

**MINISTRY: PUBLIC SERVICE AND ADMINISTRATION**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**DATE: 19 MAY 2017**

**QUESTION NO.: 1336**

**MR Z N MBHELE (DA) TO ASK THE MINISTER OF PUBLIC SERVICE AND ADMINISTRATION:**

Has the Public Service Commission received disclosures of interest in terms of section 12(3) of the South African Police Service Employment Regulations of 2008 from the Minister of Police for (a) the National Commissioner, (b) the Deputy National Commissioner, (c) each of the Provincial Commissioners and (d) any person acting in any of the specified positions in the (i) 2012-13, (ii) 2013-14, (iii) 2014-15, (iv) 2015-16 and (v) 2016-17 financial years; if so, what are the relevant details in each case? **NW1478E**

**REPLY:**

The requirement to disclose financial interests by Public Servants is regulated by the Financial Disclosure Framework. This Framework was introduced in March 2000 with the requirement that all Heads of Department (HoD) and employees on post level 15 in National and Provincial Departments should disclose their registrable interests on the form determined for this purpose by the Public Service Commission (PSC). In May 2001, the Financial Disclosure Framework was incorporated into the Public Service Regulations (PSR), 2001 and extended to cover all members of the Senior Management Service (SMS *i.e.* levels 13 to 16). These Regulations have since been repealed by the PSR, 2016, which came into effect on 1 August 2016.

Prior to the implementation of the PSR, 2016 the disclosure of financial interests was made in terms of Chapter 3 C.1 of the PSR, 2001, which stipulated that every designated employee (SMS member) shall, not later than 30 April each year,disclose to the relevant Executive Authority, particulars of all her/his registrable interests in respect of the period 1 April of the previous year to 31 March of the year in question. Any person who assumed duty as a designated employee after 1 April in a year was required to make such a disclosure within 30 days after assumption of duty in respect of the period of 12 months preceding her/his assumption of duty. The Executive Authorities were required to submit copies of the forms on which the designated employees disclosed their financial interests, to the PSC by not later than 31 May of each year. These provisions of the PSR, 2001 were retained in new PSR, 2016.

The submission of financial disclosure forms by the National Commissioner, Deputy National Commissioners and Provincial Commissioners between the period 2012/2013 and 2015/2016 are indicated in **Tables 1 to 3** below:

*Table 1: Submission of financial disclosure forms by the National Commissioner/Acting Commissioner between the period 2012/2013 and 2015/2016*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Names** | **Financial Years** | | | |
| **2012/2013** | **2013/2014** | **2014/2015** | **2015/2016** |
| Phiyega MV  (National Commissioner) | Yes | Yes | Yes | No  **On suspension** |
| Phahlane JK  (Acting National Commissioner) | Yes | Yes | Yes | Yes  (*Acting*) |

**Table 1** above shows that the National Commissioner of the SAPS submitted her financial disclosure forms consistently between the financial years 2012/2013 and 2014/2015. The PSC did not receive the financial disclosure form of the National Commissioner in respect of the 2015/2016 financial year. This is apparently due to the fact that she has been placed on special leave during this period. The financial disclosure forms of the current Acting National Commissioner were submitted consistently between the period 2012/2013 and 2015/2016.

The submission rate of financial disclosure forms by Deputy National Commissioners is shown in **Table 2** below:

*Table 2: Submission of financial disclosure forms by the Deputy National Commissioners between the period 2012/2013 and 2015/2016*

| ***Names*** | ***Financial Years*** | | | |
| --- | --- | --- | --- | --- |
| ***2012/2013*** | ***2013/2014*** | ***2014/2015*** | ***2015/2016*** |
| *Masemola SF*  *(Operational Services)* | *Yes* | *Yes* | *Transferred to Limpopo as Provincial Commissioner*  *(Please see Table 3 below).*  *(Post not provided for in the structure)* | *(Post not provided for in the structure)* |
| *Lebeya SG*  *(Crime detection)* | *Yes* | *Yes* | ***Termination of service***  *(Post not provided for in the structure)* | *N/A*  *(Post not provided for in the structure)* |
| *Mofomme AL*  *(Physical Resource Management)* | *Yes* | *Yes* | ***Termination of service***  *(Post not provided for in the structure)* | *N/A*  *(Post not provided for in the structure)* |
| *Mazibuko NNH*  *(Human Resource Management)* | *Yes* | *Yes* | ***Retired***  *(Post not provided for in the structure)* | *N/A*  *(Post not provided for in the structure)* |
| *Dramat A*  *(Directorate of Priority Crime Investigations)* | *Yes* | *Yes* | ***Termination of service***  ***(Replaced by Ntlemeza BM)*** | *N/A* |
| *Ntlemeza BM*  *(Directorate of Priority Crime Investigations)* | *Yes* | *Yes* | *Yes*  *(Acting in the post vacated by Dramat A)* | *Yes* |
| *Schutte SJP*  *(New Structure: Resources Management )* | *Yes*  *Submitted as a Divisional Commissioner* | *Yes*  *Submitted as a Divisional Commissioner* | *Yes*  *Submitted as Deputy National Commissioner Asset and Legal Management/ Resources Management* | *Yes*  *Submitted as Deputy National Commissioner Asset and Legal Management/ Resources Management* |
| *Mbekela CN*  *(Corporate Service Management: name changed to Human Resource Management in 2016)* | *Yes* | *Yes* | *Yes* | ***Termination of service*** |
| *Mgwenya BC*  *(Chief Operations Officer)* | *Yes* | *Yes* | *Yes*  *Post of Chief Operations Officer was abolished. Official was moved to the re-established post of Deputy National Commissioner Human Resource Management* | *Yes* |
| *Molefe J*  *(Executive Legal Officer)* | *Yes* | *Yes* | *Yes* | *Yes*  ***Resigned 31-08-2016*** |

**Table 2** above shows that the ten (**10**) officials who are/were on the level of Deputy National Commissioner in the SAPS submitted their financial disclosure forms for the 2012/2013 and 2013/2014 financial years. During the 2014/2015 and 2015/2016 financial years, the SAPS experienced certain changes relating to the incumbency of the posts of Deputy National Commissioner. The following changes were experienced:

* **Masemola SF**, who was the Deputy National Commissioner responsible for Operational Services, was transferred to the Limpopo Province as a Provincial Commissioner. The PSC was informed that subsequent to this transfer, the post of National Commissioner: Operational Services was not provided for on the structure of the SAPS during the 2014/2015 and 2015/2016 financial years. In view thereof, the financial disclosure form of the incumbent of the post of Deputy National Commissioner: Operational Services was not expected during these periods.
* The services of **Lebeya SG**, who was the Deputy National Commissioner responsible for Crime Detection, were terminated. The PSC was informed that subsequent to this termination, the post was not provided for on the structure of the SAPS during the 2014/2015 and 2015/2016 financial years. In view thereof, the financial disclosure forms of the incumbent of the post of Deputy National Commissioner: Crime Detection were not expected during these periods.
* The services of **Mofomme AL**, who was the Deputy National Commissioner responsible for Physical Resource Management, were terminated. The PSC was informed that subsequent to this termination, the post was not provided for on the structure of the SAPS during the 2014/2015 and 2015/2016 financial years. In view thereof, the financial disclosure forms of the incumbent of the post of Deputy National Commissioner: Physical Resource Management were not expected during these periods.
* **Mazibuko NNH**, who was the Deputy National Commissioner responsible for Human Resource Management, retired from the service. The PSC was informed that subsequent to this retirement, the post was not provided for on the structure of the SAPS during the 2014/2015 and 2015/2016 financial years. In view thereof, the financial disclosure forms of the incumbent of the post of Deputy National Commissioner: Human Resource Management were not expected during these periods.
* The services of **Dramat A**, who was the Deputy National Commissioner responsible for the Directorate of Priority Crime Investigations, were terminated during 2014/2015 financial year. This official was replaced by **Ntlemeza BM** **in an acting capacity during the 2014/2015** financial year. Ntlemeza BM was subsequently appointed permanently to this position and his financial disclosure form for 2015/2016 financial year was submitted. **Table 2** shows further that **Ntlemeza BM** has been submitting his financial disclosure forms consistently between the 2012/2013 and 2015/2016 financial years.
* **Schutte SJP** submitted the financial disclosure form as Divisional Commissioner during the 2012/2013 and 2013/2014 financial years. During the 2014/2015 and 2015/2016 financial years the official submitted the financial disclosure forms as Deputy National Commissioner: Asset and Legal Management/Resources Management.
* **Mbekela CN**, who was the Deputy National Commissioner responsible for Corporate Service Management (name changed to Human Resource Management in 2016) submitted the financial disclosure forms consistently between the period 2012/2013 and 2014/2015. The services of this officialwere **terminated during the 2015/2016** financial year. In view thereof, the financial disclosure form of this official was not expected during the 2015/2016 financial year.
* **Mgwenya BC** submitted the financial disclosure forms consistently between the 2012/2013 and 2015/2016 financial years. During 2012/2013 and 2013/2014 financial years the official was occupying the post of Chief Operations Officer.The PSC was informed that the post of Chief Operations Officer was abolished during the 2014/2015 financial year. The official was then moved to the re-established post of Deputy National Commissioner: Human Resource Management.
* **Molefe J** submitted the financial disclosure forms consistently between the 2012/2013 and 2015/2016 financial years. Although the official resigned from the SAPS during the 2015/2016 financial the financial disclosure form for this period was submitted prior to the resignation.

The submission rate of financial disclosure forms by Provincial Commissioners is shown in **Table 3** below:

*Table 3: Submission of financial disclosure forms by the Provincial Commissioners between the period 2012/2013 and 2015/2016*

| **Provinces** | **Names** | **Financial Years** | | | |
| --- | --- | --- | --- | --- | --- |
| **2012/2013** | **2013/2014** | **2014/2015** | **2015/2016** |
| Eastern Cape | Binta CC | Yes | Yes | Yes | Yes |
| Free State | Sitole KJ | Yes | Yes | N/A  ***Replaced by Mpembe TS*** | N/A |
| Mpembe TS | Submitted as Limpopo Provincial Commissioner | | Yes | Yes |
| Gauteng | Petros M | Yes | *Contract expired*  **Replaced by Mothiba LJ** | N/A | N/A |
| Mothiba LJ | Yes  *Submitted as Divisional Commissioner: Visible Policing* | Yes  *Replaced* ***Petros LJ*** *as Provincial Commissioner* | Yes | Yes |
| KwaZulu-Natal | Ngobeni BM | Yes | Yes | Yes | Yes |
| Limpopo | Mpembe TS | Yes | Yes | Yes  Submitted as Free State Provincial Commissioner | |
| Masemola SF | Yes  *Submitted as Deputy National Commissioner* | Yes  *Submitted as Deputy National Commissioner* | Yes | Yes |
| Mpumalanga | Ntobela TR | Yes | Yes  *Contract expired on*  31-10-2014 | N/A | N/A |
| Nogwanya VM | Yes  *Submitted as Provincial Head: Legal and policy services* | Yes  *Appointed as Acting Provincial Commissioner on*  *03-11-2014* | Yes  *The official returned to his/her substantive post of Provincial Head*: Legal and Policy Services | Yes  *Submitted as Provincial Head: Legal and Policy Services* |
| Magadlela MD | Yes  *Submitted as Provincial Head: Detective Services: Mpumalanga* | Yes | Yes  *Appointed as Provincial Commissioner on*  *01-02-2015* | Yes |
| North West | Mbombo MZN | Yes | Yes | Yes  *Retired on*  *31-05-2015* | N/A |
| Tsumane LJ | Yes | Yes | Yes  *Submitted as Provincial Head: Detective Services* | Yes  *Acting on a vacant post of Provincial Commissioner* |
| Northern Cape | Basson JD | Yes | Yes | Yes  *Retired on*  *31-08-2015* | N/A |
| Shivuri RP | Yes | Yes  *Submitted as Deputy Provincial Commissioner: Policing* | Yes  *Appointed as Provincial Commissioner on*  *01-09-2015* | Yes |
| Western Cape | Lamoer AH | Yes | Yes | N/A  *Contract expired on*  30-11-2015 | N/A |
| Patekile TE | Yes  *Submitted as Provincial Head: Operations Coordination: Eastern Cape* | Yes | Yes | Yes  *Appointed as Provincial Commissioner pointed as on*  09-01-2016 |

* *Yes: denotes that the Minister submitted the financial disclosure forms of officials to the PSC.*
* *No: denotes that financial disclosure forms were not received by the PSC during the financial year in question.*
* *N/A: denotes that financial disclosure forms were not expected by the PSC during the financial year in question.*

**Table 3** above shows that all the officials within the SAPS who were occupying or acting in the posts of Provincial Commissioner, submitted their financial disclosure forms for the period between 2012/2013 and 2015/2016 financial years. The Table also shows that there were changes in relation to the incumbency of posts. These changes and the effects thereof on the state of compliance with the requirements to submit financial disclosure forms are explained in the following paragraphs:

* **Sitole KJ** was replaced **by Mpembe TS** as **Provincial Commissioner for the Free State Province** during 2014/2015. In view thereof, the financial disclosure forms in respect of the 2014/2015 and 2015/2016 financial years were not expected from **Sithole KJ**.
* **Mpembe TS** submitted the financial disclosure forms as **Provincial Commissioner: Limpopo** during 2012/2013 and 2013/2014 financial years. He was transferred to Free State during 2014/2015 where submitted his financial disclosure forms for the 2014/2015 and 2015/2016 financial years.
* The employment contract of **Petros M** expired during the 2013/2014 financial years, and was replaced by **Mothiba LJ** as **Provincial Commissioner: Gauteng**. The financial disclosure form of **Petros M** was submitted in respect of the 2012/2013 financial year. This was the only period when a financial disclosure form was expected from this official. **Mothiba LJ** submitted the financial disclosure forms as Provincial Commissioner: Gauteng between the period 2013/2014 and 2015/2016 financial years. He had previously been submitting as Divisional Commissioner: Visible Policing.
* **Masemola SF** replaced **Mpembe TS** as **Provincial Commissioner: Limpopo** during the 2014/2015 financial year. This official (Masemola SF) submitted the financial disclosure forms as Deputy National Commissioner in respect of the 2012/2013 and 2013/2014 financial years. The financial disclosure forms of the official were also submitted in respect of the 2014/2015 and 2015/2016 financial years.
* The employment contract of **Ntobela TR** expired during 2013/2014 after the official had submitted the financial disclosure forms **as Provincial Commissioner for Mpumalanga** in respect of the 2012/2013 and 2013/2014 financial years. **Nogwanya VM** was appointed Acting Provincial Commissioner on 3 November 2013. The financial disclosure forms of **Nogwanya VM** were submitted consistently between the period 2012/2013 and 2015/2016 financial years as Provincial Head: Legal and Policy Services.
* **Magadlela MD** was appointed as a Provincial Commissioner **with effect from 1 February 2015**. This official **(Magadlela MD)**,who was initially the Provincial Head of Detective Services in Mpumalangahas been submitting his financial disclosure forms consistently between the periods 2012/2013 and 2015/2016.
* **Mbombo MZN**, who was the **Provincial Commissioner for North West, retired during 2014/2015** financial year (on 31May 2015). The financial disclosure forms of this official were, however, submitted in respect of the period between 2012/2013 and 2014/2015 financial years. He was replaced by **Tsumane LJ** who is the Provincial Head of Detective Services in an acting capacity. **Tsumane LJ** has been submitting the financial disclosure forms consistently between the periods 2012/2013 and 2014/2015 financial years.
* **Basson JD** who was the **Provincial Commissioner for the Northern Cape** submitted the financial disclosure forms consistently between the period 2012/2013 and 2014/2015. The official retired from the service on 31 August 2015 and was replaced by **Shivhuri RP**. The latter has been submitting the financial disclosure forms consistently between the period 2012/2013 and 2015/2016 financial years. The official was previously occupying the post of Deputy Provincial Commissioner: Policing.
* **Lamoer AH** who was the **Provincial Commissioner for the Western Cape**, submitted the financial disclosure forms in respect of 2012/2013 and 2013/2014 financial years. The employment contract of the official expired on 30 November 2015. The official’s financial disclosure form for the 2014/2015 financial year was not submitted. This form was supposed to have been submitted in view of the fact that the contract expired seven (**7**) months after the due date for the submission of financial disclosure forms.
* **Lamoer AH** was replaced by **Patekile TE as Provincial Commissioner for the Western Cape** with effect from 9 January 2016.The official (**Patekile TE)** submitted the financial disclosure forms consistently between the period 2012/2013 to 2015/2016 financial years. The official was initially occupying the post of Provincial Head: Operations Coordination in the Eastern Cape.

The due date for the submission of financial disclosure forms for the 2016/2017 financial year was 31 May 2017. The PSC is still capturing data relating to that.