

## 18 Sep 2008 email

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**From:** Buthelezi, Sibusiso (GPTRW)

**Sent:** Thursday, September 18, 2008 2:33 AM

**To:** Jacobs, Ignatius (GPTRW)

**Cc:** Sedumo, Dingaana (GPTRW); Mpanza, Sibusiso (GPTRW); Martins, Gilberto (GPTRW); Maninjwa, Noxolo (GPTRW); Mosehla, Mohlomphegi (GPTRW); Marasela, Loyiso (GPTRW); Jafta, Sam (GPTRW); Kibi, Mzwandile (GPTRW); Mochotlhi, Frederick (GPTRW); Maseko, Paul (GPTRW); Chikane, Chikane (GPTRW); Mbada, Phindile (GPTRW); Van Rooyen, John (GPTRW); Mokoena, Mogopodi (GPDPR); Mallele Petje (GPEDU); Mollo, Molefi (GPTRW)

**Subject:** this and that

I had to opportunity to brief MEC Mashatile about the contents of this email last night

I had hoped to also get a chance to brief the Premier, but I could not, so I have copied both the incoming and the outgoing DG's with the hope that they will find it necessary to bring these matters to the attention of the Premier some time soon

In terms of the law (sec 38(1)(c)(ii) of the PFMA), in my capacity as the Accounting Officer, I am obliged to take effective and appropriate steps to prevent unauthorized, irregular and fruitless and wasteful expenditure and losses resulting from unlawful conduct

Sec 217 (1) of the Constitution Act 108 of 1996 and Sec 38 of the PFMA requires that the department, as an organ of state, to contract for goods or services in accordance with a system which is fair, equitable, transparent, competitive and cost effective (economical)

The Practice Note 6 of 2007/8 specifically requires that I approve all reasons and decisions for deviation from the above requirements in the procurement of any goods or services

About a month ago I re-constituted the various DAC's in the department – I also sent a email in which I advised members of the DAC how they should conduct themselves, not to abuse their positions in DAC for personal gain, and also how to run their affairs when in meetings – with this I sought to impose some resemblance of order

The department is doing very well with regard to empowerment. But the noble efforts to empower the historically disadvantaged are being undermined by a growing perception that empowerment is equal to corruption – regrettably, there is also a growing feedback that – increasingly, our senior managers serving in various DAC's are soliciting favours from contractors in return for favourable outcomes from DAC decisions

These efforts aimed at instilling high ethical standards are being undermined by some of the activities and instructions that have been emanating from your office MEC

Besides, there is a growing tendency to call senior managers to your office MEC where these managers are given instructions that clearly represent a departure from what can be classified as right and lawful – the poor managers are then caught between the proverbial rock and the hard place – knowing fully well that I will disapprove of what you have instructed them to do

These actions MEC emanating from your office are beginning to instill an uneasy sense of ill-discipline and what can easily amount to insubordination

You will recall last month that I redeployed John van Rooyen from one DAC to another, and his response was to decline what I consider to be a lawful and reasonable instruction to perform a particular task. You will recall MEC that he chose to copy you in his reply (declining). I am still expecting to hear you rebuking him and calling him to order. Not only because he copied you. But because he specifically said in his email that he is refusing to do what I instructed him to do because he was busy with the tasks that you had given to him – In the past week it has become clear to me what he meant by these tasks given to him – these appear to include setting up meetings with potential contractors where our senior managers are expected to attend and commit the department to contracts that are clearly unlawful – this cannot be right – and this cannot be allowed to happen – it is for this reason that I hereby withdraw the delegation I had bestowed on John van Rooyen to participate in some DAC's. In short, John is not to participate in any DAC from today until further notice

Since last year – I have been bringing to your attention the situation in Impophoma, in particular, the instability brought about by ongoing conflict between the CEO and the COO. I have brought to your attention some of my frustrations and some of the efforts I have taken to restore order in that entity – to date, you have not seen it fit to offer an opinion or suggestion on what you think I should do.

Then you go on, after more than a year of persistent problems, you call senior managers to your office, without even discussion with me, and you instruct them to remove Fred (Impophoma COO) so “your people” can have space to operate – MEC I don't understand this, neither do I accept this

As for Kibi, notwithstanding the fact that I have essentially turned a blind eye to his gross underperformance – largely due to respecting the special relationship he seems to be enjoying with you – and notwithstanding noticeable advances I have been making trying to reach out to him – which is very uncharacteristic of me – he chooses to go behind my back and jump over my head and come to you to instigate this reckless move of removing the COO from his post – MEC, the fact that you seem to encourage this deviant behavior, how do you expect me to perform my job? do you expect John and Kibi to respect me as their superior – if they know that they can just go over my head – craft instructions for you – and you dish out instructions to me – how would you feel if somebody were to do that to you? it is not right – and it should not happen – in retrospect, I think you are correct in concluding that Kibi and Fred cannot work in the same space – but you are mistaken when you want to remove Fred from that space. Fred is hands-on – he knows every thing that is happening in that organization – he may also be guilty of factionalism, he may not be an excellent manager as in MBA, but his technical skills are what I need in Impophoma – Kibi has got no clue what is going on in that entity – he is preoccupied with his

text-book models and trying to be an entrepreneur in this public space – I have thus decided to re-deploy Kibi with immediate effect

Kibi will now be located temporarily in my office while I still try to find a suitable deployment for him – in the meantime he will be expected to assist the UTF with the day to day operational management of the Mabopane and Temba DLTC's – in this regard, he will work closely with Effort Kgamedi on site and report progress to Loyiso Marasela in my office.

Sam Jafta will double up as both the CEO of gFleet and Acting CEO of Impophoma until further notice

The instructions you have given to Paul Maseko and Phindi Mbada are unlawful and irregular – I hereby instruct them to ignore these and any other such instructions in future

I am also a bit uncomfortable with some of the instructions you regularly give to Mpanza, Gilberto and Noxolo – the fact that you ignore me and choose to issue these instructions directly to my senior managers is in itself a problem, but not a serious problem – I am only objective to this because it appears that this is not just inspired by the cutting of the proverbial red tape, but these interactions appear to be more for these irregular instructions and practices that calls for me to stand up and act in my capacity as the Accounting Officer

I hope you don't take this personal – am just doing my job – and I always strive to do it well

Sbu