

**MINISTRY**

**COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NUMBER 1919 OF 2020**

**1919. Mr M Waters (DA) to ask the Minister of Cooperative Governance and Traditional Affairs:**

(a) Whether the City of Ekurhuleni (CoE) meets the remedial obligations as set out in the Public Protectors report No 58 (details furnished); if not, why not and (b) what action does she intend taking to ensure that they fulfil the remedial action dictated by the Public Protector; if so, what action did the CoE take in respect of each individual’s remedial action dictated by the Public Protector? NW2434E

**Reply:**

The response below was provided by the City of Ekurhuleni:

1. Yes, the City of Ekurhuleni meets the remedial obligations as set out in the Public Protector’s report No 58.
2. The following actions were taken by the CoE in respect of the Public Protector’s Report No 58:

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| **No** | **Remedial as per Report No 58**  | **Remedial action taken by the CoE** |
| 7.1 | Within sixty (60) working days from the date of this report, disclose all irregular expenditure to the Council, Treasury and Auditor General incurred by Municipality in connection with the irregular appointment of Mr Mulder to the position of a Divisional Head Maintenance. | City of Ekurhuleni quarterly presents a report to Council on Unauthorised, Irregular, Fruitless and Wasteful (UIFW) expenditure as part of the SCM Policy implementation report which is quarterly sent to the provincial CoGTA, provincial Treasury and National Treasury. |
| 7.2 | Within 60 working days from the date of this report ensure that the Recruitment and Selection Policy of the Municipality is amended to provide for clarity and clear policy direction on the head-hunting process within the Municipality.  | The revised Recruitment and Selection Policy of the City has already been presented at the Corporate and Share Service Oversight Workshop and is being processed to be presented before Council for approval in the near future. |
| 7.3 | Disciplinary processes are instituted against Ms Lerato Gumbi and Ms Mbali Makara within 60 working days from the date of this report, as envisaged in section 67 (1) (h) of section 2 of the Code of conduct of municipal staff members for allowing Mr Mulder to be interviewed after a period of eight months without adhering to proper recruitment and selection processes of the Municipality. However, Dr Mashazi should not be part of the disciplinary proceedings herself since she was a panel member of the interview herself.  | No disciplinary proceeding could be instituted against Ms Lerato Gumbi and Ms Mbali Makara as Ms Gumbi resigned from the City several years before report No 58 was finalised and Ms Makara (an observer during the interview of Mr Mulder) was never employed by the City. |
| 7.4 | Within sixty (60) working days from the date of this report, She (City Manager) initiates a judicial review process as prescribed in terms of sections 6 and 7 of the PAJA to set aside the appointment of Mr Mulder on the basis that he was irregularly appointed as per the job advertisement.  | The Judicial Review Process which recommended against the appointment of Mr Mulder could not be embarked upon as his appointment and contract pertinent to the findings in Report 58 had long been terminated by the time the report was issued. |
| 7.5 | Disciplinary processes as envisaged in section 67 (1) (h) of schedule 2 of the Code of conduct of municipal staff members are instituted against Dr I Mashazi within 60 working days from the date of this for allowing Mr Mulder to be interviewed after a period of eight months without adhering to proper recruitment and selection processes of the Municipality. According to the schedule 2 of the Code of conduct of the municipal staff members, Dr I Mashazi acted contrary to section 2 (d) as she failed to act in the best interest of the Municipality during the appointment of Mr Mulder and such conduct compromised the credibility and integrity of the Municipality. | There was a disciplinary process and report was compiled and sent to Council advising on the outcome. |
| 7.6 | Disciplinary processes as envisaged in section 67 (1) (h) of the Code of conduct of municipal staff members, are instituted against Mr Myeza for the final award of tender number A-IS (RW) 03-2012 for the upgrading and construction of roads and storm water infrastructure, without adhering to procurement processes as provided for in the MFMA. | Disciplinary processes could not be undertaken against the said individual because he left the employ of the City. |
| 7.7 | Disciplinary processes as envisaged in section 67 (1) (h) of the Code of conduct of municipal staff members, are instituted against Mr Mulder, Mr van der Merwe, Mr Mohlabi, Mr Strydom, Mr Myeza and Mr Rautenbach for issuing appointment letters and making payments to contrators regarding tender number A-IS (RW) 05-2012 which was not approved by the former Municipal Manager: Mr Ngema. | Disciplinary processes could not be undertaken against the said individuals because all had left the employ of the City. |

**End.**