be done, which is twice a month. You accept that?

**DIRECTOR MALATJI:** I accept.

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

20 **ADV SIKHAKHANE:** Thank you, Commissioner Baloyi. In fact, I wanted to probe this point a bit further, and this report actually refers that this was a finding of internal audit, meaning there was an auditing of the sites, the monitoring reports, and the actual inspection reports. But now we have accepted that you do not dispute this answer.

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** Now could you accept that – or perhaps let me start with a question. These assets if you look at the tender, the 02-2016-2017 tender, the value of it is 800 million, which according to you, as the client representative in specific, is quite a substantial amount.

**DIRECTOR MALATJI:** Yes, I think it could even be more, even though I do not have the exact report to back up my statement. But yes, I agree. It is a substantial amount of  
10 money, I agree.

**ADV SIKHAKHANE:** And could you accept the possibility with what you are saying, and the acceptance of these findings from internal audit, that perhaps there could have been a situation where invoices that were submitted by service providers could not have been verified as a possibility?

**DIRECTOR MALATJI:** I think it could be, yes. I agree, yes.

**ADV SIKHAKHANE:** And how often did you reconcile or  
20 double-check the invoices of the service providers on your part, because actually you were the director.

**DIRECTOR MALATJI:** Normally we have got a schedule for each security service provider, and every time they submit an invoice, my team would make sure that this invoice is in respect of all the signs that are allocated to the specific

service provider, before it gets brought to my office to certify that indeed the services were rendered as per the allocation in question and so forth.

**ADV SIKHAKHANE:** Perhaps then I understand your answer differently, to say that with each invoice that is submitted, you sign them off after having made sure that the services were rendered.

**DIRECTOR MALATJI:** Yes, there is a standing instruction to the team that is assigned a duty to receive and  
10 administer these invoices, to say before each invoice is brought to my attention to certify, right, go through and make sure that the service provider is invoicing the city for all the sites that the service provider in question is guarding or deployed to that.

**ADV SIKHAKHANE:** But surely that answer or your agreement with what is stated in the report and the answer you are providing cannot exist at the same time, meaning you cannot say, you cannot agree with an audit finding that  
20 says you failed to monitor the service level agreement or service providers, but then at the same time you say you do check the invoices and satisfy yourself that services were rendered.

**DIRECTOR MALATJI:** There are two, in my honest view, there are two sides to the question. When I say I do not dispute what the internal audit has done, right, it is on the

basis that there are 545 sites to which we should have come out twice every month, hence I said sometimes it is possible not to come out there as a result of, I mentioned the issue of capacity. But now, coming back to the invoices, right, the invoices, the monitoring of the invoice by the administration team is to ensure that whatever the service provider has claimed on the invoice is actually what has been allocated to that service provider, right.

As to whether during the month the monitoring team  
10 managed to come out of each and every site so mentioned on the invoice, that would be another issue and the possibility is it could be that for the month of March the monitoring team came out once to a specific site, but the service provider would still submit that invoice for payment. Hence theirs is to make sure that whatever is submitted for payment is exactly as per the schedule that we have allocated to that specific service provider, Commissioner.

**ADV SIKHAKHANE:** Thank you.

**ADV BALOYI SC:** I guess what Mr Sikhakhane is testing  
20 with you is that it is possible and I want to say probable that some invoices were paid even though services were not rendered as reflected in that invoice because you would not know if monitoring does not happen as regularly or as agreed, then you depend entirely on the service provider to say in their invoice we did deploy our people as per the

SLA. You depend on them because you have no way of verifying that at the time that you get the invoice because your people did not, due to capacity constraints, they were unable to go to that site.

**DIRECTOR MALATJI**: I agree.

**ADV BALOYI SC**: You accept? You must accept that.

**DIRECTOR MALATJI**: I accept that.

**ADV BALOYI SC**: You probably did pay some invoices when they should not have been paid.

10 **DIRECTOR MALATJI**: Probably, yes, Commissioner.

**ADV BALOYI SC**: Thank you.

**ADV SIKHAKHANE**: Thank you, Commissioner Baloyi. I think that takes care of quite a bit of my questions on this. Just out of interest, this report, did you ever come across it? When did you first see it?

**DIRECTOR MALATJI**: Human resources related matters? No, I am coming across it for the first time here.

**ADV SIKHAKHANE**: For the first time.

**DIRECTOR MALATJI**: Yes.

20 **ADV SIKHAKHANE**: Okay, thank you. Please go back to File 1, which is the continuation of your statement. Just be reminded of what the Chair requested that you read the heading first.

**DIRECTOR MALATJI**: We are on page 4, am I correct?

**ADV SIKHAKHANE**: Correct, paragraph 14 at the top. Let

us start with the heading.

**DIRECTOR MALATJI**: Yes. The heading:

10 “Whether TMBD previously outsourced  
guarding services entities which  
previously rendered guarding services  
out of the appointed 2022. That  
rendered service under TMBD 2016-2017.  
As indicated in paragraph 1 above, TMBD  
has previously outsourced guarding  
services. The following entities were  
previously appointed prior to TMBD2,  
2016-2017.

- [1] Hotline Security Services.
- [2] Mabotwane Security Services.
- [3] Triotic Protection Services.
- [4] Marumo-Maepe Cleaning.
- [5] Marumo-Maepe Cleaning  
Security and Civil Construction.

20 And then it would be 5 in terms of 6,  
which is Both Best Trading and Projects.”

**ADV SIKHAKHANE**: Thank you. Just to spend a bit of two  
questions on this. Do you know if - were you involved, let  
us say, prior to this tender in outsourcing or in previous  
contracts for the provision of security services for the  
assets?

**DIRECTOR MALATJI:** Prior to TMBD2, 2016-2017?

**ADV SIKHAKHANE:** Correct.

**DIRECTOR MALATJI:** I was not involved.

**ADV SIKHAKHANE:** You were not involved?

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** Okay, thank you. There is an entity there that is 14.3.

**DIRECTOR MALATJI:** 14.3, Triotic, yes.

**ADV SIKHAKHANE:** Triotic Protection Services.

10 **DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** Do you know about that entity?

**DIRECTOR MALATJI:** Yes, the entity is one of the entities that are appointed by the city in terms of TMBD2, 2016-2017. And it is currently rendering guarding services to the city. I think basically that is what I can say.

**ADV SIKHAKHANE:** Thank you. And, for example, at this point in time, when you were at the BEC, because it was evaluated at that time, and your recommendation as the BEC was that it, among others, should have been  
20 appointed. Am I correct?

**DIRECTOR MALATJI:** You mean the BEC in respect of TMBD2, 2016-2017?

**ADV SIKHAKHANE:** Correct. The report that you did was that amongst other entities, the 22 entities, Triotic Protection Services should have been appointed. Or you

were recommending it, rather. Let me use that term.

**DIRECTOR MALATJI:** There were – all the bidders including Triotic, I think, they were recommended.

**ADV SIKHAKHANE:** They were recommended.

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** I just want to probe a bit on that. Are you aware that that company is linked to Mr Eugene Modise?

**DIRECTOR MALATJI:** Yes.

10 **ADV SIKHAKHANE:** At the time.

**DIRECTOR MALATJI:** At that time, I was not aware. I became - I became aware after - I became aware as we went on, you know, as we went along, that it is linked to Mr Eugene Modise, right.

**ADV SIKHAKHANE:** Thank you. Commissioners, I would have handed an article, a newspaper article, CJC104. Could you take that? If you turn to page 2 of, this is a news article, just to be correct. This is a news article from News 24 about this tender for Triotic. And at the following page,  
20 and it is still part of ongoing controversy, controversies, is that it is linked to Mr Eugene Modise. And it is said in the second paragraph of the second page:

“News 24 has established that Triotic Protection Services, in which Modise was the sole director and shareholder until

February 2023, has got lucrative security contracts at the ANC Madibeng Municipality in the northwest and Lephhalale.”

Correct?

**DIRECTOR MALATJI**: Yes, I heard that, I saw it on the newspaper.

**ADV SIKHAKHANE**: Correct. So, around this time, when you evaluated this tender for the TMPD, not this  
10 municipality, Mr Modise would have been the sole shareholder and director of Triotic. And obviously when you evaluate, you would know those things because those are part of the documents that are submitted as to who is the director of that entity.

**DIRECTOR MALATJI**: Since this has happened some years back, I would not with certainty say the documents, more especially CIPC documents that were submitted, right, indicated whether he was the sole director or there was somebody else, right. I would not with certainty say that,  
20 but what I know is that he is said to be the director of the company, but back then I am not sure as to what is it that the company registration document was saying in terms of directorship. Whether there were other people on the directorship or not, it happened sometime back.

**ADV SIKHAKHANE**: Obviously, what we see with your

evidence is starting to go towards I do not know, I did not know and all of this. Can I accept that then equally you would not be able to dispute it with certainty?

**DIRECTOR MALATJI**: Yes, I would not be able to dispute it with certainty.

**ADV SIKHAKHANE**: Can I also put this proposition to you? That in terms of your own policy and the SEM regulations, companies linked to people in the service of the state ought not to be appointed.

10 **ADV BALOYI SC**: Maybe before he answers so that we understand the input of this part of the discussion. Considering, and I am looking at the same article, Mr Sikhakhane, considering that Mr Modise at the time of the evaluation of this tender, according to this article, in fact in his award, he was not a counsellor. And I have not seen a suggestion that he was an employee of the state at that time, at the time of the award of the tender. Is this a line of questions that should occupy us? I am looking at your article. If you look at page, the fourth page, it says, and  
20 assuming this article is correct, it says:

“When the Tshwane Council awarded Triotic, the contract in February 22, Modise was secretary of the ANC in the Tshwane region, a position he has held since 2018.”

Now, unless you precede your question with putting to the witness as a fact that at the time of the award he was a counsellor, if he was, or an employee of the state, you have to precede it with that before you say employees are not, I mean, employees of the state, yes, people in the service of the state are not allowed to contract. It has to be preceded by establishing the fact that this person was in the service of the state. And if that is the suggestion, I think rather put that to him.

10 **ADV SIKHAKHANE**: Let me put that as a proposition and I will come back to it. If one assumes that, just to follow the caution from Commissioner Baloyi, Mr Modise was in the service of the state, would you agree that, or anyone, for example, who is a director, would you agree that he ought not to - Triotic would not have been appointed?

**DIRECTOR MALATJI**: I agree.

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

**ADV KHUMALO SC**: And is it a fact that Mr Modise was a counsellor in 2022?

20 **ADV SIKHAKHANE**: Let me come back to that properly on that.

**ADV KHUMALO SC**: I think that was Commissioner Baloyi's difficulty.

**ADV SIKHAKHANE**: Okay.

**ADV KHUMALO SC**: Because we know that this tender

was awarded to the 22 security companies after the Court Order. And at that time, the question is, was he or was he not a counsellor or an employee of the municipality? Because if he was not, then as Commissioner Baloyi suggests, it is questionable whether we should be entertaining this line of questioning. Unless it can be put to Director Malatji that he was in fact an employee and therefore he should not have participated in the tender.

**ADV SIKHAKHANE:** Correct. No, I will withdraw that at  
10 this point, Commissioner, and I will accept that. Can we then go back to your page 15, I mean paragraph 15 of your statement?

**DIRECTOR MALATJI:**

“The said entities were again appointed under TMPD2, 2016-2017. They have rendered services since their appointment by the court on the 22<sup>nd</sup> of October 2021. They are currently rendering the same security services to  
20 the municipality.”

**ADV SIKHAKHANE:** Okay, proceed.

**DIRECTOR MALATJI:** The next heading:

“The nature and extent of my involvement in the bid specification in respect of TMPD2, 2016-2017. As indicated in

paragraph 6, 7, and 8 above, I was involved in the bid specification in respect of TMPD2, 2016-2017. I assisted the department as requested by the then Deputy Chief Rex Mahlaule, and I was later appointed as a member of the BEC. My role as a member of the BEC in respect of TMPD2, 2016-2017, the evaluation processes which led to the shortlisting of the 22 entities.”

Point 17:

“My role as the BEC member was to ensure compliance to the bid evaluation criteria as stipulated in the tender specification. It was a collective responsibility together with other appointed members, the evaluation process which led to the shortlisting of the 22 bidders was guided by the bid specification documents which were provided to the BEC by the bid specification committee. Our evaluation criteria were based on administration, compulsory documents, and technical functionality. It was a normal evaluation

process guided by supply chain management policy. The report was then adopted, handed over to the Chairperson of the BEC. We followed the required procedures. I believe that the court would have not awarded the tender to the recommended entities if the required procedures were not followed or complied with...”

10 **CHAIRPERSON**: On that, Mr Malatji, I just want to say that you and I sitting here have no idea what informed the Court Order which was granted or made by agreement. We do not know what those who agreed said to the Court. So, I am not sure that you are in a position to pronounce on whether the required procedures were followed.

**DIRECTOR MALATJI**: I agree with the Commissioner.

**CHAIRPERSON**: Just one point, for example. What is required is that there should be an adjudication or adjudicative process. You and I know that there was not,  
20 for example. So, we do not know what informed the agreement which resulted in the Court Order. So, I am not sure that you are in a position to make that statement.

**DIRECTOR MALATJI**: I agree.

**CHAIRPERSON**: Do you agree?

**DIRECTOR MALATJI**: I agree with the Commissioner.

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

**ADV SIKHAKHANE:** Thank you, Mr Malatji. That is perhaps the point. Maybe I may ask it differently, Chair. Can I refer you to the second document I handed, which is CJC5? That is the supply chain regulations. Can I request that you go to clause 28.2?

**DIRECTOR MALATJI:** 28.2.

**ADV SIKHAKHANE:** Yes.

**DIRECTOR MALATJI:** It reads as follows:

10                   “A bid evaluation committee must, as far as possible, be composed of officials from departments, requiring their goods or services, and at least one supply chain management practitioner of the municipality or municipal entity.”

**ADV SIKHAKHANE:** And would you accept that if any of those requirements are not there, there would be some issue with the composition of the BEC.

**DIRECTOR MALATJI:** I agree.

20 **ADV SIKHAKHANE:** And just to follow on the question from the Chair, which is at paragraph 29, in the ordinary sense, and obviously I cannot probe you more on that because of your agreement with the Chair, the BEC report, paragraph 29 talks about that the BEC report must be considered by the Bid Adjudication Committee. Do you

accept that?

**DIRECTOR MALATJI:** I do.

**ADV SIKHAKHANE:** And you would accept that there would be some difficulty if the BAC is not involved?

**DIRECTOR MALATJI:** I agree, yes.

**ADV SIKHAKHANE:** Just outside the circumstances, well I suppose I cannot take it further because you are not involved in the decisions leading to the Court Order.

**DIRECTOR MALATJI:** Correct.

10 **ADV SIKHAKHANE:** Now, just before I go to another part, at paragraph 19 of your statement, you do not have to go there, you indicate that I was involved in all the meetings and resolutions of the BEC in respect of the same tender.

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** Does that tally with your knowledge of what you stated about you not being involved in some of the decisions that were taken?

**DIRECTOR MALATJI:** My understanding of this was meetings and resolutions of the BEC to which I was  
20 appointed, the BEC in respect of TMPT2, 2016-2017. So, with that I am saying I attended the meetings and I was part of the resolutions that were taken.

**ADV SIKHAKHANE:** Okay, that is fine. Then if you go to page 79 of File 2. Page 79 of File 2. This is a report or memorandum that was sent by apparently Thembeke

Mphefu.

**DIRECTOR MALATJI:** Yes, I can see.

**ADV SIKHAKHANE:** And had you seen this report before?

**DIRECTOR MALATJI:** No, I am seeing it for the first time, Commissioner.

**ADV SIKHAKHANE:** You are seeing it for the first time?

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** Okay. You will see that it talks about what transpired in the evaluation of tender 2, 2016-2017.

10 **DIRECTOR MALATJI:** Okay.

**ADV SIKHAKHANE:** Correct? And if you go, should I give you a moment to go through quickly?

**DIRECTOR MALATJI:** Okay.

**ADV SIKHAKHANE:** Commissioner Baloyi are you having difficulty? Is it there? I am saying is there a difficulty with pagination?

**ADV BALOYI SC:** No.

**CHAIRPERSON:** Not this time. What part of the report did you ask Mr Malatji to read?

20 **ADV SIKHAKHANE:** No, I am just going to ask him to - I was just asking him to familiarise with the report and then I am going to take him to specific part of that.

**CHAIRPERSON:** Can you not come to this point at a later stage? Perhaps I am looking. This is, what, close to three pages long, which may entail Mr Malatji having to read the

whole document.

**ADV SIKHAKHANE:** Chair, let me just take him to the relevant section.

**CHAIRPERSON:** Please.

**ADV SIKHAKHANE:** Apologies. If you go to the second page, there is a discussion and analysis from this report.

**DIRECTOR MALATJI:** Okay.

**ADV SIKHAKHANE:** There it says SCM second paragraph:

10                   “SCM assessed the process followed  
violations of the tender evaluation stage  
were noted, thus rendering the bid as  
non-compliant.”

And they highlight that there was unauthorised removal of the bid documents from SCM premises to a venue that had not been confirmed as appropriate.

**DIRECTOR MALATJI:** Okay.

**ADV SIKHAKHANE:** But just on a point, I think you differed with the Chair that you found the venue that was there to be unsafe and you share the same sentiment as the  
20 Chair of the BEC.

**DIRECTOR MALATJI:** Yes, the BEC found the supply chain management premises unsafe to proceed. Hence the documents were removed there.

**ADV SIKHAKHANE:** And was there some integrity, assurances about moving the documents or the bids?

**DIRECTOR MALATJI**: If my memory serves me well supply chain management was, I will say it was involved. I remember whilst discussing the issue, there was a gentleman, I forgot his name, but a senior guy within the supply chain management acquisition department of direct trade. And this thing talked, if my memory still serves me well, he even went to an extent of seeing the venue at Premos and gave it a go ahead. That is how far I can remember. But SCM was involved, especially the  
10 management, before the removal of the documentation.

**ADV SIKHAKHANE**: Okay. Then at page 81, it says that there was non-compliance since there was a resignation of an SCM official from the process, from the BEC.

**DIRECTOR MALATJI**: Okay.

**ADV SIKHAKHANE**: And it goes through that. If indeed that is the case, would you then say it would have been, the BEC would have been improperly constituted in line with what we read about paragraph 28(2) of the regulations?

**DIRECTOR MALATJI**: I agree in terms of ...[incomplete].

20 **ADV SIKHAKHANE**: Okay. If you go to the recommendations, or perhaps just the last bullet point, it reads:

“The committee failed to execute its duties in accordance with the terms and conditions of the BEC appointment

letter.”

Would you accept that if that had been a failure, it would mean that the BEC had some challenges?

**DIRECTOR MALATJI**: Yes, yes, yes.

**ADV SIKHAKHANE**: Okay. Do you see the recommendations that say:

10 “In light of the above, it is our view that the bid was not evaluated in accordance with the prescribed SCM policies and procedures.”

Would you accept that that would follow?

**DIRECTOR MALATJI**: Yes, I do.

**ADV SIKHAKHANE**: And then the second line says:

“In a concerted effort to combat the abuse of supply chain management system, SCM recommends that...”

Now this is supply chain management.

**DIRECTOR MALATJI**: Okay.

20 **ADV SIKHAKHANE**: So, they are quite aware that they were not involved, that this bid be cancelled in its entirety. And then it then states what steps should have been taken.

**DIRECTOR MALATJI**: Okay, can you repeat your statement?

**ADV SIKHAKHANE**: No, I am saying SCM notes these recommendations, I mean those irregularities, which you

have agreed with.

**DIRECTOR MALATJI**: Okay.

**ADV SIKHAKHANE**: And then what they recommend as the ultimate step is that the bid be cancelled.

**DIRECTOR MALATJI**: Okay.

**ADV SIKHAKHANE**: And I think we went to the litigation that Commissioner Baloyi was talking about, about cancellation of this bid. What I would then, with the benefit of hindsight, perhaps, let us forget the court process. With  
10 these irregularities, it would be quite unfortunate that 800 million or so, a tender of that nature, would have been awarded in the light of these irregularities.

**DIRECTOR MALATJI**: Yes, I agree.

**ADV SIKHAKHANE**: Okay, thank you. Chair, I think that is, before I move on to the other section, I do not know whether, or should I just continue?

**CHAIRPERSON**: Please continue, we still have 9 minutes and some of these points look quite short, depending on what else you take, Mr Malatji to.

20 **ADV SIKHAKHANE**: Can I request that he continue with his statements? I think we have done the integrity, but I think for the record it is important that he puts it on from paragraph 20.

**DIRECTOR MALATJI**: Of my statement?

**ADV SIKHAKHANE**: Of your statement, apologies.

**DIRECTOR MALATJI:** Okay, thank you.

**CHAIRPERSON:** Just read the heading first, or did you do so already?

**DIRECTOR MALATJI:** Thank you, Commissioner.

**CHAIRPERSON:** Thank you.

**DIRECTOR MALATJI:**

10                   “The integrity of the bids received handed over to the BEC. Whether the bids provided to the BEC were sealed, whether the BEC addressed the unsealed. The integrity of the received bid was not compromised in that the bid received all the bids which tallied with the compiled list. Hence, we proceeded with our functions. The bids are normally received - they are normally received sealed by supply chain management administrative officials. They get unsealed by supply chain administration

20                   to *inter alia* to compile a bid register and general administrative compliance before they are handed over to the BEC. As a result, the bids handed to the BEC were not sealed.”

**CHAIRPERSON:** Sorry, sorry, when you say the bids are

normally received sealed by the SCM administration officials, at what stage do they get sealed? I am asking because the bidders would submit them and I assume they are not sealed at that stage, or are they sealed at that stage?

**DIRECTOR MALATJI:** No, no, I am referring to the fact that some of the bids would be sealed and they would seal differently.

**CHAIRPERSON:** You are not saying some. You say the  
10 bids are normally received sealed by the SCM administration officials.

**DIRECTOR MALATJI:** Yes.

**CHAIRPERSON:** At which point or at what stage would they have been sealed?

**DIRECTOR MALATJI:** I think at the point when they are submitted, when the bid closes, when they submit them.

**CHAIRPERSON:** Each bidder submits a sealed bid.

**DIRECTOR MALATJI:** Exactly, that is what I am saying.

**CHAIRPERSON:** And when you say normally, that seems  
20 to admit of exceptions. What do you mean normally?

**DIRECTOR MALATJI:** Normally, I mean to say under normal circumstances I cannot ...[intervenes]

**CHAIRPERSON:** Exactly my point. You cannot answer me by using the same term that I am questioning. So, what do you mean normally?

**DIRECTOR MALATJI:** Normally, I mean it is an acceptable norm, right bids are submitted sealed, but they ...[intervenes]

**CHAIRPERSON:** They may sometimes be submitted unsealed.

**DIRECTOR MALATJI:** Yes, it is true. Exactly.

**CHAIRPERSON:** All right, all right. Thank you. I think you were to start with the next heading, circumstances.

**DIRECTOR MALATJI:**

10                   “Circumstances around the missing bids  
and documents and removal of the bids  
from supply chain management premises,  
which were noted by BEC and the impact  
of all of this on the procurement process.  
I am not aware of any missing bids  
documents regarding the removal of the  
bids from supply chain management  
premises. The BEC took bids from  
supply chain management premises to  
20                   Tshwane Leadership Academy, Premos.  
Movement of the bids was necessitated  
by security issues absorbed by the BEC.  
For instance, movement of SCM officials  
in and out of the storage was not  
controlled. Cameras in the building were

not working and the supply chain management officials had unlimited access to the storage facility. We - I am referring to the BEC, made a request to move from the supply chain management building, which was approved by the Chairperson of the BEC. And the removal of this bid did not have any negative impact on the work of the BEC.

10           Whether I did get the...”

**ADV SIKHAKHANE:** Apologies, Mr Malatji. I just have a few questions on this subject.

**DIRECTOR MALATJI:** Okay.

**ADV SIKHAKHANE:** Now, in terms of the, did you share the sentiment of the Chair around the premises being unsecure?

**DIRECTOR MALATJI:** You mean the Chairperson of the BEC?

**ADV SIKHAKHANE:** Yes, the Chairperson of the BEC.

20   **DIRECTOR MALATJI:** Actually, he is the one who was saying, since there are these security issues that I am also observing, right, it would be in the interest of doing quality work by considering to move. But now, he then took it up with supply chain management officials, right, to entertain the issue of where the BEC could be moved and so forth

and so on. Hence, at the end of the day, a decision was taken to move the function to Premos, and it was moved there, and from there we went on with our work.

**ADV SIKHAKHANE:** Thank you. And did the Chairperson have the authority to do that?

**DIRECTOR MALATJI:** I am not sure. I am not sure, Commissioner.

**ADV SIKHAKHANE:** I say this because in the report that we went through earlier on in File 2, it is the very flag that  
10 SCM raised that the documents or the bids were moved without authorisation and communication from the head of SCM.

**DIRECTOR MALATJI:** Hence, I am saying I am not sure if he had the authority to do that, but what I am aware of, right, he interacted with one senior official within the supply chain management before the actual movement was effected.

**ADV SIKHAKHANE:** Okay. No, that is fine. I think I can take it further than that. If maybe just before we break for  
20 lunch, if the BEC had no authority, as the report suggests, right, and let us forget the Court Order to remove the bids, do you accept the following possibilities, that the integrity of the bids could have been compromised?

**DIRECTOR MALATJI:** I accept.

**ADV SIKHAKHANE:** Thank you. I think, Chair, then the

next paragraph we deal with the powers, the ad hoc powers to Mr Phiri, which is a new topic, so to speak.

**CHAIRPERSON:** Okay, or is the next one not the one that says whether I delegated powers?

**ADV SIKHAKHANE:** Correct.

**CHAIRPERSON:** Sorry. All right. Just about paragraph 24?

**ADV SIKHAKHANE:** Yes.

**CHAIRPERSON:** All right, all right. Let us deal with it  
10 when we resume after lunch. Let us adjourn until 2 pm.  
Thank you.

**ADV SIKHAKHANE:** Thank you.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Yes, Mr Sikhakhane.

**ADV SIKHAKHANE:** Thank you, Chair. Mr Malatji, are you comfortable?

**DIRECTOR MALATJI:** Thank you.

**ADV SIKHAKHANE:** When we adjourned for lunch, we  
20 were dealing with, we were going to the delegation,  
paragraph 24 of your statement. Can you turn to that page?  
It is page 6 of your statement.

**DIRECTOR MALATJI:** I am on that page.

**ADV SIKHAKHANE:** Correct. Can you then read that?

**DIRECTOR MALATJI:** -:

“Whether I delegated powers of allocation to anyone, in particular Mr AL Phiri, in respect of sites, to be guarded by service providers, rendering services to TMPD 2 ...”  
[intervenes]

**ADV SIKHAKHANE:** Sorry, can you just speak up. I am struggling to hear you.

**DIRECTOR MALATJI:** Thank you.

10 “Whether I delegated powers of allocation to anyone, in particular Mr AL Phiri, in respect of sites, to be guarded by the service providers, rendering services under TMPD 2020162017.”

**ADV SIKHAKHANE:** Thank you. Initially, we, I think we all, we agreed that for this tender, one of the companies that had been, just to use the word, appointed was Gubis Security Solutions. What my concern, or what I need to  
20 probe with you, is work that was allocated to them on or about January, or during January 2025.

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** Can you turn to file 2, page 283. Are you there?

**DIRECTOR MALATJI:** I am there, Commissioner.

**ADV SIKHAKHANE:** Thanks. So, you will see there that that is a notice of, notification of deployment, or for deployment, that is addressed to the directors of Gubis 85 Security Solutions. See that?

**DIRECTOR MALATJI:** I can see it.

**ADV SIKHAKHANE:** And you see that this was signed for by Mr AL Phiri?

**DIRECTOR MALATJI:** Yes, I can see that.

**ADV SIKHAKHANE:** Who is an Inspector for Assets  
10 Protection Services.

**DIRECTOR MALATJI:** Correct, Commissioner.

**ADV SIKHAKHANE:** At the time.

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** And can, and then, these are up from  
page 283, just to avoid any, just being tedious. These are  
same, are the notices of deployment that were signed by  
him. I think there is just two that were not signed by him. I  
will just get back to those. But what I want to probe is, just  
remind us where does Mr Phiri fit in the command, and in  
20 relation to you, within TMPD?

**DIRECTOR MALATJI:** Thanks, Commissioner. Mr LA Phiri  
is an Inspector within the Assets Protection Services. He is  
working directly under command and control of Dr Elvis  
Madihlaba.

**ADV SIKHAKHANE:** Elvis Madihlaba?

**DIRECTOR MALATJI:** Dr Elvis Madihlaba. He reports and he accounts to Dr Elvis Madihlaba. Dr Elvis Madihlaba, in terms of the structure, he reports to Reginald Mahlangu, even though he is assigned a duty to be responsible for Assets Protection Services Operations.

**ADV SIKHAKHANE:** Thank you. If you may go to page 300. This is another notification for redeployment. So the others, notices, notification for deployment, but I do not know why this one is redeployment. But what we see there  
10 is, again, it is directed to Gubis, and then Dr Madihlaba is the one signing. Is it the same Madihlaba you are referring to?

**DIRECTOR MALATJI:** Correct, Commissioner.

**ADV SIKHAKHANE:** Okay. Now I want to just check something with you, probe something with you. In terms of the powers or the responsibilities that Mr Phiri has, is he empowered to allocate or deploy services or allocate sites?

**DIRECTOR MALATJI:** He is not, Commissioner, empowered to allocate sites.

20 **ADV SIKHAKHANE:** Okay. And we have heard evidence from other persons, like Commissioner Faro, Deputy Commissioner Spies and Bolhuis, that indeed he was not so authorized.

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** You confirm that. Okay, I do not need

to go there. Now, were you aware of this deployment?

**DIRECTOR MALATJI:** I was not aware of this deployment, but at the time when it happened, I must inform the Commissioner that I became aware of deployments involving Gubis late in 2024, around December. When I got, I received a call from Gubis, and the call was about them complaining that they have been rendering *ad hoc* services, it is almost seven months, they have not been paid.

10           And I asked the caller as to which *ad hoc* services are you talking about, how did it happen that you are involved in *ad hoc* services, right, and you do not get paid, yet from where I am sitting, every service provider who is involved in *ad hoc* services, which were processed procedurally and formally, right, is not complaining about payments because the *ad hoc* services are paid from the department that has requested those services. And his explanation was that, yes, when they instructed us to deploy on the sites, they informed us that they are going to  
20 pay for the services.

          And I posed a second question to the caller, then why did you not make my office aware, right, of this deployments? He said, no, we took it light because the Department of Water and Sanitation sent us letters to deploy and they said they are going to pay for those

services, right. And during that discussion, there was no mention, I was not aware of the sites in question, the number in question, but I was made aware that those sites are many.

And you are saying we have now taken the matter up with the office of the CFO in order to try and get this issue resolved, right. And I said to him, look, from where I am sitting, you are aware that this *ad hoc* services were not, what do you call it, they were not given to you procedurally, and you are making, of course, my life very  
10 difficult to introduce me at the end when there are problems, but nevertheless, since I am responsible for the function, right, I am going to enquire about these *ad hoc* services, I am going to establish how it came about, who was, who instructed you guys to deploy and so forth and so on. So, when time goes on, indeed ...[intervenes].

**ADV SIKHAKHANE:** Apologies, when is this call, you said in December 2024?

**DIRECTOR MALATJI:** It was in December 2024, yes.

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

**DIRECTOR MALATJI:** Thereafter, from January, February, March, there were interactions between my office and Gubis, including the Department of Water and Sanitation around these *ad hoc* services. And it was during those interactions that, yes, it was said by Water and Sanitation

Department officials that no, we were hoping to, not hoping, we were going to pay for this *ad hoc* services, but something happened, the budget is not allowing. Then the question was, but guys, you know there is communication City wide, which communication says when there is a request for *ad hoc* services to be deployed, such a request should be directed to my office so that I can make sure due diligence is done.

And for the purpose of the Commission, due  
10 diligence I meant the requesting department would send me an email, for example, requesting *ad hoc* services. I would acknowledge receipt of this email and go back to them to say, colleagues, from which vote number are you going to pay this? They would then come back to me, provide me with the vote number, GL account number, from which they would be paying for the services. And thereafter, I would then instruct the office of Dr Madihlaba, right, to go and conduct security risk assessment on the site and or sites to which security, *ad hoc* security services are required.

20 They would go, they would come back, then I would then say, we need to allocate the company that is going to be able to execute and or perform these functions and we take it from there. So, once we have agreed, we then get the quotation from the company in question and we send it to the requesting department for them to approve. When

they have approved, then we deploy.

Once we have deployed, it becomes now the responsibility of my office through operational management team under Dr Madihlaba to ensure that they are treating those sites like any other site where on we have deployed security officers. Unfortunately, Commissioner, in this case, this procedure was not followed, hence, my statement to say, I knew after a very long time and part of the communication with them was, send me through details of  
10 these invoices and all of that, just for me to be able to know which sites, how many guards were involved and all of that.

Because, since from the beginning, I was not, what do you call, either by the, what do you call, either by the department concerned or my colleagues. And, they shared that information with me and yes, along the way, discussion about these outstanding invoices, right, was between my office and them and I became aware that at the executive management, there were discussions, there were meetings, there were emails exchanged, systems. But, at that level, I  
20 never participated, I was never informed of, come on board. Normally, it is my superiors who sit in there. Then, they would come back, like they did in respect of these invoices, to say, explain to us how it came about that this *ad hoc* services were allocated.

And, in my explanation, I said exactly what I am

telling the Commissioner. It was in black and white to my superiors. It started initially with Commissioner, Deputy Chief of Police, Commissioner Bolhuis. And, after Commissioner Spies was appointed, he also requested me for an explanation. The same explanation that I am giving to the Commissioner, I gave it to him.

And, as I was ...[indistinct] I would receive emails as part of people who are cc'd on those emails, hence, I could see that there was discussion, high level discussion, 10 about these outstanding invoices. There were proposals and or options suggested at that level where I was not invited to make any input.

Such emails, unfortunately, due to the fact that I am not having access to my office, I cannot avail to the Commissioner now, but, I made a commitment, I can avail them as part of my evidence to the Commissioner afterwards.

**ADV SIKHAKHANE:** Thank you.

**ADV KHUMALO SC:** Director Malatji, good afternoon.

20 **DIRECTOR MALATJI:** Good afternoon, Commissioner.

**ADV KHUMALO SC:** Do you remember what the question was? Do you remember what the question was that Advocate Sikhakhane asked you?

**DIRECTOR MALATJI:** I thought, okay.

**ADV KHUMALO SC:** I am trying to understand what you

are answering.

**DIRECTOR MALATJI:** Okay.

**ADV KHUMALO SC:** Because, at one point, you spoke about *ad hoc* services that were procured by other departments. And, when invoices came, there was a phone call to you and you knew nothing about that, which is fine. But then, halfway through your answer, you were dealing with allocations that were done through your department, and, your answer got confusing because we got lost there.

10 **DIRECTOR MALATJI:** Okay.

**ADV KHUMALO SC:** So, let me ask you this question. Who is authorized in your department to issue the type of letter that you see on page 283? So, the notification of deployment letter, who in your department is authorized to issue it?

**DIRECTOR MALATJI:** Primarily, it is myself.

**ADV KHUMALO SC:** Yes.

**DIRECTOR MALATJI:** Right. It is myself who is authorized, or, I can, with instruction, right, allow Dr  
20 Madihlaba or Phiri or any other to, say, allocate the ...[indistinct].

**ADV KHUMALO SC:** Now, in January and February 2025, did you issue such an instruction to either Phiri or Madihlaba?

**DIRECTOR MALATJI:** I did not, Commissioner.

**ADV KHUMALO SC:** Yes. So, when did you first become aware that this allocation letters were given to Gubis 85?

**DIRECTOR MALATJI:** To be quite honest, I do not have the exact date, but it is now recently.

**ADV KHUMALO SC:** No, it cannot be now recently because in March 2025, you knew that these letters had been issued to Gubis.

**DIRECTOR MALATJI:** Okay, thanks. Ja, thanks for that.

**ADV KHUMALO SC:** Do not thank me. It means you are  
10 not answering truthfully. You just said you only learned recently. When I corrected you, then you thank me.

**DIRECTOR MALATJI:** Okay.

**ADV KHUMALO SC:** I want you to concede that on the 12<sup>th</sup> of March 2025, you knew that sites had been added ...[intervenes].

**DIRECTOR MALATJI:** Yes.

**ADV KHUMALO SC:** For *ad hoc* services.

**DIRECTOR MALATJI:** Yes, I know. I knew.

**ADV KHUMALO SC:** Yes. And I do not want to go further  
20 ahead because I know Advocate Sikhakhane is still coming to that part.

**DIRECTOR MALATJI:** Okay.

**ADV KHUMALO SC:** I will ask my questions when we get there. But focus on the question that is being asked so that your evidence is structured.

**DIRECTOR MALATJI:** Okay, thank you.

**ADV KHUMALO SC:** Thank you.

**ADV SIKHAKHANE:** Thank you, Commissioner Baloyi, Commissioner Khumalo. I think we, at least we have gotten through the point where we are certain that these notices for deployment, you did not issue any instruction to either of the individuals. But there are two preceding points that I would like us to go through. One is how does this *ad hoc* work? We are getting very sort of not so clear answers  
10 about how does it work practically. When does the need arise for *ad hoc* services outside the normal services? And in relation, my worry is in relation to sites that are already subject to SLA's, how do *ad hoc* services come in? Can you just explain to me. And obviously this is part of your responsibilities as a manager or, and as a director for that, for those services.

**DIRECTOR MALATJI:** *Ad hoc* services arise the moment the department realizes that there is a need for security at either of their sites and they would ...[intervenes].

20 **ADV SIKHAKHANE:** Sorry, which department? Any department within the City?

**DIRECTOR MALATJI:** Any department ...[intervenes].

**ADV SIKHAKHANE:** Just give us details properly.

**DIRECTOR MALATJI:** Ja. Any department within the City. The moment it realizes that they need security outside the

ones that they are having, right, it becomes *ad hoc* security services. And they would send a request or they should send a request to TMPD, my office, right, for those services. And once those services, I mean those requests are received, my office would kickstart the process of making sure that due diligence is done before the actual deployment is affected. So due diligence, Commissioner, would include the, it would include my office acknowledging receipt.

10           I would instruct the operational team to do the security risk assessment, and once they are done with that, we would, I would identify right, a need for a GL account from the department to commit that they will be responsible for the payment of that *ad hoc* security services that they are requesting. And I would go back to them to say kindly provide GL account from which the services would be paid for the period that you are requesting.

          They would do that. And also the issue of we will then get the quotations and get them to sign, approve those  
20 quotations. Once this process is done and we deploy, I instruct deployment of the companies so identified and approved by the department. I must make a mention that *ad hoc* services is the responsibility, payment thereof is the responsibility of the department that is requesting *ad hoc* services.

**ADV SIKHAKHANE:** Thank you. And you would ...[intervenes].

**CHAIRPERSON:** Mr Malatji, I am noticing that your afternoon answers are very long. Can you please try to shorten them?

**DIRECTOR MALATJI:** Okay, okay.

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

**ADV SIKHAKHANE:** Thank you, Chair. I will try to move ...[indistinct]. So you say that in relation to these *ad hoc* services, well, there was a call with Gubis and yourself.

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** And they were complaining that they had rendered services.

**DIRECTOR MALATJI:** Correct.

**ADV SIKHAKHANE:** *Ad hoc* services.

**DIRECTOR MALATJI:** Correct, Commissioner.

**ADV SIKHAKHANE:** And out of interest, why was it, they were contacting you, your office, out of escalation or you know them?

20 **DIRECTOR MALATJI:** I know them like, I know them, they are part of the contractor services and, yes, I know them.

**ADV SIKHAKHANE:** And who in particular were you in a discussion with on this from Gubis?

**DIRECTOR MALATJI:** Then it is one Mr Calvin Mahlangu. I think he is the director of Gubis Security Solutions.

**ADV SIKHAKHANE:** Okay. And when there were complaints around that, did they submit invoices to you or timesheets of the work that they did or did you ask for a report?

**DIRECTOR MALATJI:** I asked for the report.

**ADV SIKHAKHANE:** From whom?

**DIRECTOR MALATJI:** From them through him to say in order for me to be familiar with this, I would need evidence, facts of, facts pertaining to the deployment, the deployment  
10 sheets, the sites and who requested you guys to deploy on those sites and the like. The entire information was submitted to my office.

**ADV SIKHAKHANE:** And did you request internal reporting, that is from your officials now?

**DIRECTOR MALATJI:** To be quite honest, no, Commissioner.

**ADV SIKHAKHANE:** So did you then, how did you ensure that what the, the information they gave you was accurate?

**DIRECTOR MALATJI:** My focus at the time was to confirm  
20 the accuracy of that information. What I did was to check with the department, right, since they were saying already they are with conducting, I mean they are complaining to the CFO's office about this. And the department officials confirmed that indeed this allocations were done. That is what I did, ja.

**ADV SIKHAKHANE:** So you, I must take it that you did double check and were satisfied that these services were indeed done?

**DIRECTOR MALATJI:** I was confirming, I confirmed the knowledge by that department, right, in terms of deployment, I mean request and to deploy and whatever, that was done by myself. And as to whether the services were done, yes, there was a meeting in which I wanted the company to check, I mean to confirm as to whether they did  
10 render the services.

And yes, they confirmed that internally they had their guys monitoring to ensure that those sites are meant and at some point they were even confirming with me that from asset protection services there were monitoring exercises done on those sites. They produced evidence to that effect.

**ADV SIKHAKHANE:** Okay, so just so that I understand, you, did you then speak with your team or you spoke with the department that was requiring services to check whether  
20 the services were rendered?

**DIRECTOR MALATJI:** I spoke with my team. We were meeting regularly about this and they were confirming that indeed, yes, these services are in place. And they were saying to me they are monitoring, right, the deployment of this, the guards on those specified sites. That is what I

have done with my team.

**ADV SIKHAKHANE:** Do you recall earlier on you said you did not get a report from your team?

**DIRECTOR MALATJI:** No, no, I meant, Commissioner, yes, I recall I said I did not get a report from my team, right, I meant prior to me knowing about this deployment, my team members did not talk about it.

**ADV SIKHAKHANE:** Okay, so you were satisfied that these deployments were done?

10 **DIRECTOR MALATJI:** I was. I was satisfied because both the department and my team members confirmed that indeed these guys were deployed. Yes, I was satisfied.

**ADV SIKHAKHANE:** Just to round up just on this point, would you be able to get confirmation or evidence of that or a report from your team and emails?

**DIRECTOR MALATJI:** I should, I should be able to get it. I should be able to get it.

**ADV SIKHAKHANE:** Okay, please note it as part of what needs to be done. Then, if you go, if we are still at page  
20 283, are you there?

**DIRECTOR MALATJI:** I am.

**ADV SIKHAKHANE:** Thank you. Now, I have been going through these, but what is peculiar to me is how does this deployment work. These ones are signed or issued on 14 January 2025.

**DIRECTOR MALATJI:** Okay.

**ADV SIKHAKHANE:** You see that. So the one that you were having a discussion with, with Gubis, which ones were those?

**DIRECTOR MALATJI:** I am not, I am not, I am not, I am not in a position to specify they were, there were a whole lot of it, a whole lot of them. There were a whole lot of them, so I am unable to say to the Commissioner whether this was part of them and also I looked at it from an  
10 overview point of view.

**ADV SIKHAKHANE:** And obviously, with these notices for deployment, I would presume they work forward, not backwards, as an instruction. So, meaning, I, using the process you are detailing ...[intervenes].

**DIRECTOR MALATJI:** Ja.

**ADV SIKHAKHANE:** You would get an email from a department that they need a service.

**DIRECTOR MALATJI:** Okay, yes.

**ADV SIKHAKHANE:** And then, later on, you then issue an  
20 instruction for deployment.

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** Now, would you accept that these ones, on the face of them, it would not have been the ones that you were talking about, because that one, you were talking about *ad hoc* services prior to 14 January 2025.

**DIRECTOR MALATJI:** I agree.

**ADV KHUMALO SC:** But let us just get this clear. The ones you were discussing with Gubis in 2024, was there a notification for deployment in any of those which was issued by an employee of your department?

**DIRECTOR MALATJI:** Not, not that I was aware of at that point in time.

**ADV KHUMALO SC:** So, the notifications that you saw, or you obtained from Gubis when you were doing your  
10 investigation, who had signed them, the deployment letters?

**DIRECTOR MALATJI:** Part of the evidence that Gubis presented to me included correspondence, email correspondence, between the department officials and Gubis themselves. That was part of the evidence.

**ADV KHUMALO SC:** So then, why did Gubis come to you to complain about non-payment? If they were deployed by a customer department, and the notification of deployment was issued by a customer department, why was Gubis coming to your department to complain about payment?

20 **DIRECTOR MALATJI:** I would not know, Commissioner, but I think they realized that whatever they were promised would happen, was not happening. And as they knew the procedure right, they thought Director Malatji would be able to help us get paid.

**ADV KHUMALO SC:** Because it seems to me that the only

reason Gubis would come to you is because they were armed with letters from your department that deployed them, because if the letters had been issued by a customer department within the City of Tshwane, then they would have gone to the people who issued the letters to say, pay our invoices. There would have been no reason for Gubis to come to you or your department to complain about non-payment if you did not deploy them.

**DIRECTOR MALATJI:** I agree with you, Commissioner.

10 **ADV KHUMALO SC:** Ja, but if you agree with me, then your answer does not make sense. Why did Gubis come to you to complain about non-payment, and why did you proceed to investigate those allocations if they were not authorized by your department, because all you needed to say was, my department did not allocate *ad hoc* sites to you. Go to the person who allocated *ad hoc* sites to you.

**DIRECTOR MALATJI:** Commissioner, in the process of us discussing this thing right, it was my office with Gubis. It was my office with the department that allocated *ad hoc* services to Gubis, right. And I, I am of, I think they came to me, the reason for them coming to me it is because they were not winning with the department, as it was said, the department promised to pay for those services.

And at the same time, they were not getting what they hoped to get in the office of the CFO right. They were

like, Director Malatji, what do we do? Hence, I was on record to say to them, guys, you ignored the process and you chose to do what you did. And now, afterwards, you are coming to me, right. So, I believe that part of the reason would be, they believed, no, Director Malatji will help because they got these deployment letters in their possession you see, something that I was not aware at that point in time, that they have got these deployment letters signed by officials from my office.

10 **ADV KHUMALO SC:** The new deployment letters?

**DIRECTOR MALATJI:** Come again?

**ADV KHUMALO SC:** When you say they came to you because they were armed with this deployment letters from your office, you are now talking about the 2025 deployment letters.

**DIRECTOR MALATJI:** I am talking about deployment letters pertaining to the outstandings that we spoke about in December right. And, yes, I would also, in the same breath right, talk to the one that it is attached here as evidence of

20 January 2025.

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

**ADV BALOYI SC:** Can I just follow up on that. With the December one, you say it is the Department of Water and Sanitation that had said to them they should deploy additional security.

**DIRECTOR MALATJI:** Yes, I am saying that.

**ADV BALOYI SC:** You nod. You agree. That is the December one. It is the Department of Water and Sanitation.

**DIRECTOR MALATJI:** Yes.

**ADV BALOYI SC:** And your department.

**DIRECTOR MALATJI:** Yes.

**ADV BALOYI SC:** So, it is in fact your department. The Water and Sanitation department identified the need, maybe  
10 spoke to Gubis, but your department did the deployment letter.

**DIRECTOR MALATJI:** Yes, they signed the deployment letter.

**ADV BALOYI SC:** So, it is your department. It is not Water and Sanitation that appointed them. It is, in fact, your department because your department issued the deployment letter.

**DIRECTOR MALATJI:** Yes, Commissioner.

**ADV BALOYI SC:** Okay. So, your department was  
20 responsible to ensure, having issued the deployment letter, your department was responsible to ensure that they get payment, right.

**DIRECTOR MALATJI:** Yes.

**ADV BALOYI SC:** The way that you are explaining how it works.

**DIRECTOR MALATJI:** Yes.

**ADV BALOYI SC:** Okay. Is there anything that was done wrong in that deployment, the December? We are talking about the December one, where your department issued a letter. Was there anything wrong done with that deployment?

**DIRECTOR MALATJI:** Commissioner, the December issue was, as I indicated earlier on, I received this call in December, and they were saying they are owed. It is  
10 almost seven to eight months, right. And I am saying yes, with regard to those invoices, which will also include the January invoices, right ...[intervenes].

**ADV BALOYI SC:** No, if you got a call in December, it does not include the January invoices.

**DIRECTOR MALATJI:** Okay, that is fine.

**ADV BALOYI SC:** So, let us stick to 2024 for now.

**DIRECTOR MALATJI:** Okay.

**ADV BALOYI SC:** You get a call in December, and it is about non-payment ...[intervenes].

20 **DIRECTOR MALATJI:** Yes.

**ADV BALOYI SC:** For the past eight months, you say.

**DIRECTOR MALATJI:** Yes.

**ADV BALOYI SC:** And you say the department that requested that service was Water and Sanitation.

**DIRECTOR MALATJI:** Yes, Commissioner.

**ADV BALOYI SC:** And that is *ad hoc* services.

**DIRECTOR MALATJI:** Yes, Commissioner.

**ADV BALOYI SC:** Okay. And your department issued the deployment letter for those months.

**DIRECTOR MALATJI:** Yes, in terms of that.

**ADV BALOYI SC:** Yes, so my question is, with all of that, is there anything that was done wrong by your department when it issued the deployment letter?

**DIRECTOR MALATJI:** Yes, because due process was not  
10 followed.

**ADV BALOYI SC:** Which is what?

**DIRECTOR MALATJI:** Which is ...[intervenes].

**ADV BALOYI SC:** What is the due process?

**DIRECTOR MALATJI:** To ensure that when there is a request for *ad hoc* services, we do security risk assessment. We confirm with the department requesting the services that they are going to pay for the services so requested. We go further to confirm with the department the vote number, right, the vote number from which they  
20 would be paid, so that once the deployment is done, we do not have a situation where after the facts we are asking ourselves who is going to pay. By the way, *ad hoc*'s would not be, under normal circumstances, would not be paid from normal annual operational budget of my department.

**ADV BALOYI SC:** So you say all of that was not done.

You found those processes were not followed. As the director of the department, did you do anything about the fact that processes were not followed, or you just facilitated payment to be made and that was the end of the matter?

**DIRECTOR MALATJI:** What I did was to interact and liaise with a view to determine all of these things, it is fine. But in terms of maybe taking, or, yes, taking disciplinary action against my officials, that I did not do at the time, and I take responsibility for not having done that.

10 **ADV BALOYI SC:** Why? Why did you not do it?

**DIRECTOR MALATJI:** No, I think, Commissioner, time was not just allowing for me to, you know, immediately after I became aware, right, even my seniors, right, were aware because this thing was already at the office of the CFO, right. And at that level, interaction was happening between my office, I mean, office of the CFO and office of the Chief of Police. At the same time, the office of the Chief of Police was investigating this thing, hence, an instruction came to me by Deputy Chief Commissioner Bolhuis to say  
20 there is this issue of *ad hoc* services, kindly explain why these things were, had happened unapproved, and then which sites were involved and all of that. So, it took me time trying to get the information together.

This could have affected my thinking to contemplate. You know, we are focused on this because

there was too much ...[indistinct] hence I am saying for my office not to take responsibility against these implicated officials, I personally take responsibility. It was not right.

**ADV BALOYI SC:** Ja, I am not at this point asking you to take responsibility for it. I am asking you why did you not hold the person responsible? I mean, if this was done effectively unlawfully, according to you, because it does not comply, or irregularly, at the very least, irregular because it does not comply with the ways of doing things. You find out  
10 in December. You are suspended in July, I think you said to us.

**DIRECTOR MALATJI:** Yes.

**ADV BALOYI SC:** So you had a good seven months to take disciplinary action against the subordinate and you did not. And in January we now have Mr Malatji and Mr Phiri signing further documents, maybe because no action is ever taken, maybe precisely because you do not do anything when you become away in 2024 about the 2024 ones. You do not do anything about it. It sends a message to Mr Phiri  
20 and others that this is okay to do. We can do this and get away with it.

And so there is more to it than I take responsibility for doing nothing. It is perhaps you abetted, consciously or unconsciously, you abetted this kind of conduct where things like this are done, money is paid, and there is

absolutely no consequence for it. And then Phiri does this in January and February.

You still do not act about it if you ever become aware of it, but maybe that is why he does it in January, it is because you have signalled as Head that there will be no consequence to this kind of thing.

**DIRECTOR MALATJI:** Commissioner, at the point when this issue was raised, I was, my focus was on getting to understand. I got to understand. Whilst understanding,  
10 there were requests from above to say, instructions, please give us explanation, and I did give explanation. And yes, I do not want to say to the Commissioner it was right for me not to take steps right. And further, I think it was wrong of my colleague to continue doing something that by the time, by January for example, they were aware that what has happened the previous year was wrong, and they continued doing it.

**ADV BALOYI SC:** Was it, let me ask maybe one last question. For those previous months where you say things  
20 were not done properly, who in your department gave those deployment letters, was it Mr Phiri again?

**DIRECTOR MALATJI:** Yes, I understand it is Mr Phiri.

**ADV BALOYI SC:** So even for the 2024 ones, it was Mr Phiri?

**DIRECTOR MALATJI:** Correct.

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

**ADV KHUMALO SC:** Just one thing from me. When you finished the investigation in relation to the December *ad hoc* allocations, and you formed a view that those allocations were irregular, why did you not stop them then? Why did you allow them to continue? Why did you not instruct that all *ad hoc* allocations stop pending the finalisation of an investigation?

**DIRECTOR MALATJI:** It came to my realisation,  
10 Commissioner, that though this was irregular, there were already discussions at the top which involved executive members right. And it was not easy for me right, knowing that even my superiors are aware of this. I remember in one email, I even suggested to my superior that maybe we should come together, have a discussion around this thing.

**ADV KHUMALO SC:** Continue.

**DIRECTOR MALATJI:** I even suggested to my superior that in response to his request for the background right, maybe we should come to a table to have a discussion  
20 around this anomaly. But nevertheless, at the end of the day, I did what he was requesting me to do, being to provide them with information. But now the question is, why did I not stop.

**ADV KHUMALO SC:** Yes, that is the question, why did you not stop it, because you could have. You are the Head of

this department, why did you not stop? You become aware in 2024 ...[intervenes].

**DIRECTOR MALATJI**: Yes.

**ADV KHUMALO SC**: That *ad hoc* deployments are being done irregularly and they are costing the City of Tshwane millions of rands, millions, and you do nothing about it. You do not stop them, you allow them to continue. And my question is, why did you not stop them? And it cannot be an answer to say there were discussions about non-payment  
10 of invoices. There should not have been invoices to begin with, because those allocations were done irregularly.

**DIRECTOR MALATJI**: Commissioner, from the explanation, actually, let me not say that. I did not, as I did not, right, I found it not difficult *per se*, but I would say my mind and any other one's mind, including my colleagues at the top right, that discussion was not at the fore at that point in time right, hence, it came at a later stage that this should be cancelled and, and, and, you see. So, it was ...[intervenes].

20 **ADV KHUMALO SC**: Director Malatji, you are not answering the question. Why did you not stop it? You do not have an answer. You do not know why you did not stop it. I want to move on to the 12<sup>th</sup> of March, when you were given an instruction, page 241 of that bundle.

**DIRECTOR MALATJI**: Okay.

**ADV KHUMALO SC:** Page 241 of file 2. Are you there?

**DIRECTOR MALATJI:** I am there.

**ADV KHUMALO SC:** So, if you start at 244, you will see that the Chief of the Police becomes aware that there are *ad hoc* services, they are not approved, and then gives an instruction. So, on 243, there is an email of 12 March 2025 at 16:04. Do you see that in the middle of the page, 243?

**DIRECTOR MALATJI:** 243.

**ADV KHUMALO SC:** The email of 16:04 on 12 March 2025.

10 Commissioner Spies has now been given an instruction, and he says, who approves and mandates *ad hoc* security services? Who decides to give this instruction? Who decided to give instruction for this, and how is this process managed? And then it continues to the next page. Bolhuis ...[indistinct] approved. But the instruction to you is on page 241, top of the page. This is addressed only to you, and you are now given a clear instruction that you must stop deployment of all *ad hoc* guards with effect from tomorrow morning, in other words, with effect from the 13<sup>th</sup>  
20 of March 2025. But you did not do that. You did not comply with this instruction. Why?

**DIRECTOR MALATJI:** It was not possible, Commissioner, to stop deployment of all *ad hoc* guards. I am saying it was not possible because it is not all *ad hoc* security services, right, that were not, that were having problems with

payment. Other *ad hoc* security services allocated to other departments, right, they did not have a problem. Now, I had a problem with the instruction being, what you call, I mean, cancel them all. I had a problem with that.

**ADV KHUMALO SC:** So you refused to comply with this instruction.

**DIRECTOR MALATJI:** No, no, no, I did not.

**ADV KHUMALO SC:** Did you comply with it?

**DIRECTOR MALATJI:** No, no, I did not cancel them all, I  
10 did not comply.

**ADV KHUMALO SC:** Did you cancel any? Even the irregular ones, did you cancel the irregular ones?

**DIRECTOR MALATJI:** They were, they were *ad hoc* services.

**ADV KHUMALO SC:** Director Malatji, did you cancel *ad hoc* deployments that were irregular after this instruction was given to you?

**DIRECTOR MALATJI:** I requested Commissioner Spies to, to put it in writing.

20 **ADV KHUMALO SC:** This is in writing.

**DIRECTOR MALATJI:** Yes.

**ADV KHUMALO SC:** This is in writing to you.

**DIRECTOR MALATJI:** It is fine.

**ADV KHUMALO SC:** It is an instruction to you. You are the Head of this department. Did you, you already knew in

December ...[intervenes].

**DIRECTOR MALATJI:** Yes.

**ADV BALOYI SC:** That some of the *ad hoc* deployments were irregular.

**DIRECTOR MALATJI:** Yes.

**ADV KHUMALO SC:** When I asked you earlier why did you not cancel them, you said there were discussions with your superiors.

**DIRECTOR MALATJI:** Yes.

10 **ADV KHUMALO SC:** And that was your excuse.

**DIRECTOR MALATJI:** Yes.

**ADV KHUMALO SC:** Now, two, three months later, your superiors are giving you a direct instruction to cancel these deployments, and you did not do so because you say you had a problem with it. In other words, you were happy for the City of Tshwane to continue in carrying irregular expenditure.

**DIRECTOR MALATJI:** It is not correct, Commissioner. I was not happy. I am not happy. These irregular *ad hoc* services, right, the Commissioner must appreciate that they were initiated by Water and Sanitation.

**ADV KHUMALO SC:** But they do not have authority. You have just said only you can do that.

**DIRECTOR MALATJI:** I agree.

**ADV KHUMALO SC:** The proper process is that you must

do that.

**DIRECTOR MALATJI:** I agree.

**ADV KHUMALO SC:** Now, your superior, the Deputy Chief of Police, on the instructions of the Chief of Police, instructs you to cancel all *ad hoc* guards with effect from tomorrow morning. You say I am not going to do that because I have a problem with the instruction.

**DIRECTOR MALATJI:** No, not necessarily. Commissioner, I am being honest. I have not said I will not do that. I  
10 remember ...[intervenes].

**ADV KHUMALO SC:** So let me cut you short. Which one did you cancel? Which deployment did you cancel after this instruction?

**DIRECTOR MALATJI:** There was no one that I cancelled. But, from Commissioner Spies ...[intervenes].

**ADV KHUMALO SC:** No, no, I did not ask for buts. I asked you which did you cancel, and you say you did not cancel any deployment.

**DIRECTOR MALATJI:** Correct.

20 **ADV KHUMALO SC:** So you did not comply with this instruction in its entirety.

**DIRECTOR MALATJI:** Yes, because this instruction, in my view right, was inclusive of those that did not have a problem right. I am aware that the Commissioner is saying what about this, that were allocated irregularly right. I think

there I had an oversight but ...[incomplete].

**ADV KHUMALO SC:** Ja, but why is it an oversight if there is a clear instruction? An oversight is something that you overlook. Here, it is a direct instruction to you from your superior and you disobeyed that instruction, and the City continued. I mean, these invoices, it was 14 million every month that the City continued to incur. I am only talking about Gubis. I am not even referring to other ones.

You knew that they were not regularly given, and  
10 your superior say to you, cancel them tomorrow. When you were suspended four months later, you still had not cancelled any of them.

**DIRECTOR MALATJI:** I agree because, Commissioner, bear with me. This, when this *ad hoc* services were dished out right, they were dished out by Water and Sanitation Department with the understanding between them and the service provider that they would pay from them. So, though my explanation would not hold water, right, the bottom line is, maybe if the Commission gives me an opportunity to go  
20 and check in my record the response that I gave to Commissioner Spies.

It is not true that I blatantly refused to carry out his instruction, right. But it is true that as we went along, what transpired is that we ended up, he ended up identifying Gubis, Triotic, Mogalagadi Security Services, and those *ad*

*hoc* services were terminated. I am the one who called them into a meeting. Actually, I am the one who drafted a letter for him to sign, and I called them into a meeting, right. I handed those letters of cancellation over to the three companies.

**CHAIRPERSON:** And that was, what, four months later?

**DIRECTOR MALATJI:** It was around, yes, it could be around, around, around ...[intervenes].

**ADV KHUMALO SC:** Let me help you. Go to 246.

10 **DIRECTOR MALATJI:** 246.

**CHAIRPERSON:** And that was on the 24<sup>th</sup> of June 2025.

**DIRECTOR MALATJI:** Yes.

**CHAIRPERSON:** Do you see that?

**DIRECTOR MALATJI:** Yes, I can, I see, I see.

**CHAIRPERSON:** Yes, and yet you say, at the time that you did not comply, immediately comply with the instruction which was for you to terminate the *ad hoc* services, the very following day, the following day being the 13<sup>TH</sup> of March 2025, I am looking at page 241, the email from Deputy Chief  
20 Spies, you say your problem, your only problem at that stage was that the instruction was inclusive of *ad hoc* assignments or allocations in respect of which there were no problems. Did I understand you correctly?

**DIRECTOR MALATJI:** Yes, Commissioner.

**CHAIRPERSON:** So you must have been aware as early as

at the time you knew that the instruction was inclusive of these other allocations as to which ones those were, or it should, at the very least, have been a matter of relative ease for you to identify which ones did not have any problems, not so?

**DIRECTOR MALATJI:** It is so, Commissioner.

**CHAIRPERSON:** And so why would it have taken you from 12 March 2025 to 24 June 2025 before you could comply with the instruction?

10 **DIRECTOR MALATJI:** Commissioner, I still maintain that I exchanged communication with Commissioner Revo Spies from this date in the run-up to when the cancellation was effected.

**CHAIRPERSON:** Remember, remember you agreed when Commissioner Khumalo was engaging you that this issue was something that you were engaging in with others as early as December of the previous year. You remember you said so in response to a question by Commissioner Khumalo?

20 **DIRECTOR MALATJI:** I do, Commissioner.

**CHAIRPERSON:** Now, surely if your view was that there were no problems at all with some of these entities as early as December of the previous year, you should have been beginning to see which ones have no problems at all and which ones do have problems as early as December of the

previous year. Maybe even that is kind to you.

**DIRECTOR MALATJI:** Commissioner ...[intervenes].

**CHAIRPERSON:** Not so? Not so?

**DIRECTOR MALATJI:** It is so, Commissioner.

**CHAIRPERSON:** It is so?

**DIRECTOR MALATJI:** Yes.

**CHAIRPERSON:** So now eventually in March, 12<sup>th</sup> of March 2025, you get direct categorical instructions, terminate these with effect from tomorrow which was the  
10 13<sup>th</sup> of March 2025. Why did you not do that in respect of those companies that you saw no problems, or rather in respect of those companies that certainly had problems or in respect of which there were issues? Why did you not do it on the 13<sup>th</sup> of March 2025?

**DIRECTOR MALATJI:** Commissioner, I am aware that there were discussions around payment of this companies, okay.

**CHAIRPERSON:** No, no, no, no, Mr Malatji. The issue could not have been around payment. The issue was  
20 around the propriety of the allocations. It was not about payments. The issue with regard to the instruction terminate this, it was not really about payments.

**DIRECTOR MALATJI:** I agree with you, Commissioner.

**CHAIRPERSON:** So, why do you bring in the question of payments?

**DIRECTOR MALATJI:** No, no, I was, I was trying to make the Commissioner aware that maybe the reason why I could not comply with the instruction at that point in time, it was as a result of communications that I was monitoring, communications ...[intervenes].

**CHAIRPERSON:** What communications?

**DIRECTOR MALATJI:** There were email communications involving my supervisor, Commissioner Spies, and others. But now, I might have made a mistake.

10 **CHAIRPERSON:** The content of which, or rather, what was the content of those communications? What were the communications about?

**DIRECTOR MALATJI:** The communications were about paying for these services, right. And participants were suggesting ...[intervenes].

**CHAIRPERSON:** But could you not have terminated the service and sorted out the question of payment later? Why must the services continue piling up the need for more payments? That does not make sense to me. Why not  
20 terminate immediately and sort out payment. Where payment was indeed due, sort that out later.

**DIRECTOR MALATJI:** I think, Commissioner, like I said, that could have been, actually has been an oversight on my part.

**CHAIRPERSON:** A serious oversight. A serious, serious

oversight. Do you agree?

**DIRECTOR MALATJI:** I agree, Commissioner.

**ADV BALOYI SC:** Can I just add to that, that it is actually more than, it is more serious than an oversight, because we know that in January and February, when Phiri issues these deployment letters, which you have already admitted he did not have that kind of authority, and he did not get that authority delegation from you, you never delegated him to do that, we know that in January and February, he cost an  
10 expense of R14 million, just Gubis. I think it is just Gibus, the 14 million, or 12, Gubis. It is R2 million which is not, in the circumstances is not a big difference. But he cost that much. When in December already, you were in a position to give him instruction not to issue any deployment letters further, you were in a position in December to give a directive to the departments that all requests must come through you, or you must be copied. You were in a position to do that. And you did not. You failed to do that.

And I want to put this to you, that in fact, you were  
20 the effective cause of that R14 million expense of January and February, because you chose not to stop Phiri, not to instruct him to stop any further letters of deployment for *ad hoc* services. You chose not to tell departments to direct their requests to you. You chose not to tell the service providers that all instructions must come through you, or

they must confirm with you that it is approved.

All of that, as Head of department, was within your power and just you alone. You had that power to do all of that. You failed. As a result, the municipality, because of Phiri, incurred a R14 million expense. And I do not think you should calmly sit there and say it is an oversight. I think you should take full responsibility for that expense, because it was well within your powers to avoid it and you  
10  
dismally failed, either because you chose to look the other way and not stop it, when you knew you had the power to stop it, or you were grossly negligent not to stop it. It is not oversight. I do not know if you want to comment, but the sum of what I am saying is you are responsible for that irregular expenditure of 14 million rand.

**DIRECTOR MALATJI:** Commissioner, I think, given the way things have transpired, at the end, yes. But I want the Commissioner not to lose sight of the fact that there is a department that which, irregularly from the beginning, right, ignored the instruction, right, the instruction that the City  
20  
has issued to all group heads in the City of Tshwane, to the effect that every *ad hoc* security services request should be directed to Asset Protection Services, TMPD. Therefore, I do not think it would be fair for the Commissioner to put all of these things squarely on my shoulders.

Yet, I am not the cause of the problem. I happened

to be in the bandwagon because I had a responsibility, something that I accept. But in terms of the cause of the problem, the department said they would avail funds to pay for these services. And the department went further to instruct Gubis to deploy security officers on sites that they identified themselves, right, which is not wrong because it is their site. But now, at that point in time, I was not involved. I was not aware.

**ADV BALOYI SC:** You see, if your department did not  
10 issue a deployment letter, if Mr Phiri did not issue a deployment letter, maybe let me ask you a question, rather a question. If Mr Phiri had not issued a deployment letter, would Gubis have been at the site without a deployment letter from you? Because I have looked at your service level agreement. It provides for contact people. It says you may be given, you may be asked to do certain things, but it must be in writing, right. So I have seen that in your service level agreement.

Had your department and Phiri not issued a  
20 deployment letter, would there be an obligation on the department to, on the City in fact, to pay for services that are done when Gubis does not have a deployment letter?

**DIRECTOR MALATJI:** The answer is yes, Commissioner.

**ADV BALOYI SC:** Yes.

**DIRECTOR MALATJI:** Right, because the information that,

which I do not have at my disposal now, right, but I will talk to that information for the information of the Commissioner, is that the department instructed Gubis to deploy security, *ad hoc* security services, on sites that they have identified.

**ADV BALOYI SC:** Let me read for you 8.2 of your service level agreement. It says:

10                   “Should it be necessary, the City may request the service provider to provide it with such additional services, which once agreed upon by the parties, which agreement shall not be binding until reduced to writing.”

**DIRECTOR MALATJI:** Yes.

**ADV BALOYI SC:** So your service level agreement tells the service provider that you have to have something in writing, which constitutes an agreement between us and you.

**DIRECTOR MALATJI:** Yes.

20                   **ADV BALOYI SC:** Phiri issues a deployment letter, which is signed by Phiri and by the service provider, so there is an agreement, right, between the City and the service provider. So what I am putting to you is, if Phiri had not issued a deployment letter, there would be no written agreement between the City and in particular the department that is responsible for administering these

agreements, right.

There would be no agreement between the service provider and the City. And if Gubis went on to do the work, the City would be able to say, well, we do not have an agreement with you. It would have a defence to that. But Phiri has denied the City that defence. So you cannot blame the department. The department requires the service, yes. But you have a service level agreement that says there has to, it has to be reduced to writing, and Phiri  
10 does exactly that.

And my gripe with you, or my issue with you, is had you stopped Phiri in December when you became aware that Phiri is a free agent, he goes about doing things that are way above his pay grade, when you became aware of it, had you stopped him, the R14 million that was incurred for January and December would not have happened. It would not. As a fact, it would not have happened.

**DIRECTOR MALATJI:** I agree, Commissioner.

**ADV BALOYI SC:** Yes. And that is my basis for saying  
20 you are responsible for that financial cost to the City, which is caused by Phiri and you are responsible by omission. You failed to act. And the question is whether, was it deliberate that you do not act when the facts called for you as Head of department to act? Did you deliberately hold off and therefore created an environment where Phiri does

what he does, or you were negligent?

And if you were negligent, it is grossly negligent, which in fact borders on intention. That is what I am saying. That is a basis for my saying you are responsible for causing that irregular expenditure. If you want to comment, you can, but that is what I am putting to you. That is my position about it.

**DIRECTOR MALATJI:** No comment.

**ADV BALOYI SC:** All right, thank you. Thank you, Mr  
10 Sikhakhane.

**ADV SIKHAKHANE:** Thank you, Commissioners. Just on logistics, can I just request a 5 minutes adjournment, just there is some logistical issue that I need to address.

**CHAIRPERSON:** Let us adjourn. We will come back when it is indicated we should.

**ADV SIKHAKHANE:** Thank you.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Yes, Mr Sikhakhane.

20 **ADV SIKHAKHANE:** Thank you, Chairperson, and thank you for the indulgence. Mr Malatji, we were, you have been taken to the notices for deployment, but I just want to go back to the 2024 *ad hoc* instructions. And I think factually we have established that, and you have stated or testified that there were, those ones were irregular, the ones in

2024.

**DIRECTOR MALATJI:** Indeed.

**ADV SIKHAKHANE:** And can you then accept, and obviously with hindsight, that that would have cost the department or the City a lot of money?

**DIRECTOR MALATJI:** Yes, it has cost the City.

**ADV SIKHAKHANE:** And it is your role as a manager in that department to also prevent wasteful and irregular expenditure. Do you accept that responsibility?

10 **DIRECTOR MALATJI:** I do.

**ADV SIKHAKHANE:** Thank you. Then, can we then move to the 2025 deployments. Now, I want to just probe out of interest, what is the level of interaction that you have with Gubis?

**DIRECTOR MALATJI:** The level of interaction that I have with Gubis is almost the same level of interaction that I have with all of the contracted security companies. It is official. It is informed by the relationship that is governed by the SLA and contractual terms and conditions, TMPD20

20 ...[intervenes].

**ADV KHUMALO SC:** Mr Malatji, please try to speak up. I appreciate that it is late in the afternoon, but I could barely hear your last answer.

**DIRECTOR MALATJI:** Okay. I was saying, Commissioner, thank you. I was saying the level of interaction with Gubis

it is the same level of interaction that I have got with other service providers who are part of the 22 entities.

**ADV SIKHAKHANE:** Thank you. And, so, do you regularly have engagements with them via telephone?

**DIRECTOR MALATJI:** I would not be ...[incomplete].

**ADV SIKHAKHANE:** To be fair with you, the background is that they were able to get hold of you quite easily.

**DIRECTOR MALATJI:** Yes, all the contractors, all the contractors when they get, I mean, when they need to get  
10 hold of me, they get hold of me. I do not think there is any special relationship. I do not have any special relationship with Gubis in particular compared to others. The relationship ...[indistinct].

**ADV SIKHAKHANE:** And roundabout, they would have been appointed in 2021, 2022 roundabout, you would have had several interactions with Gubis.

**DIRECTOR MALATJI:** I had several interactions with Gubis, including the rest of the 22, more especially roundabout at that time, because that was when the  
20 contract was starting. That was when the deployment was kicking off, and immediately after it kicked off, that was when we, when I interacted with them for operational reasons.

By the way, as the director responsible for the function, I meet with the service providers regularly, even

though sometimes it does not happen, but in terms of the service level agreement, I am to meet with them almost every month, and I hope the Commissioner understands my response.

**ADV SIKHAKHANE:** So you are saying you, and essentially that is what is called contract management.

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** So you are saying that you meet with the service providers monthly, is that what you are saying?

10 **DIRECTOR MALATJI:** In terms of the service level agreement ...[intervenes].

**ADV SIKHAKHANE:** No, I am saying factually.

**DIRECTOR MALATJI:** Factually, yes.

**ADV SIKHAKHANE:** Is that what you are saying?

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** Okay, thank you. And is that detailed somewhere?

**DIRECTOR MALATJI:** In the service level agreement ...[intervenes].

20 **ADV SIKHAKHANE:** No, no, I am saying a report or minutes of some sort. There is no minutes or there are minutes?

**DIRECTOR MALATJI:** Director, company directors' minutes are there, right. They are kept in the office, and yes, there should be evidence to that effect. I must bring it

to the attention of the Commissioner that even though the service level agreement says as director responsible for the function, I should, but sometimes such meetings take place with me not being there as a result of engagements here.

**ADV SIKHAKHANE:** And between November 2024 and March 2025, how many meetings did you have with Gubis?

**DIRECTOR MALATJI:** I would not be sure of the exact number of meetings, but there is a record to the effect that we had meetings once discussing this issue of *ad hoc* services. And there was also a time when we met to, for me to hand over termination letters to Gubis and the other two companies.

**ADV SIKHAKHANE:** No, that would have been in June 2025. I am saying prior to that, January, February, March, December, did you have any meetings with Gubis or Mr Mahlangu?

**DIRECTOR MALATJI:** Not to my knowledge. Not to my remembrance.

**ADV SIKHAKHANE:** Okay, thank you. I think the Commissioners have taken you through the irregularities of the pages of the notices for deployment, and I do not want to belabour the point, but just to summarise, I think it is established that the, let us just call them the 2024 deployments, were irregular, and the 2025, January deployments, which we have in file, were equally irregular.

Can you accept that?

**DIRECTOR MALATJI:** I think so.

**ADV SIKHAKHANE:** That is what we have established. And at the time, you were responsible for this, for the APSS, albeit there is other people involved, but you were at a senior level.

**DIRECTOR MALATJI:** Yes, Commissioner.

**ADV SIKHAKHANE:** And then if we go to page 238 of the second file, file 2. Apologies, apologies, can we go to, let  
10 us start at 418. That is the end of the file. It is just one question that we are dealing with and then, are you there?

**DIRECTOR MALATJI:** Yes, I am there, Commissioner.

**ADV SIKHAKHANE:** Would you recall this exchange between yourself and Veli Nwandule? Essentially, just to refresh your mind, he is complaining about unlawful happenings. In particular at page 414, he talks about irregularities. At the second last paragraph or heading, he says:

20 “13 requisitions have been created by yourselves to the tune of 8 million without invoices, and yet you expect 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 call centre owner upon clarity.”

But do you know anything about this? Do you  
recall what gave rise to this?

**ADV KHUMALO SC:** Maybe just before he answers,  
Advocate Sikhakhane, identify the email, the date of the  
email, who is the addressee, who is it addressed to, then go  
to the specific paragraph.

**ADV SIKHAKHANE:** Apologies. The email starts at 413.  
10 It is from Veli Nwandule directed to yourself.

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** It copies Umashi Dhlamini, amongst  
others.

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** Including Commissioner Bolhuis, and  
the CFO, and the Chief of Police. You see that? And the  
subject says:

“Re APSS – (None) Payment of service  
providers.”

20 **DIRECTOR MALATJI:** Yes, I see it.

**ADV SIKHAKHANE:** Ja, so I just am interested in your  
recollection of this and what he stated about these  
requisitions that were created without invoices.

**DIRECTOR MALATJI:** I do not recall myself creating  
requisitions without invoices. I do not recall that,

Commissioner.

**ADV SIKHAKHANE:** Okay. Would you be able to retrieve if you responded to this email? Do you know if you responded? Do you recall whether you responded to this email, because it is a serious accusation?

**DIRECTOR MALATJI:** I remember exchanging emails with Veli Nwandule, but as to this specific issue, I am not sure if this specific email forms part of the exchanges that we had. But, yes, I should be able to go into the system and then  
10 revisit communications that I personally made with Director Nwandule and confirm if it relates to this. And then, yes, see what were my response to this allegations.

**ADV SIKHAKHANE:** Thank you. And I think, to be fair to you, I will give you that opportunity to do that, amongst other things, to retrieve your emails that would either disprove or confirm what you have been stating this afternoon. So I will not take the point further on this for now. We will just park it.

**DIRECTOR MALATJI:** Okay.

20 **ADV BALOYI SC:** Can I just ask, Mr Malatji, this payment issue, this payment issue here that is in these emails, is this the one that we were discussing earlier, when you say you were called by Gubis and informed that they were not getting paid? Is it the same issue?

**DIRECTOR MALATJI:** Commissioner, I am not sure if it is

the same issue because it, there were other invoices, I mean there were other *ad hoc* services invoices, which are different from this.

**ADV BALOYI SC:** Okay.

**DIRECTOR MALATJI:** Yes.

**ADV BALOYI SC:** Okay, that is fine. Thank you.

**DIRECTOR MALATJI:** Thanks.

**ADV SIKHAKHANE:** Thank you. Let us go back to page 238. Apologies. Again, as I said earlier, I will not belabour  
10 the point, but what we see is this is an email, I think Commissioner Khumalo had taken you through to this email. This is an email from Commissioner Umashi Dhlamini, dated 12 March 2025, and it is addressed to Revo Spies, copying, amongst others, the Chief of Police, Commissioner Bolhuis and yourself.

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** And he raises a point in the email that there is overspending that is linked to *ad hoc* services and *ad hoc* duties, and then he is requesting that funds be made  
20 available for *ad hoc* duties. You see at the end of the email?

**DIRECTOR MALATJI:** Okay.

**ADV SIKHAKHANE:** He is saying further that you explore the possibility of engaging the requesting sister department, which is, I think, I do not know, but I think you had spoken

earlier about Water and Sanitation, and to persuade them, and you will have to answer that, persuade them to engage the CFO to approve or make funds available for *ad hoc* duties, that upon approval and availability of the said funds, the necessary journal be made accordingly so that our budget is not overburdened, correct? Now in your management of these, because your office would be the one that manages these services, correct?

**DIRECTOR MALATJI:** Correct.

10 **ADV SIKHAKHANE:** As we went through. Now, did you share his sentiment that the *ad hoc* services were increasingly out of budget?

**DIRECTOR MALATJI:** I did, yes.

**ADV SIKHAKHANE:** Okay. And you will see that attached to that email, you would have known is at 239, item 6. And basically, I think it is just a list of the sites and the invoice amounts that were owed, so to speak, that had been allocated as at that time.

**DIRECTOR MALATJI:** Yes.

20 **ADV SIKHAKHANE:** And can you confirm that that is the attachment that you are aware of?

**DIRECTOR MALATJI:** Yes, that is it.

**ADV SIKHAKHANE:** Okay. And you see that in this attachment, we have essentially three entities that invoices have been pushed for.

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** Because this email does not talk of the 22, it is specifically three entities.

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** Now, there is Triotic, Mogalagadi, but I want to concentrate on Gubis.

**DIRECTOR MALATJI:** Okay.

**ADV SIKHAKHANE:** Gubis is allocated sites of a total of 37.

10 **DIRECTOR MALATJI:** I can see, yes.

**ADV SIKHAKHANE:** Correct. Now, can you explain, and in a normal world, it would have been that you would have gotten an email, this is according to the process you are detailing.

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** You would get an email from a department, I would imagine these are all from Water and Sanitation.

**DIRECTOR MALATJI:** Yes.

20 **ADV SIKHAKHANE:** That would be requesting these services and you assess them and you see that there is indeed a need for these services in a normal system process, correct?

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** And then you would then, let me say

your team ...[intervenes].

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** But ultimately you will sign them off ordinarily.

**DIRECTOR MALATJI:** Okay.

**ADV SIKHAKHANE:** You will then say I am appointing, I am signing these notices of deployment to these people so that they can provide security services.

**DIRECTOR MALATJI:** No, no, I would not, I would not do  
10 that.

**ADV SIKHAKHANE:** No, no, I am saying, we are talking at a just general level normally.

**DIRECTOR MALATJI:** Okay.

**ADV SIKHAKHANE:** That would be the case.

**DIRECTOR MALATJI:** Of signing out this number of sites to one company?

**ADV SIKHAKHANE:** I am saying the process. Earlier on you talked about ...[intervenes].

**DIRECTOR MALATJI:** Yes.

20 **ADV SIKHAKHANE:** There would be a request for services.

**DIRECTOR MALATJI:** Okay.

**ADV SIKHAKHANE:** It would come via email to you.

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** You make an assessment of the need.

**DIRECTOR MALATJI:** Okay, yes.

**ADV SIKHAKHANE:** Then you then issue a notice for deployment, correct?

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** So I am saying in relation to these sites, generally in a perfect world ...[intervenes].

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** That would have been the process followed.

10 **DIRECTOR MALATJI:** That would have been the process followed.

**ADV SIKHAKHANE:** Correct.

**DIRECTOR MALATJI:** And what I want to say going forward is given the process, the said process, right, I would not allocate such a number of sites to one company. I would not, because that in itself would create a challenge, right, not only for me, but for the City. It would even create a challenge with other contracted service providers once they realize that Gubis is allocated 37 sites at a go and  
20 some are not even allocated one, hence I am saying I would not allocate such a large number to one security company.

**ADV KHUMALO SC:** Director Malatji, this document that we are looking at on page 239, remember Advocate Sikhakhane showed you that it is an annexure to this email on 238.

**DIRECTOR MALATJI:** Yes ...[intervenes].

**ADV KHUMALO SC:** Do you see that it is an attachment?  
Sorry.

**DIRECTOR MALATJI:** Yes, yes.

**ADV KHUMALO SC:** And then in that email they say 30 additional sites were added in January and then 6 were added in February.

**DIRECTOR MALATJI:** Yes.

**ADV KHUMALO SC:** Now if you go to this document on  
10 page 239, it talks to *ad hoc*'s only for the month of January because if you look at the top of the page on your left, the third line, it says:

“January security *ad hoc*.”

Do you see that?

**DIRECTOR MALATJI:** Yes, I see.

**ADV KHUMALO SC:** And this is January only. Now look at the cost on page 240. So you are looking at easily R17 million.

**DIRECTOR MALATJI:** Yes.

20 **ADV KHUMALO SC:** Because it is that 14 for Gubis and then the 3 million for the other companies. Do you see that?

**DIRECTOR MALATJI:** I see.

**ADV KHUMALO SC:** Now there should have been no difficulty with you identifying which are these additional 36

sites, because you have them in this attachment already. So when you were instructed to stop them the following day, all you needed to do was to go to this document and say which are those additional 36 sites, I have been instructed to stop them tomorrow in order to save the City at least R14 million a month and nothing stopped you from doing that.

So your answer that some of them were previously authorised by customer departments, it does not help you, because these ones are the additional ones which are the  
10 subject matter of this email, and it is on the same day that both the Chief of Police and the Deputy, Revo Spies, instruct that they be cancelled. Do you see that?

**DIRECTOR MALATJI:** I do. I do.

**ADV KHUMALO SC:** So, you did not have to go out and conduct an investigation. You have that list attached to the email. It was not difficult to say looking at this report, which are the additional sites that were added in January, because you get the months there, it tells you, for example, Klipgat, you know it is October 2024, item 1 on page 239.  
20 So you do not have to. And then you look at Refilwe and then you have got the item there, and then the other ones that are added without dates.

Just looking at this report, it should have been very easy for you to identify which additional sites were added in January and February and to cancel them the following day.

Your explanation that others were previously allocated correctly simply does not hold water.

**DIRECTOR MALATJI:** Commissioner, the instruction was saying all *ad hoc*'s, right. And the, what came to my mind was this was not the only *ad hoc*'s that I was instructed to cancel.

**ADV KHUMALO SC:** But I am asking you about these ones. Why did you not cancel these ones, because with these ones you cannot say they were previously allocated  
10 correctly. The email tells you that they are additional from January and February. And your Chief of Police, Chief Faro, says there is no budget for this. There is no money. And this is 17 million every month.

**DIRECTOR MALATJI:** Commissioner, I agree. Like I previously said, that it could, it has been an oversight on my part. But, Commissioner, please allow me to go and revisit this communication, because here we are dealing with one-sided side of the story, and as to whether I responded to this instruction, how I responded, the  
20 Commission is kept in the dark.

I am not implying that somebody might have done it to hide information, but I am saying as far as this is concerned, can the Commissioner allow me to go and check as to what were my reasons for not carrying out the instruction immediately, if any. If it happens that I did not

respond to this email positively or negatively, you see, that would then mean there was this oversight or the Commissioner said negligence on my part. But can the Commissioner allow me time to go and check this specific email in particular, because I know with this one, the previous one, right, there were exchanges of information.

But as to why, what I responded, how I responded to is not part of this email. I would even know, but I am not suggesting that somebody has played it naughty to, what  
10 you call me, out of the picture. But I am requesting the Commissioner to allow me time to go and look into this and respond. If I did not respond, I do not carry instruction. I think well and good, I will accept that I did not. I have got ...[intervenes].

**CHAIRPERSON:** Continue, continue.

**DIRECTOR MALATJI:** I have got a reason why I am pleading with the Commissioner to, I have got a reason why I am pleading with the Commissioner to allow me time, right, to go and have a look, right. I got it difficult to  
20 access my office for the past 9 months or so to date because conditions of my suspension, they included that I should not find myself next to any office of the municipality, right, except when I am called upon to appear before the hearing.

So, as I was preparing my statement, it came to my

attention that Mr Revo Spies issued an instruction to some of the officials that are in my office not to give me any piece of information that I might need in order to prepare myself for today's testimony. So, I asked myself and I am continuing to ask myself, why would that be the case, right? What is it that Commissioner Spies is hiding, right? What is it?

Maybe he issued this instruction so that he could manipulate communication systems and all of that and when  
10 I appear before this Commission, right, there is only one side of the story. The other side of the story the Commission is not hearing, but this can only be decided upon by the Commission should, when I am given that opportunity. And I would request to the Commissioner to, I mean the, yes, the Commissioner, to direct a communication to the City of Tshwane and get the TMPD management, right, to allow me access, right, to my office to allow me access to my colleagues with a view to try and get information that might assist the Commission to do its  
20 work.

Given what transpired not long time ago when I was preparing my statement, I am worried. The instructions so issued have created an environment of fear within the department. Those have been expressed with me by people I believed they are able to assist, right. And it really made

my testimony very difficult if not rendering it ineffective, because somewhere I would be asked a question, some of these questions, if I happened to have access to my office, right. I would have, as part of annexures, evidence, attach them, right. I think let me stop at this, the rest will follow as we go down.

**CHAIRPERSON:** Mr Malatji, you are at liberty to supplement your statement. The evidence leaders will assist you to source whatever documents you require. I am  
10 sure that with the communication from them that will be quite easy to achieve. And then as to whether you will give testimony again with regard to what you are able to elicit from what is available, that is with regard to whether that will be in the form of a statement, supplemented statement, or whether it will be by way of oral testimony again, that is something that will be decided down the line. Does that satisfy you?

**DIRECTOR MALATJI:** It does, Commissioner. Thank you.

**CHAIRPERSON:** Thank you.

20 **ADV KHUMALO SC:** Director Malatji, just to conclude on this point. You were suspended in July of 2025, right.

**DIRECTOR MALATJI:** Right.

**ADV KHUMALO SC:** But before your suspension, the City of Tshwane had to follow the terms of the collective agreement and you were first given the opportunity to

explain why you should not be placed on suspension.

**DIRECTOR MALATJI:** Correct.

**ADV KHUMALO SC:** Correct, because, and that would have been in June. It would have been a month prior to your suspension, correct?

**DIRECTOR MALATJI:** Correct.

**ADV KHUMALO SC:** And by that point, Commissioner Spies had investigated your conduct and he had established that as far as he was concerned, you had committed  
10 misconduct. The invitation to you to say why you should not be suspended was premised on the fact that he thought you had committed misconduct.

**DIRECTOR MALATJI:** Commissioner, under normal circumstances it should be like that, but I want to bring it to the attention of the Commission, the Commissioner that I got suspended in July and also received charges and what have you. But it was in September, if my memory still serves me right, that I received a call from the investigator who was calling to say, Mr Malatji, I am calling because I  
20 am investigating this case of misconduct against you and I wanted to check if we could meet just to take each other through what the allegations are. And my response to the caller was, thanks very much for highlighting that ...[intervenes].

**ADV KHUMALO SC:** Mr Malatji, I do not want to do this to

you ...[intervenes].

**DIRECTOR MALATJI**: Okay.

**ADV KHUMALO SC**: But you are going to the period after your suspension. I am more interested in the period before your suspension.

**DIRECTOR MALATJI**: Okay.

**ADV KHUMALO SC**: The reason given to you for the suspension was that the City or TMPD believed that you had committed misconduct.

10 **DIRECTOR MALATJI**: Yes.

**ADV KHUMALO SC**: And that had been investigated, at least the preliminary investigation, was by Commissioner Spies up to June, because you were invited to give reasons why you should not be suspended in June, and then you were suspended in July, correct?

**DIRECTOR MALATJI**: Correct.

**ADV KHUMALO SC**: Yes. And those reasons related to your failure to manage this *ad hoc* deployments, correct?

**DIRECTOR MALATJI**: Not correct.

20 **ADV KHUMALO SC**: So what were you suspended for? What is the reason that was given for your suspension?

**DIRECTOR MALATJI**: There are two reasons. I am talking to the charges. I failed to declare directorships, I mean to declare all directorships of my companies. Number two, I failed to penalise service providers who, whilst they are

deployed, right, had activities happening that which led to the municipality losing the what you call. I am facing these two charges. There is no charge of me having failed to comply with any instruction.

**ADV KHUMALO SC:** Director Malatji, I did not ask you about the charge sheet.

**DIRECTOR MALATJI:** Okay.

**ADV KHUMALO SC:** I asked you about the suspension letter.

10 **DIRECTOR MALATJI:** Okay.

**ADV KHUMALO SC:** And in the interest of time, because I see that you are struggling with some of these questions, when you do prepare a supplementary statement, please produce that suspension letter.

**DIRECTOR MALATJI:** Okay.

**ADV KHUMALO SC:** And the letter that preceded it, and your response to that letter.

**DIRECTOR MALATJI:** Thank you.

20 **ADV KHUMALO SC:** Because those are the documents I am interested in, not the charge sheet.

**DIRECTOR MALATJI:** Oh, okay. No, it is fine.

**ADV KHUMALO SC:** Thank you. So please make a note of that, but the evidence leaders will assist you.

**DIRECTOR MALATJI:** Okay.

**ADV KHUMALO SC:** All right.

**CHAIRPERSON:** How much longer do you think we will be, Mr Sikhakhane?

**ADV SIKHAKHANE:** Chair, can I try and ask for 10 minutes maximum?

**CHAIRPERSON:** Alright, thank you.

**ADV SIKHAKHANE:** Thank you, maximum. Some of these points have been canvassed. What, I think we have accepted, and I think in relation to what you have spoken about as one of the charges, was that obviously with your  
10 management, what has happened, as a matter of fact, is that a lot of money has been paid, which is irregular and that is where, and it benefited some service providers within the, and amongst them, it is Gubis.

In these, you said in your statement, just to be pointed, paragraph 27 of your statement, and perhaps you can assist me if I am interpreting it wrongly, you say:

20 "I am unaware that Gubis 85 Solutions (Pty) Ltd received many allocations for the provision of *ad hoc* security services."

Now, if you compare that to the attachment, would you still maintain that statement?

**DIRECTOR MALATJI:** No, I would not maintain, but I would rephrase the statement to say, before I received that complaint, I was not aware. But now that I have seen this,

and immediately after, when we started engaging about their complaint, it came to light that they write, I would not, what do you call ...[intervenes].

**ADV SIKHAKHANE**: Okay. No, no, fair enough, I was just raising it so that we rephrase it accurately about what transpired. Now in all this correspondence and email, you say also that your immediate superior, am I correct to say it was Sean Bolhuis?

**DIRECTOR MALATJI**: Yes, before Revo Spies.

10 **ADV SIKHAKHANE**: Before Revo Spies.

**DIRECTOR MALATJI**: Yes.

**ADV SIKHAKHANE**: And generally, what was his role? Was he also aware of these *ad hoc* services, or did you inform him?

**DIRECTOR MALATJI**: After, after, after ...[intervenes]

**ADV SIKHAKHANE**: That is in relation, I think, let us stick to the 2024 *ad hoc* services, the deployments for 2024, what was his level of involvement?

**DIRECTOR MALATJI**: No, no, as far as I remember, right,  
20 he was not aware, as much as I was not aware prior to December, but after December, he became aware that there are these *ad hoc* services, and then we started exchanging, communicating around them. He started asking me for reports. He started wanting to know from me, right, how it came about that these were allocated.

**ADV SIKHAKHANE:** But equally, he did not do, he did not stop those services.

**DIRECTOR MALATJI:** Exactly my point.

**ADV SIKHAKHANE:** Okay. And then, in this exchange, and the direction that you have, if you go to the page 243 of file 2.

**DIRECTOR MALATJI:** Yes, I am there.

**ADV SIKHAKHANE:** This is an email from Revo Spies to Commissioner Dhlamini.

10 **DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** Coping amongst others, the Chief of Police, and yourself.

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** And Revo Spies asks:

“Who approved and mandated *ad hoc* security services? Who decided to give the instruction for this, and how is this process managed, and managed within the department?”

20 Right. What is not apparent in all of this exchange is your response, and perhaps you are going to deal with it in your supplementary, but what we do not see is you, the person that deals with these services within your department, does not at least give clarity that, no, I am aware of these things, or I am not aware, I am going to

investigate. There is no interaction that at least we have in our possession. But perhaps, to be fair to you, maybe you can look whether you did respond, and say, and interact or reacted to this message. Can I just give you that indulgence, rather, for this purposes.

**DIRECTOR MALATJI:** I know I responded to ...[intervenes].

**ADV SIKHAKHANE:** You did respond, okay.

**DIRECTOR MALATJI:** I did respond.

10 **ADV SIKHAKHANE:** What was your response?

**DIRECTOR MALATJI:** My response was, this *ad hoc* services were called upon, were requested by the department, not requested, were done by the department, and I based my response on information that I gathered during investigation, right. And I went further to say, it is said the requesting department has committed to paying for this. I even indicated to Commissioner Spies that this has already been communicated to your predecessor, right. I attached information that I communicated to his  
20 predecessor, being Commissioner Bolhuis, on the email.

**ADV BALOYI SC:** Did you tell Deputy Commissioner Spies that Mr Phiri is the one that approved these deployments, because the question wants to know who approved and mandated the *ad hoc* security services. You know at this point, in March, that Phiri is responsible for this. Did you,

in that response that we are going to see from you, do you tell Commissioner Spies that it is Phiri that approved?

**DIRECTOR MALATJI:** Not specifically, Commissioner. I did not tell Commissioner Spies that it is Mr Phiri, because at that point in time, I was of the view that these were requested directly by the department from the service provider. But given the clarities that we went through today, right, yes, I agree that whatever Mr Phiri has done, obviously, on record indicates that it was my office that was  
10 allocating. But to be specific, I did not indicate that to Commissioner Spies.

**ADV BALOYI SC:** Thank you.

**ADV SIKHAKHANE:** Thank you. Please note that I think we need that to be provided, just so that you also have your version properly. And obviously, if you turn over at page 342, this is now an email from Chief of Police that is directed to Commissioner Spies and what is clear there is that she is expressing shock. The email is dated 12 March 2025. It is all happening at 4, at around 4pm. She then  
20 exclaims that there are 30 additional sites only for January, but we cannot belabour that point. And you see there, he asks Bolhuis to also explain who approved it.

**DIRECTOR MALATJI:** Exactly.

**ADV SIKHAKHANE:** And are you aware if Bolhuis also responded?

**DIRECTOR MALATJI:** I am not aware, but I am aware that Commissioner Bolhuis wrote to us to respond and or give a background as to how it came about that this were done, and we did that.

**ADV SIKHAKHANE:** Okay. Would you then also include that part in your supplementary statement?

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** Thank you. Commissioners, the part that is left apart from the supplementary issue is, and I  
10 think the others would be circulating around the same point, is the working relationship with Commissioner Revo Spies since his arrival at the TMPD. Perhaps I can just ask ...[intervenes].

**CHAIRPERSON:** Ja, if you could take Mr Malatji back to his statement perhaps because I think that part is dealt with there.

**ADV SIKHAKHANE:** Apologies?

**CHAIRPERSON:** I am saying perhaps you may take Mr Malatji back to his statement because I think that is dealt  
20 with in there.

**ADV SIKHAKHANE:** Yes, I am taking him there.

**CHAIRPERSON:** Oh, that is what you are saying.

**ADV SIKHAKHANE:** Yes, I am saying ...[intervenes].

**CHAIRPERSON:** Thank you.

**ADV SIKHAKHANE:** ... other points in the statement.

**CHAIRPERSON:** Yes.

**ADV SIKHAKHANE:** Because we are just working ...[intervenes].

**CHAIRPERSON:** Thank you.

**ADV SIKHAKHANE:** Please go to file 1. What I was perhaps trying to, and I am going to request Mr Malatji that he tries and summarise it rather than read, you know, page, sentence by sentence.

**ADV KHUMALO SC:** Maybe to be fair to him so that he  
10 does not say I was not allowed to say what I needed to say, if he starts from paragraph 26, the heading, and reads all the way to the end, and then if anything arises from that, then it can be dealt with briefly.

**ADV SIKHAKHANE:** Okay, that is fair enough ...[intervenes].

**ADV KHUMALO SC:** So that he does not say, for example, you did not allow me to say what I wanted to say in paragraph 28.

**ADV SIKHAKHANE:** No, that is fair enough. Thank you for  
20 the guidance. Please will you do that from paragraph 26 of your statement.

**DIRECTOR MALATJI:** The heading there is:

“Generation and/or creation of purchase orders for Gubis 85 Solutions during February to June 2025 for *ad hoc* services. The reasons why Gubis Solutions received a

disproportionately large number of allocations for the provision of *ad hoc* services.”

My response to the question:

10 “I did not generate purchase orders for Gubis Solutions during February to June 2025 for *ad hoc* services. Purchase orders are created by the responsible finance officials at TMPD head office. I am unaware that Gubis Solutions received many allocations for provision of *ad hoc* services, however, I am aware that Gubis Solutions has been one of the reliable service providers.”

On 27, Commissioner, I think we just ...[indistinct] to rephrase it. When I am saying I am unaware, right, I meant to say before 24 December, I was not aware, but since, soon thereafter, I became aware that they were allocated this.

20 **ADV KHUMALO SC:** But that does not help you because the heading, the question is clear to you that the period is February to 30 June 2025. So if you now want to change your statement to refer to 2024, that was not the question that was asked. You were asked to deal with February to 30 June 2025. That is what the heading says.

**DIRECTOR MALATJI:** Okay, no, no.

**ADV KHUMALO SC:** So rather concede that you were incorrect.

**DIRECTOR MALATJI:** I was, I was, I was, Commissioner.

**ADV KHUMALO SC:** Thank you, you can continue.

**DIRECTOR MALATJI:** -:

10                   “Whether I requested Deputy  
Commissioner Umashi Dhlamini and or  
Commissioner Yolande Faro to request  
funding in respect of TMPD2. My  
supervisor requested funding. I  
prepared the report and the Chief of  
Police, the Municipal Manager,  
approved the funding request. I have  
attached here the report marked TP4.  
Umashi Dhlamini was not involved in  
the funding request.”

**ADV BALOYI SC:** Mr Malatji, in this case, your supervisor is who, is it Bolhuis?

20   **DIRECTOR MALATJI:** In this case, my supervisor was Mr ...[indistinct].

**ADV BALOYI SC:** I see. Okay, thank you.

**DIRECTOR MALATJI:** Thank you.

**ADV KHUMALO SC:** And again, to be fair to you, maybe the way the question was posed, the documents you

attached as TP4 cover the period when protection services was not with TMPD, because if you look at all those documents, they cover the period up to June 2024. So I think the question that you were being asked related to the 2025 year. So maybe the way it was framed created problems. So if you go to TP4 on page 11, for example, you will see that the documents you attached are for the year ending 30 June 2024.

**DIRECTOR MALATJI:** Oh, okay. Okay.

10 **ADV KHUMALO SC:** Whereas the question that should have been asked to you related to the 2025 year. So maybe when you supplement your statement, you can deal with that question but focusing on the 2025 year.

**DIRECTOR MALATJI:** Thank you, Commissioner.

**ADV KHUMALO SC:** Because the 2024 year, you were still under, who was your supervisor then? It was not Bolhuis and it was not people in the TMPD.

**DIRECTOR MALATJI:** Yes.

**ADV KHUMALO SC:** It was the City Manager.

20 **DIRECTOR MALATJI:** Yes.

**ADV KHUMALO SC:** So this is not helpful for that purpose.

**DIRECTOR MALATJI:** No, I agree.

**ADV KHUMALO SC:** Ja.

**DIRECTOR MALATJI:** -:

“My working relationship with

Commissioner Revo Spies since his arrival at the TMPD. Mr Revo Spies was appointed as Deputy Chief of Police, Asset and Protection Services on the 1<sup>st</sup> of March 2025. I have attached the employment advertisement which led to his appointment marked STP5. I noted that the employment functions of Mr Spies as reflected on the employment advertisement are the same as my employment responsibilities. There is no material difference from my employment functions and his employment responsibilities. Mr Spies then introduced himself ...”

10 [intervenes].

**ADV BALOYI SC:** Sorry, is that correct though? Not that it is an important issue but to the extent that you are putting it out there and you are placing it on a record, maybe it

20 does need some clarification. I am looking at page 26 which is the advert and under primary functions right at the bottom it sets out what he is supposed to do. You see where I am looking?

**DIRECTOR MALATJI:** Page 36?

**ADV BALOYI SC:** Page 26 of that same bundle. It is the advert itself that you have attached. You have attached the advert STP5, the same file that has your statement.

**DIRECTOR MALATJI:** Okay.

**ADV BALOYI SC:** If you look at page 26 right at the bottom you have primary functions and so it sets out the functions of that position, and if you consider that with the earlier document which is your functions and responsibilities at page 6, if you go to page 6, keep page 26  
10 open and then go to page 6. I do not see that it is the same primary functions, unless they are written differently but mean the same thing. They are not the same on the face of it.

**DIRECTOR MALATJI:** I agree with the Commissioner. I think a mistake here was made with regard to the actual advert that caught up on Mr Spies, Revo Spies' appointment. So here I attached Group Head, City Strategic Organizational Performance.

**ADV BALOYI SC:** Yes.

20 **DIRECTOR MALATJI:** I should have attached Deputy Chief of Police. So as part of supplementary I will rectify it.

**ADV BALOYI SC:** Okay. Alright, that is fine. I think you can do that as part of the supplementary but can we at least agree that on what is before us ...[intervenes].

**DIRECTOR MALATJI:** Okay.

**ADV BALOYI SC:** The, what you have said in that paragraph in your statement, that the functions are the same, are not according to the advert that you were relying on. It is an incorrect advert according to you.

**DIRECTOR MALATJI:** Yes, no, no, I agree. I will rectify it.

**ADV BALOYI SC:** Thank you.

**CHAIRPERSON:** What is this advert for then, the one you have attached at page 25?

**DIRECTOR MALATJI:** This advert, I think, the reason why  
10 I made a mistake, this position was advertised with Commissioner Revo Spies' advert and others. So, I think ...[intervenes].

**CHAIRPERSON:** That is not answering my question. What is this advert for? Your TP5 at page 25, what is it for?

**DIRECTOR MALATJI:** This is for Internal and External Forum. This is for the position of Group Head, City Strategic Organizational Performance. I mean the one that is attached there, which is not about advert for ...[intervenes].

20 **CHAIRPERSON:** For Deputy Chief ...[intervenes].

**DIRECTOR MALATJI:** Yes, yes.

**CHAIRPERSON:** For the APSS.

**DIRECTOR MALATJI:** Exactly.

**CHAIRPERSON:** All right. Please continue reading your statement.

**ADV KHUMALO SC:** You are on paragraph 31.

**DIRECTOR MALATJI:** Yes.

10 “Mr Revo Spies then introduced himself to me and my work team as my supervisor on the 5<sup>th</sup> of March 2025. It was after lecturing us about his experience, including arresting and dismissing corrupt police officials, he made mention of his involvement in the closing of one of the police stations in Soweto back then where police officers were alleged to be involved.”

20 So, he gave us, he gave me that ...[indistinct] he was actually introducing himself as such and due to, okay, he went further to inform us that he has got valuable experience in the policing field. He has been with law enforcement for the, almost 40 years. He served in various capacities, from old Pretoria to old Benoni traffic until there were amalgamations. He became part of the new Ekurhuleni, the Ekurhuleni Metro Police Department, that he was, he has been Deputy Chief of Police in Ekurhuleni.

So, he was giving us his background and he was giving us his, what do you call, due to a complaint by Mr ...[intervenes].

**CHAIRPERSON:** Did you read the last sentence of 31?

Maybe you did.

**DIRECTOR MALATJI:** Mr Spies subsequently reported –  
okay.

“Misconduct allegations against me in  
June 2025. This is what has led to me  
...” [intervenes].

**ADV KHUMALO SC:** That is why I was saying to you, it  
was misconduct in June 2025.

**DIRECTOR MALATJI:** Yes, Commissioner.

10 **ADV KHUMALO SC:** Yes.

**DIRECTOR MALATJI:** -:

“Due to a complaint by Mr Spies  
regarding the alleged misconduct, I  
was then suspended in July 2025,  
pending outcome of disciplinary  
hearing process instituted against  
myself. Mr Spies is the main witness  
on the same reported allegations in  
which I was charged. Our working  
20 relationship is therefore not good. In  
essence, I feel like his aim is to ensure  
that my employment with the City is  
terminated. I am suspicious that Mr  
Spies was appointed through a corrupt  
and irregular recruitment process to

the following reasons. I have noted a complaint regarding the same issue recently submitted at the Public Protector's office by an anonymous complaint. His qualifications were questioned. His employment position was advertised despite not being approved on TMPD employment structure, a conduct which is not in compliance with MFMA. I am suspicious that he is not registered ...”

10

[intervenes].

**CHAIRPERSON:** Just, sorry, sorry, sorry. Can you explain what you mean by lack of approval on the TMPD employment structure?

**DIRECTOR MALATJI:** Evidence is there to the effect that Mr Revo Spies was appointed on the 1<sup>st</sup> of March 2025, to the position of Deputy Chief, Asset Protection and Security Services. At that point, the structure, the TMPD structure,

20

was not accommodating that position. Instead, the TMPD structure was having the position of Divisional Head, Asset Protection Services.

**CHAIRPERSON:** What is the difference?

**DIRECTOR MALATJI:** The difference is Divisional Head, Asset Protection Services it is almost a civilian position as

opposed to a police rank position, and I am saying this because, Commissioner, the security management function in terms of the law and the national policy, are not functions of the Metro Police Department by law. The Metro Police Department functions in terms of the law. They are as follows, to ensure that they enforce road traffic policy, they do by-law enforcement, and they do crime prevention through environmental design.

Issue of protection and or protective security  
10 services by law, they are security functions, and these functions are regulated in terms of the law, which is the Private Security Industrial Regulations Act. The Act in Section 20 prescribes, amongst others, if a man or woman is not registered as a security practitioner, that man or woman or organization, in terms of the law, cannot perform ...[intervenes].

**CHAIRPERSON:** But I think that is something else. That is something else. It does not go to the question of the approval of a structure.

20 **DIRECTOR MALATJI:** Yes.

**CHAIRPERSON:** And that is something else, which you have just touched on now.

**DIRECTOR MALATJI:** Okay.

**CHAIRPERSON:** You do deal with, in your statement ...[intervenes].

**DIRECTOR MALATJI:** Okay.

**CHAIRPERSON:** And I am sure you are close to coming to it somewhere.

**DIRECTOR MALATJI:** Okay.

**CHAIRPERSON:** That is something else.

**DIRECTOR MALATJI:** Okay. Yes, no ...[intervenes].

**CHAIRPERSON:** My issue is what you say was lack of approval in the structure.

**DIRECTOR MALATJI:** Yes.

10 **CHAIRPERSON:** Let me tell you the difficulty that I have with that statement. My understanding of the testimony throughout was that somebody who is within the police department of the City of Tshwane was acting in this position even before Mr, or rather Commissioner Spies was appointed. Am I correct?

**DIRECTOR MALATJI:** You are.

**CHAIRPERSON:** And that was Commissioner Bolhuis. Am I correct?

**DIRECTOR MALATJI:** You are.

20 **CHAIRPERSON:** So are you saying throughout this was wrong? Or perhaps let me ask a different question. Surely, the fact, from the fact that someone was acting in this position ...[intervenes].

**DIRECTOR MALATJI:** Yes.

**CHAIRPERSON:** That must mean it was in the structure,

not so? In what position would Commissioner Bolhuis have been acting if the position was not in the structure?

**DIRECTOR MALATJI**: Okay.

**CHAIRPERSON**: He was acting in a non-existing position. That is what you say.

**DIRECTOR MALATJI**: No. Commissioner, in 2019, if I am not mistaken ...[intervenes].

**CHAIRPERSON**: No, no, let us not take it back, please.

**DIRECTOR MALATJI**: Okay.

10 **CHAIRPERSON**: Please, please, please. Was Commissioner Bolhuis acting in a non-existent position?

**DIRECTOR MALATJI**: No, he was not acting in a non-existent position.

**CHAIRPERSON**: So the position was existing, obviously. That is the answer. So now why does it suddenly become a problem when Commissioner Spies is appointed to that position?

**DIRECTOR MALATJI**: Commissioner Bolhuis acted in the position of the Divisional Head, right, Asset Protection  
20 Services. This is the position that was filled some time back but became vacant. And, yes ...[intervenes].

**CHAIRPERSON**: Is that not the position Commissioner Spies was appointed to?

**DIRECTOR MALATJI**: No. The position in terms of the structure that Commissioner Spies was appointed, it says

Deputy Chief of Police, right, Asset Protection and Security Services.

**CHAIRPERSON:** That is still the APSS that you said Commissioner Bolhuis was acting in, not so?

**DIRECTOR MALATJI:** It is so, but ...[intervenes].

**CHAIRPERSON:** You just said so.

**DIRECTOR MALATJI:** The issue of the structure, let me clarify, Commissioner, the issue of the structure with respect. The issue of the structure comes into the picture.

10 When Commissioner Spies was appointed on the 1<sup>st</sup> of March 2025, right, to show that the structure was not accommodating that position, there is a structure that was approved on the 4<sup>th</sup> of June, right, three months down the line after he was appointed, and from where I am sitting, right, I am trying to say to the Commissioner, this structure that was approved on the 4<sup>th</sup> of June 2025 was so little accommodating Commissioner Revo Spies, because if it so happened that there is no June approval of the structure, so in terms of the structure before this new one, right,  
20 everyone would be occupying the position as per the structure being the Divisional Head, Asset Protection Services.

**CHAIRPERSON:** Before June, the position existed?

**DIRECTOR MALATJI:** Of Asset, Divisional Head, Asset Protection Services, not Deputy Chief of Police.

**CHAIRPERSON:** Okay.

**ADV BALOYI SC:** So, Mr Malatji, the person then that you are accusing of corruption cannot be, in this case of appointment, of this structure issue, must be the Chief of Police then, and whoever else approved that structure. It cannot be Deputy Commissioner Spies, because he does not create the structure. He is not the boss of the TMPD and he is not the boss of the Municipality. So, the corruption that you are speaking of, if it is corruption at all,  
10 it has to be the Chief of Police. Is that what you are alleging?

**DIRECTOR MALATJI:** I am, Commissioner, you are correct to say it cannot be Commissioner Revo Spies if there is indeed corruption. It could be those who came up, right, with the new structure, right, which would include the Chief of Police and, yes, which would include the Chief of Police and whoever they were working on the issue of structures around it.

**ADV BALOYI SC:** Somebody is responsible for approving  
20 the structure. Forget who comes up with it. Someone bears the power to approve the structure and it is either the Chief of Police is the one that carries the final say on approving the structure, or it is the City Manager, or it is the Council. One of the three must be the person or the body that approves the structure. It is not, can we agree it

is not Deputy Commissioner Spies?

**DIRECTOR MALATJI:** Yes ...[indistinct] [cross-talking].

**ADV BALOYI SC:** He does not determine the structure, right.

**DIRECTOR MALATJI:** Agree.

**ADV BALOYI SC:** Then that leaves his boss, because he reports to somebody. So it is either you are saying, and I think to the extent that you are making a very definite allegation of corruption, you are saying there was no  
10 structure. It was created to accommodate him. You should, I think you cannot get away with saying, well, probably. You have to say who it is, do you say, is guilty of that corruption, and I am giving you three possibilities that, in my opinion, is one of the three.

**DIRECTOR MALATJI:** Okay.

**ADV BALOYI SC:** You can add another one if you have somebody else in mind. But I am saying to you, it is either the boss of the TMPD, because it is her structure, and that is the person you are saying is corrupt in that they created  
20 this position. Two, it is either it is the City Manager, if the City manager has the power to approve or the authority to approve a TMPD structure, I do not know how it works. Or it is the Council, if that is the ultimate authority for approving a structure. So you have made the allegation, which of the three are you accusing of that corruption,

because if we have to follow up a trail of corruption, that there is corrupt activity about the structure, we have to know who you are speaking about and who to speak to. So it is one of the three. You can add a fourth one, if there is.

**DIRECTOR MALATJI:** All right. Commissioner, I think the Commission can enquire on the basis of my statement to the Accounting Officer, being the City Manager. From where I am sitting, I think he bears the responsibility.

**ADV BALOYI SC:** So you are saying the City Manager is  
10 guilty of the corruption because he is the one that bears the responsibility to approve a structure for TMPD. That is what you are saying.

**DIRECTOR MALATJI:** I am saying that, but in the same breath, I am also including those who might, who might have submitted the structure to him for approval.

**ADV BALOYI SC:** And it would have been submitted by the Head of the TMPD, right?

**DIRECTOR MALATJI:** Exactly.

**ADV BALOYI SC:** So you are saying that the Head of the  
20 TMPD and/or the Head of the City are corrupt in that one of them approved the structure specifically created to accommodate Commissioner Spies. That is what you are saying. And I ask this so directly, Mr Malatji, because we cannot allow or we should not allow this platform to be used to malign people's reputations without facts.

You are making the statement. You have not put to us the facts that back up that. And I hear your explanation why you say that this was created. You say there was no such position before. You explain that civilian, you are saying the position should not be in, under the police. I hear all of that explanation.

But you are making a very specific allegation, which may well amount to criminality, which is one of the things we are supposed to investigate. So it is important  
10 that if you are alleging corruption in the specific terms that you are doing, that you should be pressed to say who in fact are you saying is the corrupt person in this equation.

**DIRECTOR MALATJI:** Commissioner, I understand what the Commissioner is saying. In my statement, I am saying I am suspicious that Mr Spies was appointed through a corrupt, irregular recruitment process. I am suspicious. So I am not definitely saying somebody is corrupt. I am saying I am suspicious given the process. I will say this to the Commissioner, in the run-up to when Commissioner Spies  
20 was appointed, right, there were advertisements of the position and in those advertisements of the position, the City, the City ...[intervenes].

**CHAIRPERSON:** Can we please, can we please confine this to the question being asked?

**DIRECTOR MALATJI:** Okay.

**CHAIRPERSON:** The question is about the actors. Was it the Chief of Police? Was it the City Manager? Was it Council? Or can you think of more other people? That is the question. Please confine your response to that direct question.

**DIRECTOR MALATJI:** My suspicion it is on the ...[intervenes].

**CHAIRPERSON:** But if you do not know, you do not know.

**DIRECTOR MALATJI:** Okay, I will confine my  
10 ...[intervenes].

**CHAIRPERSON:** I am not saying you do not. You seem to hesitate when I say if you do not know, you do not. No, no, I am not suggesting that you do not know. If you know, by all means, tell us.

**DIRECTOR MALATJI:** My suspicion it is confined to allegations of corruption, are confined to, in as far as this position and approval of ...[indistinct] to both the City Manager and the Chief of Police.

**ADV BALOYI SC:** Thank you.

20 **CHAIRPERSON:** Let me take you back to the issue I engaged you on. You have said there was no problem with the position, therefore, I assume no problem with the advert as well before, at the time the advert went out. But you say it is only in June that there is a problem and we know that Mr Revo Spies was appointed with effect from 1 March

2025. So the problem arises from June 2025. He is already within the system, correct? That is how I understood you in my earlier engagement with you.

**DIRECTOR MALATJI:** Okay. Let me put the correct perspective of what I said.

**CHAIRPERSON:** Yes.

**DIRECTOR MALATJI:** There was a problem right from the beginning when the position was advertised, right. The problem was, when I looked at the appointment  
10 requirements, it became very clear to me that these appointment requirements are earmarking specific individual ...[intervenes].

**CHAIRPERSON:** No, let us look at the allegation you make.

**DIRECTOR MALATJI:** Okay.

**CHAIRPERSON:** I am engaging you on the basis of the allegation you are making in paragraph 33.2.

**DIRECTOR MALATJI:** Okay.

**CHAIRPERSON:** You are saying this was not in the  
20 structure. My understanding, based on the responses you gave when I engaged you ...[intervenes].

**DIRECTOR MALATJI:** Yes.

**CHAIRPERSON:** Was that there was no issue, no question about this position being in the structure before June. So this is about the structure. It is not about how it was

framed, whether it was framed to make sure that Commissioner Spies would be the person that gets appointed. That is not the issue. The issue is what, is about what you say in 33.2, the fact that this was not accommodated in the structure.

So what I am saying is, with regard to that issue, I understood you to say that the problem with the structure arose from June 2025, but before that there was no problem insofar as the structure was concerned.

10 **DIRECTOR MALATJI**: Because the structure, Commissioner, was different. The structure of the TMPD before June was the Divisional Head, Asset Protection Services. Now, he got appointed whilst the structure was talking to Divisional Head. And it was only in June that the structure was changed and got approved. So the point I am trying to put to the Commissioner is ...[intervenes].

**CHAIRPERSON**: The position advertised was it not the position that existed in accordance with the structure before June?

20 **DIRECTOR MALATJI**: No, it was not. The position that existed prior the advertisement, right, was the Divisional Head, Asset Protection Services, not the Deputy Chief, Asset Protection Services.

**CHAIRPERSON**: Divisional Head?

**DIRECTOR MALATJI**: Yes.

**CHAIRPERSON:** And Mr Bolhuis was acting as Divisional Head?

**DIRECTOR MALATJI:** I take it that he was acting in the position of the Divisional Head, hence he was already appointed as Deputy Chief responsible for training and all of that. But it was not ...[indistinct] it was not a problem because there was no ...[intervenes].

**CHAIRPERSON:** He was already a Deputy Chief.

**DIRECTOR MALATJI:** Exactly.

10 **CHAIRPERSON:** And some others.

**DIRECTOR MALATJI:** So he came in to act, and hence I took it, I am putting it to the Commission that when he acted, he was acting in the position of Divisional Head, Asset Protection Services, not the Deputy Chief of Police, Asset Protection Services.

**CHAIRPERSON:** Alright, thank you. Please proceed to 33.3.

**DIRECTOR MALATJI:** -:

20 "I am suspicious that he is not registered with PSIRA, which is a requirement for any person appointed to perform, supervise, manage private security services."

Again, I am making a suspicion, and with this in mind, I hope if the Commission looks into this, right, it

would either find facts to say indeed he is registered with PSIRA or he is not registered with PSIRA, hence I am saying I am suspicious that he is not.

**ADV BALOYI SC:** Why do you suspect that he is not registered with PSIRA?

**DIRECTOR MALATJI:** I suspect ...[intervenes].

**ADV BALOYI SC:** Because a suspicion has to be reasonable, it has to be based on some fact.

**DIRECTOR MALATJI:** Okay. When he, the advert that, for  
10 which Mr Spies has responded and the advert he appointed,  
it made the following as appointment requirements,  
registration as a Traffic Officer. Registration, I mean  
appointment as a Metro Police Officer, right. And yes,  
PSIRA, but these were two key factors that I took note of.  
Why would the City make registration as a Traffic Officer  
and appointment as a Metro Police Officer an appointment  
requirement for the position of, for the position in security  
management? And I therefore drew a conclusion that they  
are making this, the City is making this appointment  
20 requirements because they are well aware that there are  
security professionals out there who would obviously  
develop interest into the position and apply.

**ADV BALOYI SC:** Let me interrupt you. My question is  
what do you know about Deputy Commissioner Spies, that,  
about him. I am not asking you a general question because

you are making a specific allegation about him. So my question is what do you know, what are the facts that you know about him that lead you to suspect that he does not have PSIRA registration? It is really that simple. Do you know any facts at all about him or it is just a feeling that he may not be registered?

**DIRECTOR MALATJI:** I do not know any fact. It is just a feeling. It is based, the feeling is based on how the requirements for appointment were designed.

10 **ADV BALOYI SC:** All right. All right, no, I am answered. Thank you.

**ADV KHUMALO SC:** Director Malatji, having worked with PSIRA before, as far as I know, if you are a Police Officer or a member of the Metro Police, you do not fall under PSIRA jurisdiction because you are not regarded as private security sector. You are in public security, not in private security. So I struggle to understand the point you are making in 33.3. If you work for the Metro Police, you are not supervising and managing private security services  
20 because the public security is public, it is not private security. So I do not understand the point you are trying to make in 33.3. And if this is your suspicion and it is not based on fact, it is really not helpful because we can contact PSIRA and ask them what the position is and they can clarify it for us.

**DIRECTOR MALATJI:** Commissioner, thanks very much.

**ADV KHUMALO SC:** Because it is like saying Bolhuis should not have been acting in that position because he is not registered with PSIRA. But if you are a Metro Police, you do not need a PSIRA registration.

**DIRECTOR MALATJI:** My understanding of what the law says, even though I am not a lawyer, is as follows. The PSIRA Act it is very clear to the effect that if you are not registered as a security service provider, you should not be  
10 allowed to perform supervisor or manage. It goes further to say, unless, unless you are employed in security services, as contemplated in Section 199 of the Constitution. And when one goes to Section 199 of the Constitution, the answer is very clear, security services as contemplated in Section 199 of the Constitution they are members of the South African Police Service. They are the National Defence Force. They are the State Security Agencies.

The Act says they are, in terms of the law, they can perform, supervise, manage security operations only when  
20 they are still in the employ of their respective institutions. In this instance, I want to put my understanding before the Commission of this that Metro Police officers are not members of the South African Police Service, right. Metro Police officers are not SANDF members as per Section 199, nor employees of the State Security Agency.

**ADV KHUMALO SC:** Can we leave it here? We will make an inquiry with PSIRA and get the answer from them.

**DIRECTOR MALATJI:** Thank you.

**ADV BALOYI SC:** Can I just ask a last question on this. These issues that you have in paragraph 33, these suspicions, have you raised and reported them to the City for investigation, the question about, your suspicion about these qualifications, the question about the structure and the PSIRA registration?

10 **DIRECTOR MALATJI:** Commissioner, I raised the issue of the PSIRA with the office of the Chief of Police.

**ADV BALOYI SC:** Is that in writing?

**DIRECTOR MALATJI:** That was in writing, long before Commissioner Spies could be appointed. But in that correspondence, I was saying, asking a question, why would appointment requirements for a senior manager in security management environment ...[intervenes].

**ADV BALOYI SC:** Ja, my question is more specific to Commissioner Spies.

20 **DIRECTOR MALATJI:** Okay.

**ADV BALOYI SC:** Because you are making these allegations about him.

**DIRECTOR MALATJI:** Okay.

**ADV BALOYI SC:** So my question is, all three suspicions that you have listed here, have you lodged with the City a

concern, whether it is a grievance, whether it is a complaint, in whatever form, have you lodged any of the three, or the three items here, with the City so that the City investigates it, because if you have lodged them and we would have to hear from the City what they have done with them since you lodged these three concerns.

**DIRECTOR MALATJI:** Since his appointment, I have not. The only correspondence I made was prior to his appointment, and then this appointment gave rise to what I  
10 was complaining about. And until today, I sit back and say, okay, fine. Even if I am going to lodge a grievance or a complaint, right, as much as they did not deem it fit to respond to my correspondence in the past, right, from where I am sitting, they would not even entertain it now.

**ADV BALOYI SC:** So the short answer is you have not. You have not lodged a grievance, a complaint, or a report about Commissioner Spies as it relates to the three suspicions that you have listed in the statement.

**DIRECTOR MALATJI:** Correct.

20 **ADV BALOYI SC:** In short.

**DIRECTOR MALATJI:** Correct.

**ADV BALOYI SC:** Thank you.

**CHAIRPERSON:** Paragraph 34. Or have you read it? Please read paragraph 34.

**DIRECTOR MALATJI:** -:

“I have listened to the allegations made by Commissioner Spies about me, which were presented to the Commission. I disagree and dispute these allegations in this regard.”

If my memory still serves me well, generally, Commissioner Spies informed the Commission that I was not complying to instructions, I was not working well with him, and so forth and so on. So I wanted to put it to the  
10 Commission that it is not true that I was not complying with his instructions where it is supposed to, right. It might have happened that I missed one or two, and the Commission should not take it that I missed that instruction because I did not work with him. I complied with many of his instructions, and yes, where I happened not to, it was not deliberate, you know, because otherwise I would be guilty of not taking my work seriously. But it happens in life that sometimes somewhere there you happen not to do things.

But generally, I have complied with instructions that  
20 were given to me by Commissioner Spies, despite the differences that I have alluded to. So I came to a point where I realized, okay, fine, there is no way I can regard myself over and above the organization. This organization is about the community, meaning if I am to do what is in the best interest of serving the community of Tshwane, I would

do that regardless of the differences that I might have with colleagues here and there.

So my commitment is that. That is why, Commissioner, I am sitting here, it is for 10 months, almost 10 months on suspension, getting a salary, and I am very much guilty of receiving, of getting paid, right, for so long without doing anything to benefit the City and or the community of Tshwane. I am sitting here receiving a salary for 10 months without doing anything.

10 But with me, I need the Commissioner to note this. It is not for the first time. In 2017 to 2019, right, fortunately back then I was not suspended. They just took me out of the position, right, gave it to someone else and continued to pay me a salary, right, without me doing anything. And back then I was, my heart was very sore, but I could not do a thing until I took the matter through grievance process, CCMA, and I was awarded ...[intervenes].

**CHAIRPERSON:** You were placed back in your position.

**DIRECTOR MALATJI:** Back in my position.

20 **CHAIRPERSON:** At what stage is the disciplinary process now?

**DIRECTOR MALATJI:** Commissioner, since my suspension in July, we never sat in a hearing and started. I have not pleaded, right. Every now and then they would postpone, they would postpone, right. It was last time that we then

applied for the dismissal of the charges because seemingly the employer is not ...[intervenes].

**CHAIRPERSON**: Has there been no decision on that thus far, on that application?

**DIRECTOR MALATJI**: There is no decision. We are going back on the 24<sup>th</sup> of this month.

**CHAIRPERSON**: All right.

**DIRECTOR MALATJI**: We will hear the decision then.

**CHAIRPERSON**: All right, all right. Anything else, Mr  
10 Malatji?

**DIRECTOR MALATJI**: No, no, I do not have any comment. If this is to say we are coming to the end of my presence today, right, my comment would only be to thank the Commission for affording me an opportunity to come and share with the Commission these things that I have been going through obvious.

**CHAIRPERSON**: Anything else, Mr Sikhakhane?

**ADV SIKHAKHANE**: Yes, Chair, there is just two or three I know, two or three issues and then I am done. Apologies.

20 **CHAIRPERSON**: Yes, yes.

**ADV SIKHAKHANE**: Thank you.

**CHAIRPERSON**: Yes, please go ahead, Mr Sikhakhane.

**ADV SIKHAKHANE**: Thank you. Just so that we are clear, you said earlier that you have been refused access to the workplace in order to prepare.

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** Okay. When did you make such a request?

**DIRECTOR MALATJI:** If my memory still serves me well, I requested, it was a day after I received the summons and I contacted the director responsible for disciplinary hearings as per the terms and conditions of my suspension. He came back to me to say EMM has decided that I should make them aware when I go into my office to work on this, 10 they would arrange a colleague to go with me. Then that did not, what do you call, go well with me, and I called him so that we discuss this matter and ...[intervenes].

**ADV SIKHAKHANE:** So when was this?

**DIRECTOR MALATJI:** Immediately after, let me ...[intervenes].

**ADV SIKHAKHANE:** No, no, just, it is fine.

**DIRECTOR MALATJI:** Okay.

**ADV SIKHAKHANE:** Is it a matter of last year, this year?

**DIRECTOR MALATJI:** No, no, this year, immediately after 20 I received a subpoena to come and appear before the Commission.

**ADV SIKHAKHANE:** Okay.

**DIRECTOR MALATJI:** Yes.

**ADV SIKHAKHANE:** So you did request and then they refused.

**DIRECTOR MALATJI:** I would say they refused because, yes, they refused. I engaged him and then he came back to say, no, no, no, you must inform us and then we make someone else to escort you, right. And I went back to him to say, why would I be escorted, because, you know ...[intervenes].

**CHAIRPERSON:** You should not, I am just thinking, Mr Sikhakhane, unless you will be pushing at the end for us to make findings on this issue, the practical way, I think, is to  
10 deal with it in the manner in which I suggested earlier on, which is for you to assist Mr Malatji to get whatever documentation he may be minded to get.

**ADV SIKHAKHANE:** Thank you. It was truly to assist him because there is that request which they interacted and they said he can get access.

**CHAIRPERSON:** Yes, yes.

**ADV SIKHAKHANE:** Ja, but we will deal with it.

**CHAIRPERSON:** Any detail you want from him as to whether which is where, you may just interact with him and  
20 then see how best to take the matter forward, ja.

**ADV SIKHAKHANE:** Thank you.

**CHAIRPERSON:** Thank you. Anything else?

**ADV SIKHAKHANE:** No, I think that is it.

**CHAIRPERSON:** That is it, all right. Thank you very much, Mr Malatji. You are excused, but of course, that

does not necessarily mean that you may not be required to come back. But for now, you are excused. Thank you.

**DIRECTOR MALATJI:** Thank you, Commissioner.

**CHAIRPERSON:** Yes, and we adjourn and resume at 9:30 tomorrow. Let us adjourn.

**INQUIRY POSTPONED TO 10 APRIL 2026**

**INQUIRY ADJOURNS**

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