



a world class African city

11th Floor A Block
Metropolitan Centre
158 Civic Boulevard
Braamfontein

PO Box 1049
Johannesburg
South Africa
2000

Tel +27(0) 11 407 7354

www.joburg.org.za

MEDIA STATEMENT FROM THE CITY MANAGER OF JOHANNESBURG, MR F BRINK

Date: 10 July 2023

THE CITY IS TAKING MEASURES TO REGULARISE GFIS INVESTIGATIONS WHICH DID NOT FOLLOW PROPER PROCEDURES, AND WILL REVIEW THOSE THAT WERE ALLEGEDLY MISUSED TO COMMIT OR CONCEAL ACTS OF FRAUD, CORRUPTION, ILLEGALITY AND MALADMINISTRATION IN ORDER TO BRING PERPETRATORS TO BOOK

We have noted various media statements and press briefings which falsely claimed that our measures to regularise investigations that did not follow proper procedures constitute a disbandment of GFIS. On the contrary, it is only those investigations that were allegedly misused to commit and/or conceal acts of fraud, corruption, criminality and maladministration which are being reviewed. The class of investigations under review are recorded on paragraphs 9, 12, 15 and 18 of the Terms of Reference (TORs) that were recently approved and published by the Speaker of Council on Friday, 07 July 2023.

This review was in response to a memorandum from GFIS which stated that its officials were instructed to conduct unlawful investigations against senior managers and Councillors.

This disclosure further confirmed that their conduct also contravened the delegations of GFIS which were approved on 08 March 2017, and specifically sub-delegation 14.1 which stated that GFIS does not have powers to investigate senior executives, and its forensic investigations must receive a concurrence of the Group Head of Group Risk and Assurance Services ("GRAS"). This disclosure provided a preliminary indication that the rogue, clandestine and unlawful investigations of GFIS that were reported to the previous City Manager and Executive Mayor a few years back were continuing. This is because on 12 July 2019, the erstwhile City Manager had addressed a written directive to GFIS and made it clear that the law precludes it from investigating senior executives. This directive further advised GFIS to cease and desist from conducting such unlawful investigations.

The said directive was disregarded by GFIS, and it launched an undercover operation into the affairs of another senior executive. This covert operation was uncovered and was reported to the City Manager and Executive Mayor in October 2019. This matter was not subsequently reported to Council for action, and this may explain the culture of impunity and lawlessness that has engulfed GFIS.

This is because in the said memorandum more than thirty investigations were reported as having been conducted into executive and Councillors clandestinely and unlawfully. And since the contents of this memorandum also gave credence to various complaints that were submitted to the Speaker's Office last year, I then advised the Speaker of Council to authorize that a comprehensive investigation be conducted. And therefore, the accusations that she is overreaching are incorrect.

My advice to her was also informed by the fact that I and the Executive Mayor have complaints that we submitted to the Speaker's Office prior to us occupying our current positions. And therefore, we could not sanction an investigation because that would have brought the independence of the investigation into serious question. We have also taken steps to save the investigation reports of GFIS from disuse and demise. In this regard, I have instructed the Acting Group Head of Legal Services to identify the investigations that were conducted without the approval of the Municipal Council, Audit Committee and Disciplinary Board, and further table a report before these bodies, and request them to condone and authorize such investigations in accordance with their respective powers.

Furthermore, I have instructed him to identify those investigation reports which are subject of various complaints, and which were reported to having been used for purposes of committing and/or concealing acts of fraud, corruption, illegality and maladministration. These reports will be reviewed by the investigation team in line with the recently approved TORs. As stated in paragraph 10 and 14 of the TORs, the investigation will also examine the recorded questionable employment conduct in paragraph 9 of the letter of the Public Protector ("PPSA") of 08 May 2022, and procurement conduct at paragraph 4 of the letter of the State Security Agency ("SSA") of 22 July 2022. We therefore plead with all interested parties to give the investigation process the space it deserves.

With that said, we hope this statement will correct some false media reports regarding the measures we are taking to remedy the alleged rogue, clandestine and unlawful investigations of GFIS.

For media queries, contact Nthatsi Modingoane at nthatisem@joburg.org.za and on 082 467 9228.

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Group Communication & Marketing Department

For enquiries, kindly send email to mediaqueries@joburg.org.za