

**GAUTENG ETHICS &
ANTI CORRUPTION**

**BIENNIAL REPORT
OF THE GAUTENG ETHICS
ADVISORY COUNCIL
2022**



GAUTENG
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

GGT2030
GROWING GAUTENG TOGETHER

The main objective of the **Gauteng Ethics Advisory Council (GEAC)** is to provide an independent oversight, advice, advocacy, and civil society mobilisation on **fighting corruption** and promoting integrity in the **Gauteng City Region.**



THE STATE OF ETHICS,
INTEGRITY AND CLEAN
GOVERNANCE IN
GAUTENG

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OVERVIEW BY THE CHAIRPERSON



I wish on behalf of all the members of the Gauteng Ethics Advisory Council (GEAC), to express our gratitude to the Premier for nominating us to serve on this unique civil society-led anti-corruption structure.

We are in unison that our acceptance to serve as members of the GEAC is not motivated by our thinking as experts in implementing anti-corruption reforms. We view this as an opportunity to contribute meaningfully in seeking long-lasting solutions that will curb the scourge of corruption within our society. More importantly, we are mindful that the implementation of reforms to address unethical conduct is not the responsibility of the government alone but of all sectors of society.

Accordingly, we have noted that the current Administration in Gauteng has adopted programmes which seek to enhance much needed social and economic growth. As citizens of this province, we cannot be partially sighted from acknowledging from the onset that the biggest risk for the achieving these programmes are the increasing levels of corrupt activities. More worrying, corruption fails any attempt to implement policies but more so, it demoralises confidence and destroys genuine public hope.

The success of these programmes must be supplemented by dealing decisively with allegations of corruption and promoting integrity within the Gauteng City Region. More appealing to us as members of the GEAC is seeing the Premier at the forefront, demonstrating leadership in the implementation of anti-corruption reforms. Although all individuals are encouraged to take responsibility for their actions, it cannot be stressed enough that the tone as well as action from the top is needed if any success in implementing anti-corruption reforms is to be realised.

We commenced our term by seeking to clearly understand the role of this civil society-led anti-corruption body. We spent time in analysing our Terms of Reference and took comfort in the fact the GEAC has an independent role which is to provide advice and expertise to the Premier and Executive Council on matters related to ethics and anti-corruption. We are equally satisfied with the robustness of the Gauteng Anti-Corruption Strategy (2015-2019) which was published and launched in 2015. We continuously review the relevance of this strategy and advise on the areas that need to be enhanced. I should state categorically that our guidance and advice is always embraced by the Premier and Executive Council and the implementation thereof is continuously monitored by GEAC.

In developing its Programme of Action, the GEAC sought to take into consideration, amongst others, its responsibilities as outlined in the Terms of Reference and the Declaration of the Ethics and Anti-Corruption Indaba which was held on 21 November 2017. At the core of the GEAC Programme of Action is the acceptance that the collaboration of all role-players is needed to build a society characterised by high levels of integrity. Hence, the GEAC has decided on the implementation of proactive measures by, among others, mobilising citizens to join the fight against corruption. Advisors on anti-corruption reforms advocate for ordinary citizens to become actively involved in combatting corruption since a united people-centred approach can limit the unethical behaviour of those entrusted with public resources.

The GEAC has spent more time during its early stages on building its working programme and understanding the internal workings of the Gauteng Provincial Government (GPG). The GEAC working programme was directed towards the strengthening of the systemic internal processes and controls within the Gauteng Provincial Government. This was with a view to sustaining the pillars of the Gauteng Anti-Corruption Strategy of effectively preventing, detecting, investigating corruption and acting promptly on the resolution of cases of alleged corruption. We have also been on a drive to meet with various stakeholders and sectors in the province with a view to establish working relations and further solicit inputs on how to effectively deal with the scourge of corruption.

This is to ensure that by the time the GEAC goes out to mobilise citizens to join the fight against corruption it has formed partnerships with relevant anti-corruption institutions and has full confidence in the integrity management programmes of the GPG.

The consultative approach that has been adopted by the GEAC has somehow highlighted some urgent interventions that are key in creating an environment characterised by the high standard of professional ethics. Key to these is the development of the Integrity Pacts and Pledges with respective stakeholders which will assist to regulate future relationships between the GPG departments and those who do business with government.

In moving forward, the GEAC will seek, amongst others, to maximise the involvement of its members with immense skills, experience, and expertise to create an integrity-driven Gauteng City Region. We will also prioritise advocacy which involves mobilisation and promotion of activism and facilitate public campaigns among citizens on rule of law, ethics, integrity, and accountability in public and private sector organisations.

The GEAC is therefore pleased to present to you its “Biennial Report of the Gauteng Ethics Advisory Council (2022)”. I trust that as responsible citizens of our province you will find time to interrogate the contents of this report and identify areas of collaboration that will assist in creating a corruption-free Gauteng City Region.

Together, we are moving the Gauteng City Region forward.

Dr Terence Nombembe, CA(SA)

Chairperson: Gauteng Ethics Advisory Council
31 March 2022

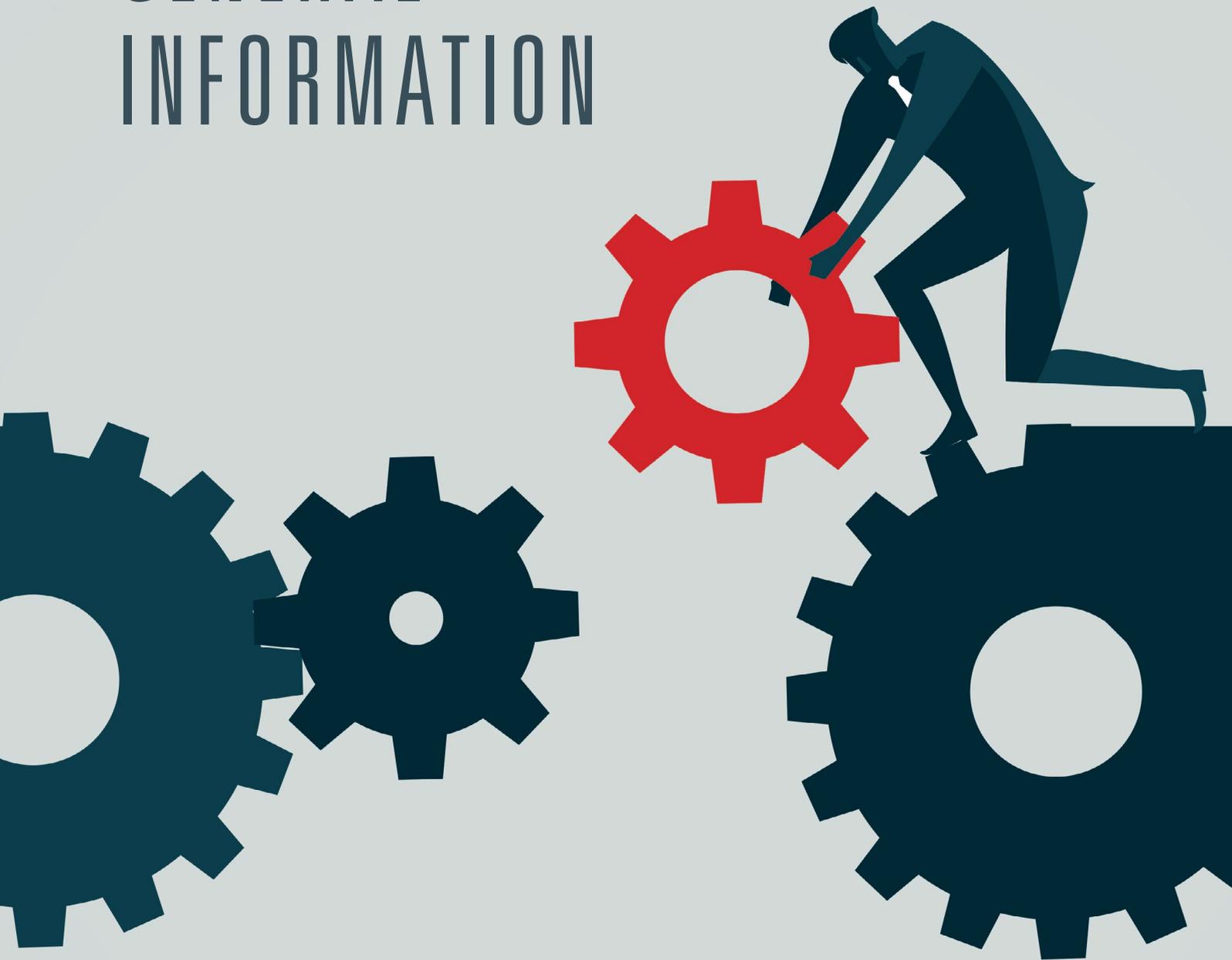
LIST OF ABBREVIATIONS

AEPF	Anti-Intimidation and Ethical Practices Forum
AGSA	Auditor-General of South Africa
COGTA	Cooperative Governance and Traditional Affairs
DG	Director General
DPSA	Department of Public Service and Administration
EA	Executive Authority
EXCO	Executive Council
GDCS	Gauteng Department of Community Safety
GDRT	Gauteng Department of Roads and Transport
GEAC	Gauteng Ethics Advisory Council
GPG	Gauteng Provincial Government
HOD	Head of Department
IIASA	Institute of Internal Auditors in South Africa
KPA	Key Performance Area
LEA	Law Enforcement Agency
LGELI	Local Government Ethical Leadership Initiative
MACC	Minimum Anti-Corruption Capacity
MEC	Member of the Executive Council
MFMA	Municipal Finance Management Act
MoU	Memorandum of Understanding
MRM	Moral Regeneration Movement

NACS	National Anti-Corruption Strategy
NACH	National Anti-Corruption Hotline
NDP	National Development Plan
NGO	Non-Governmental Organisation
OOP	Office of the Premier
OPSC	Office of the Public Service Commission
PAIA	Promotion of Access to Information Act
PAJA	Promotion of Administrative Justice Act
PDA	Protected Disclosure Act
PFA	Provincial Forensic Audits
PFMA	Public Finance Management Act
PRECCA	Prevention and Combating of Corrupt Activities Act
PSACS	Public Service Anti-Corruption Strategy
PSC	Public Service Commission
PSIMF	Public Service Integrity Management Framework
SIU	Special Investigating Unit
SMART	Specific, Measurable, Achievable, Realistic and Time-bound
SMS	Senior Management Service
SSA	State Security Agency
TEI	The Ethics Institute

PART ONE

GENERAL INFORMATION



1.1 Introduction

- 1.1.1 The Gauteng Provincial Government established the Gauteng Ethics Advisory Council (GEAC) which is a civil society-led body intended to further strengthen partnerships to promote integrity and fight corruption.
- 1.1.2 The Terms of Reference for the GEAC requires the Premier to appoint persons that are drawn from various groups of society including professional bodies, business, labour, academia, faith-based organisations, non-governmental organisations and others. Members of the GEAC are appointed in their individual capacity as informed by their profiles and contribution in ensuring an ethical society.
- 1.1.3 The Terms of Reference for the GEAC states that the term of office for the GEAC members shall be aligned to the political term of office. The term of office can be extended at the discretion of the Premier for a period of not more than one term. The Office of the Premier has considered that the current members of the GEAC were appointed during the previous political term, i.e. 5th Administration.
- 1.1.4 It is in this regard that the Premier reappointed the members of the GEAC to serve for another five-year term, from 2020 to 2024.



- 1.1.5 The rationale for their appointment is mainly based, amongst others, on the following:
- 1.1.5.1 **Commitment by the Premier (2020 SOPA)** – The eradication of corruption among public servants, business partners and civil society requires a robust governance structure to give strategic direction on acceptable ethical behaviour in the Gauteng City Region. It is considering this that the Premier committed during the 2020 State of the Province Address that the GEAC would undertake a major anti-corruption drive focussing on fraud and corruption in law enforcement agencies, health, education, licensing and human settlements.
- 1.1.5.2 The Premier further indicated that this would assist in making it clear that there will be serious consequences for public officials working for the Gauteng Government, who do business with the state. Hence, the reappointment of the members of the GEAC would assist to support the notion that the 6th Administration in Gauteng is fully committed to ensuring the integrity of the procurement processes. The contribution of the members of the GEAC can further assist the 6th Administration in Gauteng as it seeks to achieve its priorities as contained in the plan of Growing Gauteng Together 2030 (GGT2030).
- 1.1.5.3 **Allegations of corruption related to COVID-19** – The Gauteng Provincial Government has laid a firm foundation for clean governance through the Open Tender System and other public financial management initiatives which have a potential to improve the integrity of the procurement process. The Office of the Premier has noticed the increase in the reporting of serious allegations related to the supply chain management process of the Personal Protective Equipment for COVID-19 related to the Gauteng Provincial Government departments.
- 1.1.5.4 These allegations have a potential to reverse the gains achieved in ensuring the integrity of the procurement processes in Gauteng. Therefore, the reappointment of members of the GEAC is another intervention to ensure that they assist with their expertise to resolve serious challenges related to contravention of the applicable legislative framework in this regard as well as assist in ensuring a corruption-free Gauteng City Region.
- 1.1.5.5 **Strategies by departments** – The Executive Council resolved that Gauteng Provincial Government departments must develop strategies to address highlighted challenges by the GEAC. The reappointment of the GEAC members is to assist in monitoring the implementation of strategies that are to be developed by GPG departments and further assist with the continuation of advocacy programmes, which are part of the overall GEAC Programme of Action.
- 1.1.5.6 **Review of the Gauteng Anti-Corruption Strategy** – The GEAC played a key role in organising, setting the agenda, participating, and assisting to solicit inputs from various societal stakeholders on the development of the proposed National Anti-Corruption Strategy (NACS). The Head of Integrity Management is representing the GEAC at the Reference Group which developed the National Anti-Corruption Strategy. The Gauteng Anti-Corruption Strategy is due for review; the GEAC will therefore also study the final National Anti-Corruption Strategy and determine the elements that should be adopted, taking provincial circumstances into consideration.

1.2 Specific role of the GEAC

- 1.2.1 The GEAC has an independent role: to oversee and make recommendations to the Executive Council for its consideration and implementation.

1.3 Main objective of the GEAC

- 1.3.1 The main objective of the GEAC is to provide independent oversight, advice, advocacy, and civil society mobilisation on fighting corruption and promoting integrity in the Gauteng City Region.

1.4 Members of the GEAC

- 1.4.1 The GEAC consists of twelve (12) persons appointed by the Premier. The current members of the GEAC are:

NAME	SKILLS SET*
Dr Terence Nombembe (Chairperson)	Independent Specialist (Accounting)
Advocate Fay Mukaddam (Deputy Chairperson)	Business (Commercial lawyer)
Professor Deon Rossouw	Independent research agency (Ethics)
Father Smangaliso Mkhathshwa	Non-governmental organisation (Moral regeneration)
Ms Puseletso Madumise	Non-governmental organisation (Communities)
Mr Lerata Joel Motsiri	Labour (Crime prevention)
Mr David Lewis	Independent research agency (Anti-corruption)
Dr Claudelle von Eck	Independent specialist (Auditing)
Professor Natasja Holtzhausen	Academia (Ethics and anti-corruption)
Ms Martle Keyter	Labour (Fair labour practices in the workplace)
Ms Zanele Sabela	Independent (Public relations consultant)
Prof Thulisile Madonsela	Academia (Forensic investigations)

[Profiles for each GEAC member can be found on pages 34–37]

1.5 Representative of the Executive Council

- 1.5.1 The Executive Council is represented in the GEAC by Mr Lebogang Maile, MPL – (Member of the Executive Council for Human Settlement, Urban Planning and Cooperative Governance and Traditional Affairs and Chairperson of the Governance and planning Cluster).
- 1.5.2 Secretariat – Ms Mildred Nkopane: Chief Director: Integrity Management at the Office of the Premier.

1.6 Responsibilities of the GEAC

- 1.6.1 The GEAC must perform all the functions as is necessary to fulfil its role as stated afore including the following:
- 1.6.1.1 Monitoring trends in integrity and corruption;
 - 1.6.1.2 Actively collaborating with stakeholders who can assist the GEAC in the execution of its responsibilities;
 - 1.6.1.3 Advising the Premier and Executive Council (EXCO) on appropriate actions to be taken including considering ad-hoc requests between meetings;
 - 1.6.1.4 Monitoring the adequacy and effectiveness of initiatives undertaken by the Premier and EXCO;
 - 1.6.1.5 Partnering with other agencies and networks to promote the advancement of ethics and fight against corruption in the province;
 - 1.6.1.6 Collaborative advocacy and mobilisation of civil society, private sector and government to change unethical behaviour to entrench an ethical culture and practices that increase productivity, efficiency and ultimately protection of the most vulnerable citizens of the Gauteng City Region;
 - 1.6.1.7 Mobilisation and promotion of activism and facilitation of public campaigns among citizens on rule of law, ethics, integrity and accountability in public and private sector organisations; and
 - 1.6.1.8 Reporting biennially on “The state of ethics, integrity and clean governance” in the Gauteng City Region.

1.7 Outline of the report

1.7.1 The report, which is comprised of six parts, is structured as follows:

PART ONE

General Information

PART TWO

Performance Information – examines the performance of the GEAC as it relates to their main objective of providing independent oversight, advice, advocacy, and civil society mobilisation on fighting corruption and promoting integrity in the Gauteng City Region.

PART THREE

Independent Ethics and Anti-Corruption Agencies – focusses on the state of ethics in Gauteng as assessed by independent ethics and anti-corruption agencies.

PART FOUR

Reflections by the GEAC – reflects on the reports of the independent assurance service providers.

PART FIVE

Future Outlook of the GEAC – outlines the future strategic outlook for the GEAC.

PART SIX

Response by the Executive Council – offers a response by the Executive Council on matters that have been raised by the GEAC's report on the state of ethics, integrity and clean governance in Gauteng.

PART TWO

PERFORMANCE INFORMATION



2.1 Introduction

- 2.1.1 The reference point for the GEAC will always be the Anti-Corruption Summit which was held on Tuesday, 21 November 2017 at Birchwood Hotel and OR Tambo Conference Centre. The objective of the Summit was, among others, to promote long-term, sustainable partnerships between government and other sectors to fight corruption and build an integrity-driven Gauteng City Region. A total of 798 delegates representing all sectors of society attended the Summit. All sectors were accommodated on the programme to ensure that their inputs and recommendations on how to best deal with corrupt practices within society were heard.
- 2.1.2 Key to the success of the Summit was a Declaration, which clearly outlined the programmes and initiatives that should be undertaken in the quest to minimise corruption in the province. Most importantly, the Declaration acknowledges: “That the collaboration of all role-players is needed to build a society characterised by high levels of integrity.”
- 2.1.3 This chapter will focus on analysing the road travelled by the GEAC since the inaugural report “The state of ethics, integrity and clean governance” in the Gauteng City Region which was presented to the Executive Council in February 2020.

2.2 Enhancement of the GEAC’s Programme of Action

- 2.2.1 The GEAC developed its Programme of Action based on GEAC’s Terms of Reference, the outcomes of the Strategic Planning Session (08 November 2017) and the Declaration of the Gauteng Ethics and Anti-Corruption Indaba (21 November 2017).
- 2.2.2 The Programme of Action was further enhanced by the GEAC recommendations from its Annual Report and EXCO resolution. Furthermore, the province appears to have been facing corruption challenges during the implementation of the GCR COVID-19 response plan. Thus, each function and element of the Programme of Action is considered a separate but important building block given that individual elements should be complementary and mutually reinforcing.
- 2.2.3 The Programme of Action of the GEAC seeks to partner with various stakeholders with the overall intention of addressing the following key areas:



Prevention – The GEAC indicated that it would ensure the implementation of proactive measures. Including, among others, mobilising citizens in fighting corruption and promoting integrity. The GEAC will also engage and strengthen collaboration with community-based organisations. There will also be partnership with the media to showcase success stories.



Detection and investigation – The GEAC intend to arrange focussed detection and investigation reviews in high-risk departments (with a focus on contracts above R10 000 000). The starting point will be high-risk departments like Health, Infrastructure, Social Development, Roads and Transport, and Education. However, it should be noted that the overall objective is to conduct ongoing detection reviews across all public-sector institutions within the Gauteng City Region.



Prosecution – The GEAC seeks to prioritise the prosecution of all those implicated in corrupt activities and has noted that to achieve this will require signing a Memorandum of Understanding with Law Enforcement Agencies to ensure criminal investigation for Gauteng is prioritised and expedited.



Recovery – The GEAC has noted the poor recovery rate on cases of financial misconduct and from officials implicated in corrupt activities and as a result will monitor reporting of financial misconduct and economic crimes cases concluded to the Asset Forfeiture Unit for recovery.



Monitoring and reporting – The GEAC has noted the importance of continuously informing stakeholders about the initiatives undertaken by the Gauteng City Region to create an integrity-driven Gauteng City Region. Hence, reporting to the public is being prioritised.

2.3 GEAC members' work allocation

- 2.3.1 The GEAC Programme of Action was dissected into five workstreams and the following criteria and principles were used to allocate members into the workstreams:
- 2.3.1.1 Members' skills, experience and expertise.
 - 2.3.1.2 The Chairperson and Deputy Chairperson will be transversal resources providing input and strategic support to the workstreams.
 - 2.3.1.3 Additional resources to workstreams – Council members will be allocated on an ad-hoc and Specific, Measurable, Achievable, Realistic and Time-bound (SMART) basis as and when the need arises, to provide additional input or guidance to the workstream team.
 - 2.3.1.4 The Integrity Management Chief Directorate and the Provincial Forensic Unit team members will be allocated to various streams to offer logistical support and technical input to the work of the workstream.
 - 2.3.1.5 Allocation of members to workstreams does not allow the Council to abdicate responsibilities. Members are expected to provide inputs to workstreams as and when required.

[The revised GEAC Programme of Action and Work Allocation for GEAC members are outlined in Part FIVE of this report which deals with the outlook of the GEAC]

2.4 Integrity Pacts and Pledges

- 2.4.1 In view of the importance of ethical business practices, the GEAC developed an Integrity Pact which will assist to regulate future relationships between the Gauteng Provincial Government departments and those who do business with government. The Integrity Pact places emphasis primarily on the following principles:
- 2.4.1.1 **Governance** – to ensure that both parties comply with all applicable provincial, national, continental and international laws and regulations regarding fair competition, ethical business practices and anti-corruption.
- 2.4.1.2 **Reputation** – to emphasise that the Gauteng Provincial Government works with service providers who are proud of their reputation for fair dealings and quality delivery of services. The suppliers who also commit to the protection of the Gauteng Provincial Government’s reputation, and guarantee that neither they, nor any of their partners or subcontractors, bring government into disrepute by engaging in any act or omission which is likely to diminish the trust that the public places in government. Most importantly, both parties should always commit to ethical conduct even outside their contractual obligation with the Gauteng Provincial Government.
- 2.4.1.3 **Protection of information** – to ensure that both parties undertake to protect the confidentiality of information. Each party, when given access to confidential information as part of the business relationship, should not share this information with anyone unless authorised.
- 2.4.1.4 **Commitment by government and suppliers** – to assist the Gauteng Provincial Government and service providers to proactively commit to doing business with integrity and proper regard for ethical business conduct.
- 2.4.2 The GEAC holds a firm view that the Integrity Pact ought to be legally binding and enforceable to both the Gauteng Provincial Government departments and its service providers. Accordingly, GEAC advised that legal advice be sought to accomplish this important prerequisite. Ideally, the Integrity Pact should make it easier for the Gauteng Provincial Government to review and terminate the contractual obligations with service providers that breach the Integrity Pact with minimal risk of litigation. Hence, GEAC want the GPG to consider requesting businesses to submit a signed Pact and Pledge as part of their bid documents. Commitment should come from the Chief Executive Officer that the bidding company is committed to ethical practices. Failure to adhere to this will lead to disqualification of the bidding company.
- 2.4.3 The Integrity Pact for Businesses has been finalised by the GEAC and was approved by the Executive Council on 08 December 2021.
- 2.4.4 The GEAC has also prepared the Integrity Pledge to be signed by all stakeholders of society and these will be reviewed as part of the revised GEAC Programme of Action. The pledge is a voluntary action that every stakeholder formation in Gauteng should undertake to make a unilateral declaration against corrupt practices and express its resolve to work towards a highly principled Gauteng ethical environment.

2.5 Practice Notes for the Premier and Executive Council

- 2.5.1 **Ad-hoc advice on KPMG, McKinsey, and SAP allegations** – The GEAC was requested by the Executive Council to offer advice on Gauteng’s contractual relationship with KPMG, McKinsey, SAP, and other firms that are alleged to have transgressed ethical business practices. This was to ensure that all necessary steps are undertaken in ensuring that the Gauteng Provincial Government responds in an appropriate manner. By referring the matter to the GEAC, the Gauteng Provincial Government sought the input on matters related to guidelines for ethical business conduct.

The Council advised the provincial government on how to deal with allegations of unethical business practices levelled against service providers such as KPMG, McKinsey and SAP. Consequently, the Executive Council took firm decisions to discontinue doing business with service providers involved in unethical or corrupt practices.

- 2.5.2 **Advice on contracts awarded to Bosasa by the GPG departments and entities** – The Premier noted during the 2019 State of the Province Address that various commissions of enquiry appointed by President Cyril Ramaphosa have revealed serious and damning allegations. In this instance, witnesses of the Zondo Commission raised allegations of corruption and maladministration against Bosasa. The Gauteng Provincial Government seeks to examine all contracts awarded to Bosasa and its subsidiaries insofar as it relates to them doing business with the Gauteng Provincial Government. This work will include a detailed review on the ethical and/or unethical business practices that might have arisen during the time Bosasa and its subsidiaries were providing services to the Gauteng Provincial Government departments. The review will focus on the contracts awarded from 2009 to 2019.

A Secondment Agreement was entered into between the SIU and the Office of the Premier (OOP) Gauteng to review the allegations raised. The Secondment Agreement commenced on 1 July 2019. The SIU delayed submitting the final investigation report to the OOP. The SIU submitted its report to the Office of the Premier on 08 December 2020. The SIU presented its report to the GEAC on 19 May 2021 and the report is still under review before it can be finalised, and feedback or advice provided to the Premier on this request.

- 2.5.3 **Advice on contracts awarded to Blackhead Consulting (Pty) Ltd by the GPG departments and entities** – the Premier considered the negative media reports of serious allegations of unethical business practices involving Blackhead Consulting (Pty) Ltd which has existing contractual obligations with the Gauteng Provincial Government. Some of these emanate from the Judicial Commission of Inquiry into Allegations of State Capture while others relate to the supply chain management process of the COVID-19 Personal Protective Equipment for the Gauteng Provincial Government departments. These allegations have the potential to reverse the gains made in ensuring an integrity-driven Gauteng City Region.

The revelations in the Judicial Commission of Inquiry into Allegations of State Capture and allegations of corruption related to the procurement of Personal Protective Equipment have deepened the erosion of trust in government institutions. The Gauteng Provincial Government seeks to devise mechanisms to respond to the erosion of trust in public sector institutions. As a result, the Premier requested the GEAC to provide advice on how best to deal with Blackhead Consulting (Pty) Ltd which is alleged to be involved in unethical business practices while having existing contractual obligations with the Gauteng Provincial Government. The GEAC has provided advice for the consideration of the Premier in this regard.

2.6 Development of the National Anti-Corruption Strategy

- 2.6.1 The GEAC played a key role in organising, setting the agenda, participating in and assisting to solicit inputs from the various societal stakeholders on the development of the National Anti-Corruption Strategy.
- 2.6.2 The GEAC participated in the national process and contributed to the development of the National Anti-Corruption Strategy.
- 2.6.3 The first key proposal from the GEAC which has been incorporated into the NACS is the establishment of an interim National Anti-Corruption Advisory Council as a structural arrangement to ensure greater monitoring, accountability and transparency.
- 2.6.4 The Office of the Premier has shared the model of a civil society-led anti-corruption governance structure of the GEAC with the national government.
- 2.6.5 The second key proposal from the GEAC is the open tender process which the NACS requires to be adopted throughout the public service to reiterate government's commitment to transparent public procurement processes. This is in line with the Open Tender System introduced by the GPG to subject the tender process to greater public scrutiny and probity to make it difficult for anyone to manipulate the awarding of tenders.
- 2.6.6 The GEAC has thus noted the approval of the National Anti-Corruption Strategy by the National Cabinet and will be facilitating the review of the Gauteng Anti-Corruption Strategy after it has been officially launched.

2.7 Consultation with stakeholders

- 2.7.1 The GEAC, since its formation, has had consultative sessions with various stakeholders. The main purpose of the stakeholder engagement workshops was to establish working relations and further solicit inputs on the proposed draft Integrity Pact and Pledge, to effectively deal with the scourge of corruption with specific focus on the challenges experienced by stakeholders within their specific sectors. The GEAC also took these opportunities to inform the stakeholders about the Declaration of the Gauteng Ethics and Anti-Corruption Summit, and the GEAC Terms of Reference and Programme of Action.

2.7.2 The consultation sessions were held with the following stakeholders:



2.7.3 The GEAC had a consultation session with the senior public servants (i.e. Provincial Director General, Heads of Department, Deputy Director Generals and Chief Directors).

2.7.4 The GEAC shared information about its formation and the road travelled so far. Presentations on nurturing a values-based management and values-driven public service; assessment of curbing fraud and corruption in high-risk areas in Gauteng; taking positive action when unethical behaviour is reported; and ensuring that whistle-blowers are protected, were done.

2.8 Support by GEAC to the Integrity Management Unit

2.8.1 The Integrity Management Unit was established by the Premier during the 5th Administration as a semi-independent unit.

2.8.2 The Integrity Management Unit provides Secretariat function to the GEAC. This includes, amongst others, coordinating and planning the activities of the GEAC, conducting research and investigation as per the brief of the GEAC, providing appropriate and constructive input on matters for discussion by the GEAC and as a linkage between the Premier, EXCO, external stakeholders and the GEAC.

2.8.3 The GEAC is providing support to the Integrity Management Unit through the review, advice and monitoring of implementation of the GCR Anti-Corruption Strategy and Integrity Management Policy; Vetting Strategy and Transversal Security Management policies and implementation of compliance initiatives to legislative prescripts in institutions.

2.8.4 This is part of implementing one of the objectives of the GEAC which seeks to monitor the adequacy and effectiveness of initiatives undertaken by the Premier and EXCO.

2.9 Conclusion

2.9.1 The GEAC seeks to continuously improve its performance by intensifying the implementation of its Programme of Action. This has been immediately attended to by revising its Programme of Action and taking into consideration the current challenges in the fight against corruption in Gauteng. The Programme of Action has also been dissected into five (5) workstreams to achieve maximum benefit from the members' skills, experience and expertise.

PART THREE

INDEPENDENT ETHICS AND ANTI-CORRUPTION AGENCIES



3.1 Introduction

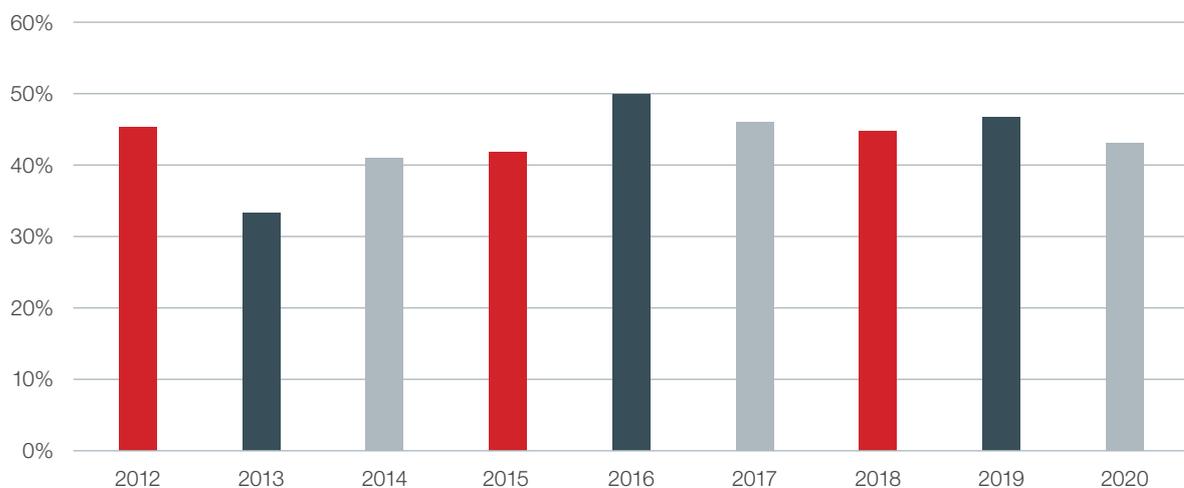
3.1.1 This section focusses on providing an overview on the state of ethics in Gauteng as assessed by independent research agencies. These independent ethics and anti-corruption agencies primarily provide support and insights to the Gauteng Provincial Government. The role of the GEAC in this regard is to assess the relevance, effectiveness and the impact of the interventions that are considered and implemented by the Gauteng Provincial Government, as supported by the independent ethics and anti-corruption agencies.

3.2 Corruption Watch

3.2.1 Corruption Watch is a non-profit organisation that was launched in January 2012. They encourage the public to participate in the fight against corruption, by blowing the whistle. Since inception, they have received over 35 000 whistle-blower reports, which has formed the basis of their research outputs, policy advocacy, strategic litigation, mobilisation campaigns, communications activities, as well as select investigations.

3.2.2 Over the last nine years, 13 141 whistle-blowers have approached Corruption Watch to report issues of corruption in the Gauteng province, making it the number one provincial hotspot for graft. The volume of reports received from the province can be attributed to the following:

- Gauteng being the most populous province in the country, as well as the economic hub; and
- Corruption Watch is in Gauteng, leading to a greater awareness about the organisation amongst residents.



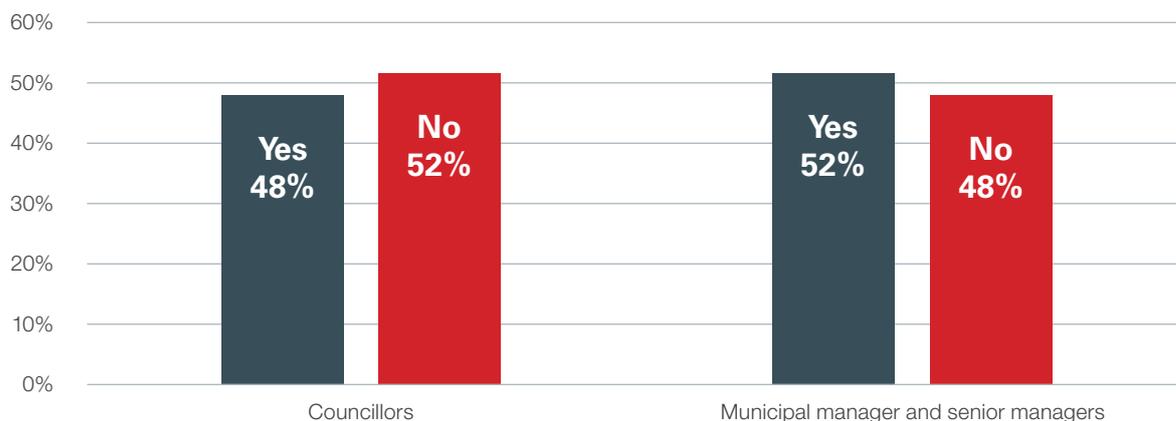
Graph illustrates the annual percentage of whistle-blower reports Corruption Watch has received relating to corruption in Gauteng

3.2.3 Despite the abovementioned points, whistle-blowers consistently report allegations about serious corruption and fraud in the Province, which include bribery (24%), procurement irregularities (11%), abuse of power (10%), and the embezzlement and stealing of public funds (8%).

3.2.4 In recent years, the Gauteng Provincial Government has undertaken several important interventions to combat corruption, including the establishment of the Gauteng Ethics Advisory Council. However, despite public commitments to accountability, transparency, as well as promises to conduct lifestyle audits of senior officials, there is little evidence of actual implementation of these initiatives. Corruption Watch is of the view that the provincial government needs to take urgent steps to decrease the levels of corruption experienced in the province and hold officials who are running provincial departments like personal fiefdoms, to account.

3.3 The Ethics Institute

- 3.3.1 The Ethics Institute (TEI) was incorporated in 1999 and is an independent institute producing original thought leadership and offering a range of services and products related to organisational ethics. The Ethics Institute has conducted independent research on issues relating to ethics, bribery and corruption.
- 3.3.2 TEI has been a strategic partner of the Gauteng Provincial Government for several years. They have been able to assist with the rolling out of a range of ethics capacity-building programmes for both provincial and municipal officials in Gauteng. TEI also conducts independent research on issues relating to ethics, ethical leadership, bribery and corruption.
- 3.3.3 TEI partnered with Gauteng to implement Phase 1 of the Gauteng Municipal Integrity Project which focussed on building the ethics capacity of municipalities. Phase 2 of this project now focusses on building the capacity of selected provincial officials to support Gauteng municipalities on their ethics journeys. TEI also conducts the Public Sector Ethics Survey which the province participates in.
- 3.3.4 TEI has recently conducted focus groups and interviews with key stakeholders in the province and has recently rolled out an electronic survey as part of the Local Government Ethical Leadership Initiative (LGELI).
- 3.3.5 The selected results are as follows:
 - (i) Good ethical leadership is shown in my municipality by:



Graph illustrates the perception of ethical leadership by Councillors, Municipal Managers and Senior Managers.

- (ii) “To what extent do you disagree/agree that the following undermines ethical leadership in your municipality?”
 - The scores given show an agreement score based on responses to a six-point scale from strongly disagree (1) to strongly agree (6).
 - A low score shows greater disagreement, and a higher score shows greater agreement. The following colour scale is used:

Strong disagreement that the item undermines ethical leadership	0 – 32
Moderate disagreement that the item undermines ethical leadership	33 – 49
Moderate agreement that the item undermines ethical leadership	50 – 66
Strong agreement that the item undermines ethical leadership	67 – 100
“To what extent do you disagree/agree that the following undermines ethical leadership in your municipality?”	Agreement Score
The danger of taking a stand for “what is right” You can get hurt/killed	66.7
Personal greed	66.6
Appointment of officials with political connections rather than skills	65
Lack of education and skills among councillors	64
No consequences for councillors when they do wrong	64
Councillors making unrealistic promises to communities	63
Interference from political party branches in council/the administration	63
Appointment of political party office-bearers in the administration	63
No consequences for senior managers when they do wrong	62
Corruption in supply chain management	62
Councillors being accountable to their parties, not to the community	60
Instability in top management	59
Criminal elements capturing the municipality	58
Inappropriate interference from councillors in the administration	58
Municipal managers and Section 56 managers’ lack of job security due to contract appointments	56
Lack of education, skills and qualifications among officials	56
Officials misrepresenting facts to councillors	56
Not enough engagement with communities by councillors	55
Unlawful instructions from councillors to officials	53
Unlawful instructions from senior managers to officials	53
Municipal service providers funding political parties	52
Pressure from businesspeople to bypass rules	51
Pressure from communities to bypass rules	49
Provincial government abusing s139 interventions for political purposes	49
Pressure from my own political party to vote against my conscience	31

- 3.3.6 LGELI will use the data collected to develop the Code for Ethical Governance for South African Local Government.
- 3.3.7 The GEAC will also use the data at the disposal of Gauteng Provincial Government, as provided by TEI to address the areas of concern regarding ethics and ethical leadership as raised by the participants.

3.4 The Anti-Intimidation and Ethical Practices Forum

- 3.4.1 The Anti-Intimidation and Ethical Practices Forum (AEPF) is a collective forum made up of professional body organisations, who share a common concern about the rising levels of corruption, fraud and lack of corporate governance in South African organisations.
- 3.4.2 A total of 544 respondents, mostly professional specialists, aged 31 to 39 years, with a Bachelor's Degree (35%) completed the 2021 AEPF Ethical Practices Survey.
- 3.4.3 Key findings for the Gauteng Province in the survey research study indicated the following:
- Ethics in Society was rated under 25% overall.
 - Ethics in Organisations was rated at 50% overall.
 - Reporting on Ethics was rated at 55% overall.
 - Reporting experience was rated on 20% overall.
- 3.4.4 The protection of whistle-blowers has been a concern not only in Gauteng but throughout South Africa. There has been serious intimidation, harassment and even killing of whistle-blowers within the private and public sector institutions. The Gauteng Provincial Government will partner with the AEPF to ensure that matters related to whistle-blowers are effectively addressed by the institutions within the Gauteng City Region. The GEAC takes seriously the monitoring of the effective management and the protection of whistle-blowers in Gauteng City Region.

3.5 Moral Regeneration Movement

- 3.5.1 The Moral Regeneration Movement (MRM) is a networking forum created to facilitate and coordinate initiatives aimed at moral renewal and transformation. Working with and through local structures in communities, the MRM seeks to promote local action and commitment from within the various communities and institutions. The intended objectives of the MRM include, amongst others, to promote a good governance ethos in all sectors of society.
- 3.5.2 The MRM's three-year strategic plan seeks to help fight corruption in all sectors of society by, amongst others, fighting the culture of poor service delivery as well as fighting fraud and theft among officials in government. The MRM has a Charter of Positive Values which constitutes a framework of ethical and moral reference for all South Africans. The specific objectives of the Charter include:
- Generating a moral vision for South Africa by defining what constitutes morality and rightful conduct thus laying the foundation for commitment;
 - Conscientising the South African society to take collective responsibility for developing a framework for a South African Code of Conduct; and
 - Restoring and anchoring values in the Constitution, including respect for human rights and accepting accountability for one's being and actions.
- 3.5.3 Therefore, the Gauteng Provincial Government sees an opportunity in partnering with MRM as the adherence to the values espoused in the charter are the foundation of creating an ethical society. The GEAC will equally monitor the effectiveness and impact of the programmes that emerge from this partnership.

3.6 Conclusion

- 3.6.1 This section focussed on providing an overview on the monitoring and advisory role of the GEAC in ensuring that the work of the independent ethics and anti-corruption agencies is used effectively in addressing governance challenges that are faced by institutions within the Gauteng City Region. The GEAC will assist the GPG to formalise its relations with all the independent ethics and anti-corruption agencies and ensure that their research reports inform the intervention mechanisms put in place to address unethical conduct in Gauteng.

PART FOUR

REFLECTIONS BY THE GEAC



4.1 Opportunities

The GEAC encourages the Executive Council to note the following matters:

- 4.1.1 **Political will is critical if the fight against corruption is to gain ground** – All MECs, Mayors and Chief Executive Officers of GPG entities must always commit to conducting themselves ethically while occupying public office and accept that action will be taken against them when they are proven to have displayed unethical conduct. MECs, Mayors and Chief Executive Officers of GPG entities' commitment will be demonstrated by their exemplary actions as any deviation will contradict the notion of the establishment of the GEAC, as well as the launch and rollout of the strict regime of anti-corruption and integrity guidelines that seek to ensure Gauteng has a clean governance and administration. These include the Gauteng Anti-Corruption Strategy and the Gauteng City Region Integrity Management Policy and Framework. It is impressed upon MECs, Mayors and Chief Executive Officers of GPG entities to remember that the moral tone of any organisation is set by the leadership; and that leadership is viewed as the conscience of the organisation. Citizens look up to leaders at the highest level for noble practices of integrity and ethics. It is therefore crucial that MECs, Mayors and Chief Executive Officers of GPG entities set an example by being ethical leaders.
- 4.1.2 **Resolve the political and administrative conundrum** – During engagements with both organised labour federations, officials from municipalities and senior public servants, it became evident that there is a wide prevalence of instances where employees face political pressure to implement actions that are not in line with administrative procedures, integrity, and ethics. Prior to formulating a concrete position on this matter, the GEAC will engage the Executive Council, on an ongoing basis, with a view to dealing and resolving this matter in the most comprehensive manner possible.
- 4.1.3 **Consistent adherence to constitutional values** – chapter 10 of the Constitution of the Republic of South Africa outlines the values and principles governing public administration which provides guidance to MECs, Mayors and Chief Executive Officers of GPG entities regarding day-to-day decision-making and conduct. MECs, Mayors and Chief Executive Officers of GPG entities have a responsibility to constantly check if their actions are in line with these values and principles. A values-driven public service will ensure professionalism, accountability, and responsiveness in the delivery of services with the utmost dignity to all citizens.
- 4.1.4 **Provide effective oversight** – the Executive Council should provide effective oversight of the MECs, Accounting Officers, Mayors and Chief Executive Officers of GPG entities. This will ensure that operational plans are scrutinised and gaps in the basic control environment are identified in advance. Failure to do so could result in a major tragedy like the Life Esidimeni scandal, as well as non-compliance with safety standards in government buildings. These omissions pose a major reputational risk which could be avoided by the Gauteng Provincial Government.
- 4.1.5 **Full implementation of the recommendations of the chapter 9 and 10 constitutional institutions** – the MECs, Accounting Officers, Mayors and Chief Executive Officers of GPG entities should prioritise the implementation of the recommendations of the reports as released by the chapter 9 and 10 constitutional institutions like the Public Service Commission, Auditor-General, Public Protector, etc.

The focussed approach on addressing recommendations of these constitutional institutions has the potential to create a conducive administrative environment free of challenges like conflicts of interest, lack of dedicated capacity to deal decisively with allegations of corruption, outstanding disciplinary cases, and the poor rate of recovery of funds lost due to financial misconduct.

- 4.1.6 **Slow resolution of alleged corruption cases** – the GEAC has noted the exercise led by the Premier to consolidate and critically analyse forensic investigation reports from 2009 to date with the intention, amongst others, to ensure that recommendations of the forensic investigation are implemented accordingly. The GEAC wants to reiterate its support for this exercise as it has noted with concern that there is a slow pace of finalising investigations into allegations of corruption throughout the GPG departments. Notably, departments are not fully implementing the recommendations contained in the final forensic reports.
- 4.1.7 **Adoption of the Integrity Pacts to be part of the procurement process** – the GEAC holds a firm view that the Integrity Pact ought to be legally binding and enforceable to both the Gauteng Provincial Government departments and its service providers. Therefore, the Executive Council is advised to consider adopting the Integrity Pact as one of the compulsory requests for proposal forms to be signed and submitted during procurement process by service providers. The Integrity Pact should make it easier for the Gauteng Provincial Government to review and terminate, with minimal risk of litigation, the contractual obligations with service providers that are proven to be involved in allegations of corrupt activities. This should be linked to the Open Tender System as it has the potential to improve the integrity of the procurement process. On the 1st of December 2021, the GEAC, through the Office of the Premier, requested the Office of the State Attorney to brief a Senior Counsel, in terms whereof, legal opinion was sought on the Analysing the Integrity Pact for Businesses and provide a legal opinion on whether the inclusion of the Integrity Pact as one of the Standard Bidding Documents will be legally binding and constitutional. In the premises, it is the conclusion of the legal opinion that the inclusion of the Integrity Pact as one of the Standard Binding Documents will be legally binding and constitutional.
- 4.1.8 **Recruitment and appointments** – Embedded in the rollout of the Integrity Pact and/or Pledge is a need to appoint qualified, competent, dedicated and experienced human resources personnel to intensify the fight against corruption in the province. This will ensure the province recruits and appoints competent staff who are fit for the organisation and that is person-organisation-fit.
- 4.1.9 **Encourage additional Public-Private Partnerships** – the Gauteng Municipal Integrity Project, which seeks to support municipalities in developing or improving their internal integrity management capacity, is clearly demonstrating that government and private sectors can successfully work together in addressing the challenges that are facing the province. Therefore, the GEAC encourages the Executive Council to conceptualise additional projects that have a potential to yield the desired outcomes in supporting integrity management programmes. Both public sector and independent assurance providers should be considered in this regard.
- 4.1.10 **Communication of success stories** – There is an opportunity to ensure that the full details of the finalised corruption-related cases be disseminated at regular intervals to all the departmental stakeholders. Platforms such as the departmental intranet, websites and newsletters can be used for this initiative. This will send a strong message that decisive action is taken against those implicated in corrupt activities.

PART FIVE

FUTURE OUTLOOK OF THE GEAC



5.1. Future outlook of the GEAC

The plan of the GEAC revolves around prioritising advocacy. This involves mobilisation and promotion of activism and facilitates public campaigns among citizens on rule of law, ethics, integrity and accountability in public and private sector organisations. Specific focus will be on the following:

- 5.1.1 **Intensify the implementation of the Programme of Action** – the GEAC will intensify the implementation of its Programme of Action. The focus will remain on measures around prevention, detection, prosecution and recovery.
- 5.1.2 **Provision of advice** – the GEAC will continue to provide advice to the Premier and Executive Council on matters related to ethics and anti-corruption for their consideration.
- 5.1.3 **Move towards the Gauteng City Region approach** – the GEAC seeks to involve all sectors in the fight against corruption. The local government sphere, representatives of political parties and provincial government agencies that have serious challenges addressing matters related to ethics and anti-corruption will also be consulted. This is to ensure all role-players move in the same direction.
- 5.1.4 **Contextualise the National Anti-Corruption Strategy** – the Gauteng Ethics Advisory Council will also study the anticipated National Anti-Corruption Strategy and determine the elements that should be adopted in consideration of provincial circumstances.
- 5.1.5 **Continue with establishing collaborative working relations with key stakeholders of the Gauteng Government** – the GEAC will continue to engage key stakeholders with a view to getting them to make constructive inputs on the formulation of the Integrity Pact and/or Pledge, and further commit formally to the signing thereof. The GEAC considers this step critical to understand and strengthen the internal programmes of the Gauteng Provincial Government, as recommended by the Gauteng Ethics and Anti-Corruption Summit of November 2017. This will prove to be pivotal when mobilising citizens to join the fight against corruption as it is anticipated that citizens will demand explanation on the implementation of anti-corruption programmes by the Gauteng Provincial Government. Hence, it is crucial for the GEAC to have a full understanding of the integrity management programmes within the Gauteng Provincial Government.
- 5.1.6 **Effective Executive Accountability** – Based on the review of the work of the legislated assurance providers, the GEAC is of a clear view that the individual and collective accountability of the Gauteng Executive Council needs to be reassessed to reverse the repetitive pattern of adverse findings by independent assurance providers. In this regard, the GEAC seeks to develop a model on “Effective Executive Accountability”. This will serve as a basis of engaging with the Gauteng Executive Council, with a view to secure unconditional and unambiguous Executive commitment to “Effective Executive Accountability”, prior to rolling out the citizen advocacy programme on matters of integrity and ethics in Gauteng.
- 5.1.7 **Effective Integrity and Ethics Implementation Programme** – Based on the review of the work of the Gauteng Provincial Government, which in certain instances is supported by the independent research agencies as outlined above, the GEAC is of the view that the instruments used by the Integrity Management Unit, to sustain the appropriate culture of integrity and ethics in the Gauteng City Region need continuous monitoring and evaluation for relevance, effectiveness and impact. In this regard, the GEAC would prioritise the formulation of clear thoughts on “Effective Integrity and Ethics Implementation Programme” by the Integrity Management Unit in the Office of the Premier, including unconditional and unambiguous Executive commitment to such a programme, prior to rolling out the citizen advocacy programme on matters of integrity and ethics in the Gauteng City Region.

5.1.8 **Implementation of the Programme of Action** – the GEAC will continue to implement its Programme of Action assisting the Gauteng City Region with the fight against corruption and instilling a culture of integrity. The main activities that will be undertaken are as follows:

#	OUTCOMES/OBJECTIVES	FOCUS AREA	ACTIVITIES/TASKS
1	PREVENTION – (30%)		
1.1	Strengthened multi-sectoral stakeholder involvement to nurture commitment, dedication and collective buy-in, in promoting integrity and fighting corruption.	Multi-sectoral Stakeholders	<p>Strengthen collaboration with multi-sectoral fora.</p> <p>Development and signing of a multi-sectoral fora MoUs.</p> <p>Official signing of multi-sectoral ethics and anti-corruption integrity pledges/declarations.</p> <p>Monitor the development of multi-sectoral ethics and anti-corruption strategies.</p>
1.2	Promote ethical leadership and management practices, transparent governance and ethical decision making in the public sector.	Policy/Legislative Framework	<p>Identify and bring forward significant ethical issues, those with large-scale and multidisciplinary impact, to the attention of policy makers and academics for further investigation, review and recommendation of policies and measures to be implemented.</p> <p>Propose legislation/policies based on the outcomes of the researches. Including:</p> <ul style="list-style-type: none"> • Executive Accountability framework and performance management system with incentives for good ethical behaviour. • Sectoral Anti-Corruption Strategy. • GCR Ethics Management Programme <p>Digital SCM (Procurement System)</p>
1.3	Encourage collaborative advocacy and mobilisation of civil society, private sector and government with an aim to enhancing the citizens’ activism on rule of law, ethics, integrity and accountability in public and private sector organisations.	Civil Society and Private Sector	<p>Media networking sessions to show success stories in strengthening integrity and fighting corruption in Gauteng City regions.</p> <p>Hosting of round table breakfast sessions with various stakeholders on key issues of ethics and anti-corruption and coming up with implementable solutions.</p> <p>Ensure transparency and active participation by civil society in fighting corruption.</p> <p>Develop and roll out a communications plan/strategy.</p> <p>Collaborative forum with stakeholders involved in the promotion of ethical values and anti-corruption.</p>

#	OUTCOMES/OBJECTIVES	FOCUS AREA	ACTIVITIES/TASKS
2	DETECTION AND INVESTIGATIONS – (30%)		
2.1	Improved integrity of the public procurement system to ensure fair, effective and efficient use of public resources.	Supply Chain Management	Focused detection reviews (data analytics) and investigations in high-risk departments (with a focus on contracts above R10 000 000). <ul style="list-style-type: none"> • Health • Infrastructure • Social Development • Roads and Transport • Education
2.2	Improved investigations on corrupt activities across government, business and civil society sectors.	Driver Learner Testing Centres (DLTCs) – Bribery	High risk – high impact focussed detection reviews (data analytics) and investigations – root out syndicates, etc.
Traffic Management Services – Bribery			
GDE – Schools – Governing Bodies			
Human Settlement – Housing Allocation			
Health – Professional Ethics and Public-Private Partnership			
3	PROSECUTION – (20%)		
3.1	Improved consequence management through fostering relationship with LEAs and improved reporting of material criminal cases for investigation by Members of the Executive Council.	Law Enforcement Agencies	Ensure signing of MoUs with LEAs to prioritise and expedite criminal investigation and prosecutions for Gauteng City Region Cases
100% of financial misconduct and economic crimes cases ≥ R100 000 in government reported to LEAs for investigation			
4	RECOVERY – (10%)		
4.1	Improved recovery of government assets lost through financial misconduct and economic crimes concluded.	Asset Forfeiture Unit	Advise and monitor reporting of financial misconduct and economic crimes cases concluded to the Asset Forfeiture Unit for recovery.
Collaboration with SIU on civil recoveries and asset forfeitures through the tribunal.			
5	MONITORING AND REPORTING – (10%)		
5.1	Improved public trust on fighting corruption.	Public reporting	Publishing of flash/dashboard reports annually.
Publish biennial report on the state of ethics, integrity and clean governance in the Gauteng City Region.			
5.2		EXCO bi-annual reporting	Provide bi-annual reports to EXCO on the implementation of the Programme of Action and recommendations to be implemented.
5.3	Monitoring	Monitor the implementation of recommended actions to be implemented by EXCO.	

PART SIX

RESPONSE BY THE EXECUTIVE COUNCIL



The GEAC was officially launched during the Gauteng Ethics and Anti-Corruption Indaba which was held in November 2017. The Terms of Reference for the GEAC, amongst others, requires this provincial civil society-led governance structure to report biennially on “The state of ethics, integrity and clean governance” in the Gauteng City Region. The Executive Council is pleased that the GEAC has managed to finalise its inaugural report.

The greatest strength of this report is that it is prepared by an independent civil society-led structure and focusses solely on reporting to the citizens of Gauteng about various initiatives undertaken to address the scourge of corruption in Gauteng. The Executive Council would like to urge all the citizens of Gauteng to peruse the inaugural Annual Report of the GEAC. This is one of the initiatives undertaken to promote accountability in Gauteng.

The Executive Council would like to make the following remarks regarding the GEAC report:

1

Safeguarding the developmental agenda – Corruption erodes public trust and irreversibly damages the reputation of government, destroying public confidence in the state and its institutions to the detriment of our progressive, developmental agenda. The fight against corruption is therefore not about a witch-hunt or settling political scores but rather about safeguarding this developmental agenda.

2

Compliance as an enabler for developmental objectives – the Executive Council seeks to urgently intervene where there has been a regression on clean governance. The Executive Council will continue to enforce and prioritise compliance as non-negotiable. It views compliance and clean audits not as an end but within the broader perspective of its developmental trajectory. In other words, compliance must not be its primary focus but rather a facilitator and enabler for the GPG to achieve its developmental objectives.

3

Upholding the social contract – ethics is a critical element of upholding the social contract as a people, with trust between the people and those in key state positions being a critical element within that social contract. Without ethics, there will not be trust and any social contract is doomed to fail.

4

Effective governance structures – the Executive Council seeks to adopt agile governance structures and systems that will proactively resolve and address complex societal problems. These structures and systems must also help us anticipate and pre-empt issues, as opposed to perpetually being on the back foot and reactive.

5

Technology to enhance accountability – The Executive Council is encouraging and promoting the increasing use of technology. This enables quick and effective decision-making in government. Through technology, GPG must ensure that government services are easily accessible and available to communities. Technology should bring government closer to the people. GPG must use technology to enhance accountability and public participation and improve its systems for the public benefit.

6

Strengthening oversight on GPG agencies – the Executive Council is prioritising the effective functioning of all the GPG entities or agencies. As such, it is strengthening accountability and oversight on GPG entities with management and boards that adhere to good corporate governance principles. Entities and agencies of the provincial government are not independent but are primary implementing agents of provincial government for greater service delivery impact. Hence, the entities and agencies are to be held accountable for how effective they are in achieving that and adhering to ethical principles.

7

Development of action plans by the Executive Mayors and MECs – the Executive Council has noted with concern that in some municipalities the capital projects were delayed, and creditors could not be paid on time. Therefore, it seeks to build the capacity of GPG municipalities to enhance revenue collection and financial management, amidst the reality of COVID-19-induced revenue losses by municipalities, which negatively affected service delivery and threatened their financial viability. The findings of the GEAC Report will be shared with all Executive Mayors for municipalities in Gauteng and all MECs will be required to go through it. Action plans, in line with the GEAC Programme of Action, will be developed and the implementation thereof publicly monitored. More importantly, the action plans should address allegations of corruption in the following, but not limited, areas:



Education



Law enforcement, in particular the Metro Police



Human Settlement, in particular the allocation of houses



The Department of Health



Cultural and behavioural risk across the Gauteng Provincial Government

8

Commitment to ethical, accountable, and transparent governance – in order to restore and build public confidence in the government and state institutions at large there is a need to focus on clean, ethical, accountable, and transparent governance in all spheres of the state. This is something the Provincial Government in Gauteng is serious about; it can be seen by commitment to improving audit outcomes and to actively addressing the Auditor-General's findings and implementing recommendations on the roll out of Open Tender Systems; and the requirement that all senior managers in government must, as a compulsory requirement, complete the National School of Government's online ethics course.

9

Support from other government agencies – the bold steps that have been taken and continue to be taken by the Gauteng Provincial Government to decisively deal with corruption, working with the SIU, the South African Police Services (SAPS) and other state law enforcement agencies are an indicator of the provincial government's desire to restore public confidence through ethical governance and leadership.

10

Submission of financial disclosures by SMS members – the Public Service Regulations (2016), require all SMS members to submit their financial disclosure forms on an annual basis by 30 April. The Premier committed to achieving 100% SMS financial disclosures. Gauteng has progressively improved and has achieved 100% SMS financial disclosures in the past two years. This is expected to be the norm in the Gauteng Province.

11

Lifestyle audits for the Members of the Executive Council – as per the decision of the Executive Council announced by the Premier, all members of the Executive Council (Premier and MECs) are undergoing lifestyle audits conducted by the State Security Agency (SSA) in line with the framework developed by national government. A national framework had to be developed by the Presidency first so that there is a uniform application across government. Like vetting of officials, the lifestyle audits are important to ensure that Executive Authorities and public officials uphold high ethical standards of integrity and avoid any potential or actual conflict of interest in the conduct of public affairs. The next phase of lifestyle audits will involve the Heads of Department and Chief Executive Officers of GPG entities. The intention is to extend this process to all the members of the Senior Management Service and those officials in high-risk areas.

12

Vetting of SMS and SCM officials – as part of prevention and detection, the Executive Council has been implementing the decision to ensure that all Senior Management Service (SMS) members and all Supply Chain Officials are vetted. The Integrity Management Unit in the Office of the Premier is working with the State Security Agency to ensure that all outstanding SMS and SCM vetting is completed by the end of the financial year. Accounting Officers have been directed to institute action against officials who resist or refuse to be vetted. It is very important that all officials undergo vetting in order to reduce risk or detect potential or actual conflicts of interest as well as unethical behaviour. As the Premier publicly announced, all newly appointed Heads of Department, Chief Financial Officers and Deputy Director Generals are subjected to vetting.

13

Taking decisive action against officials identified to be doing business with the organs of state – in terms of section 8(2) of the Public Service Administration Management Act, 2014 (No. 11 of 2014) and Regulation 13(c) of the Public Service Regulations (2016) employees are not allowed to conduct business with the state. The Office of the Premier has received from the Department of Public Service and Administration (DPSA) a list of employees in Gauteng who are directors of companies conducting business with the state. The employees whose companies are conducting business with the State are in contravention of the laws mentioned above.

14

Full implementation of all the recommendations and control measures of the final forensic reports – the Office of the Premier is continuing to provide support to the exercise which is being led by the Premier of consolidating and critically analysing the final forensic investigation reports from 2009 to date with the intention, amongst others, to ensure that all the recommendations and control measures of these reports are fully implemented accordingly by the GPG departments and its entities. The Accounting Officers from the GPG departments are continuously reminded that they are compelled to prioritise the implementation of the recommendations and control measures of the finalised forensic investigation reports.

15

Strengthening the Provincial Forensic Audits – the Office of the Premier has restructured the governance functions that regulates the investigation provincial approach. As such, the centralised Provincial Forensic Audits which were based at Gauteng Provincial Treasury has moved to Office of the Premier. This is in line with the Minimum Anti-Corruption Capacity (MACC) requirements which guide, amongst others, that the provincial forensic capacity be based at Offices of the Premier. The Office of the Premier seeks to ensure that the Provincial Forensic Audits is fully capacitated to deal decisively with all the allegations of corrupt activities related to the Gauteng City Region.

PROFILES OF THE MEMBERS OF THE GEAC

Dr Terence Mncedisi Nombembe (Chairperson)

Dr Terence Mncedisi Nombembe studied at both the University of Transkei where he completed his Bachelor of Commerce, and the University of South Africa where he completed his Bachelor of Computer Science (Honours). He qualified as a Chartered Accountant (SA) in 1990 and in 2014 he was conferred with an Honorary Doctorate in Accounting Science by the Walter Sisulu University. He was seconded to the Judicial Commission of Inquiry into State Capture whilst serving as the Chief Executive Officer of SAICA. Prior to joining SAICA in 2013, he served as the Auditor-General of South Africa for seven years as well as six years spent as the Deputy Auditor-General. Some of his previous employers include Gobodo Incorporated, BP Southern Africa (Pty) Limited and Unilever South Africa (Pty) Limited, where his exposure focussed on areas of public practice, internal audit, and finance.

Advocate Fay Mukaddam (Deputy Chairperson)

Advocate Fay Mukaddam has excelled in commercial law, championed human rights and, as a director of several boards, has used her influence to uphold law and governance with a deep focus on social issues and social development. She is a Chartered Director (SA) and an Advocate of the High Court. As a commercial lawyer, Fay has focussed primarily on cross-border Mergers and Acquisitions and Transaction Advisory services, and consequently specialised in risk, governance and strategic advisory engagements. Career highlights include being Special Advisor to various boards (listed and unlisted), Founding CEO of 4 Africa Exchange, Technical Advisor for the Institute of Directors (SA), Group CEO of ABAFAZI iAfrika Group, President of the Johannesburg Chamber of Commerce and Industry, and having received numerous national and international awards recognising her achievements within the business and financial services sector. She currently sits on various governance structures of significant entities within the public and private sectors. Fay is an experienced lecturer and educator providing thought leadership and commentary on topical issues within the Director Development and Board Performance focus areas. She is a guest lecturer at universities and business schools in South Africa and abroad and has delivered papers at national and international conferences on Governance, Leadership in Africa, and Development Economics.

Professor Deon Rossouw

Professor Deon Rossouw is the CEO of The Ethics Institute and Extraordinary Professor in Philosophy at the University of Stellenbosch. Prior to joining The Ethics Institute, Deon was the Head of the Philosophy Departments of Rand Afrikaans University in Johannesburg and the University of Pretoria and spent a year as Program Executive for Business Ethics at the Globethics.net Foundation in Geneva, Switzerland. Deon is an internationally recognised expert in Business Ethics and the Ethics of Corporate Governance. He wrote several books on business ethics and published in leading international journals. He was the Founding President of the Business Ethics Network of Africa (BEN-Africa) and served as President of the International Society of Business, Economics and Ethics (ISBEE). He served as a member of the Research Team for the Second King Report on Corporate Governance and was a member of the Sustainability Committee of the Third King Report on Corporate Governance for South Africa. He currently serves on the King Committee for Corporate Governance in South Africa. He has been recognised as a Chartered Director by the Institute of Directors of South Africa.

Father Smangaliso Mkhathshwa

Father Smangaliso Mkhathshwa holds two degrees from the University of Leuven in Belgium. He is a recipient of honorary doctorates from the Universities of Tubingen (Germany), Georgetown (Washington), Rochelle (New York) and Tshwane University of Technology (TUT). He held positions as Secretary General of the Southern African Catholic Bishops Conference (SACBC), Mayor of Tshwane Metropolitan Municipality, Chairperson of South African Local Government Association (SALGA), Deputy Minister of Education, and President of United Cities of Local Government in Africa (UCLGA). He is the current Chairperson of the Moral Regeneration Movement.

Ms Puseletso Maria Madumise

Ms Puseletso Maria Madumise serves in South African Women in Dialogue (SAWID), Peace Commission and Alliance of NPO National Executive Committee as an additional member representing the South African Non-Governmental Coalition (SANGOCO). She is the former Deputy Chairperson and Convener of SANGOCO for the Johannesburg Region. She also serves as the Chairperson of the Women in Agriculture Land Reform in Gauteng, Executive Member of the Gauteng Women in Environment and Deputy Chairperson of the Bazokhula Early Childhood Development. She is an experienced civil society activist who has been involved with a wide range of community organisations which include, amongst others, African Women in Dialogue and Progressive Women's Movement of South Africa. She is passionate about education and is the founder of Bana Bokamoso Development Centre. She has previously served in the School Governing Bodies of Orlando High (Chairperson), Sharicrest Primary School (member), Mpontheng High Primary (Secretary) and Kabelo Primary School (Chairperson).

Mr David Lewis

Mr David Lewis received his training in economics from the Universities of the Witwatersrand and Cape Town. Between 1975 and 1990 he worked in the trade union movement, serving as General Secretary of the General Workers Union. From 1990, David co-directed the Development Policy Research Unit, a UCT-based research group specialising in trade and industrial policy. Between 1994 and 1996, he served as Special Advisor to the Minister of Labour and co-chaired the Presidential Commission on Labour Market Policy. David was a member of the ministerial team tasked with the development of competition policy and with drafting the Competition Act. Between 1999 and 2009, he served for two terms as chairperson of the Competition Tribunal. He served on the Steering Group of the International Competition Network from 2001 until 2009 and Chairman of the Steering Group from 2008-9. David has served on the boards of the National Research Foundation, the International Marketing Council of South Africa, the Johannesburg Development Agency, South African Airways and the Industrial Development Corporation. He was Deputy Chairman of the board of the IDC from 2002-2008. In 2009, David was appointed an extraordinary professor at the Gordon Institute of Business Science. In 2010, he was awarded an honorary doctorate in economic sciences by the University of Cape Town. In 2019, he was awarded the Chancellor's Medal by the University of Pretoria. In 2011, he was instrumental in the establishment of Corruption Watch, a non-governmental organisation, of which he is the Executive Director.

PROFILES OF THE MEMBERS OF THE GEAC

Mr Lerata Joel Motsiri

Mr Lerata Joel Motsiri is a member of the South African Police Service, a Captain with 33 years of service, of which 20 of those years were spent as a crime prevention officer and another eight years spent in the Supply Chain Management as a Movable Government Property Manager. He has been a member of the Police and Prisons Civil Rights Union (POPCRU) since 1991. Between 1999 and 2014, he was elected Sedibeng Local Secretary and appointed as the Provincial Negotiator in the Safety and Security Sectoral Bargaining Council (SSSBC) in Gauteng from 2010 to 2014. From 2014 he has been serving as elected POPCRU Provincial Secretary and member of POPCRU and COSATU PEC, as well as of the National Executive Committee of POPCRU. He received training in the Political Economy of Labour from the University of the Western Cape.

Dr Claudelle von Eck

Dr Claudelle von Eck is a former CEO of the Institute of Internal Auditors SA as well as the founder of Brave Inflexions. She holds a DPhil in leadership and her practice focusses on leadership, governance, change management, ethics, culture and whistle-blower support. She is an experienced executive and non-executive director and has served on numerous international committees and task teams. She currently serves on DIRCO's Audit Committee, MISTRA's Remuneration and Social and Ethics Committees, SAQA's Professional Bodies Committee and she chairs IRBA Accreditation Committee. She is a previous chair of the Anti-Intimidation and Ethical Practices Forum and she has sat on Unisa's Council as well as the Board of Unisa's School of Business Leadership, where she also chaired the Alumni Association.

Professor Natasja Holtzhausen

Professor Natasja Holtzhausen is a Professor at the University of Pretoria's School of Public Management and Administration. She holds a BA Degree in Political Science, a BA (Honours) in Public Administration, an MA in Public Administration; as well as a Post-Graduate Certificate in Higher Education from the University of Pretoria, and a D Litt et Phil (PAD) from the University of South Africa. Her PhD research focussed on whistle-blower protection. Prof Holtzhausen pursues research related to organisational studies, ethics, corruption, whistle-blower protection, curricular community engagement, and training and education in Public Administration and has led several students as supervisor to the completion of their Masters and Doctoral studies. Natasja has published several articles and book chapters.

Ms Zanele Sabela

Ms Zanele Sabela is an experienced communicator with a demonstrated track record working in the journalism and public relations industry. Ms Sabela holds a Bachelor of Arts Honours in Journalism and Media Studies from the University of the Witwatersrand and a Certificate in Public Relations from the University of Cape Town. She has previously worked for Frayintermedia (Project Manager), Ndalo Media (Mentorship Editor & Digital Writer – Business), Caxton Community Newspapers (News Editor – Randburg Sun) and Times Media Group (Times Live – Multimedia Journalist). She subsequently developed a solid reputation as a communicator in the role of national spokesperson for the South African Transport and Allied Workers Union (SATAWU).

Ms Martlé Keyter

Ms Martlé Keyter, MISA's CEO (Operations), holds the office of Deputy-President of FEDUSA (Federation of Unions of South Africa) and is responsible for tackling the difficult issues of youth, education, health, dignity and equality in the workplace, fair labour practices and upward mobility for all. Mrs Keyter also represents the Labour Constituency at NEDLAC and the Millennium Labour Council, had recently been appointed as a member of the Unemployment Insurance Board, serves as trustee on the Motor Industry Retirement Funds (MIRF) and is the National Coordinator of the Women's Forum in her own Union, the Motor Industry Staff Association (MISA). On an international level she serves as a member of the International Trade Union Confederation's (ITUC) Women's Committee and played a pivotal role in the negotiations and subsequent adoption of Convention 190 in Geneva during 2018 and 2019.

Professor Thuli Madonsela

Professor Thuli Madonsela is the former Public Protector of South Africa, former Full-Time Law Commissioner and current Chair of Social Justice and founder of the Thuma Foundation for Democracy Leadership and Literacy. She has an extensive background in applied administrative law principles mainly based on her public service years and investigating improper conduct in state affairs. She was one of the drafters of the Constitution and a key participant in the conceptualisation and drafting of several laws, including the Promotion of Administrative Justice Act. Prof Madonsela also helped draft a number of international human rights instruments and country reports. She currently teaches constitutional law, administrative law, social justice law and democracy and has written and published extensively on these matters.

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- Anti-Intimidation and Ethical Practices Forum
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- Moral Regeneration Movement
- The Ethics Institute



The Gauteng Provincial Government is continuously encouraging citizens and public servants in Gauteng to **speak out against unethical behaviour**. Hence, as a responsible and committed citizen of the Gauteng City Region, you are encouraged to **report any corruption-related activities** to the Gauteng Ethics Hotline.

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