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INVESTIGATION INTO ALLEGATIONS OF MALADMINISTRATION BY THE FUNCTIONARIES OF THE MPUMALANGA DEPARTMENT OF PUBLIC WORKS, ROADS AND TRANSPORT IN CONNECTION WITH ABUSE OF OFFICIAL VEHICLES AND PETROL CARDS

**DEPARTMENT OF PUBLIC WORKS, ROADS AND TRANSPORT
MPUMALANGA PROVINCE**



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LIST OF ACRONYMS AND ABBREVIATIONS

ACRONYMS AND ABBREVIATIONS	DESCRIPTIONS
Constitution	The Constitution of the Republic of South Africa, 1996
Cost Centre	Thembisile Hani Cost Centre
Department	Mpumalanga Department of Public Works, Roads and Transport
FNB	First National Bank
GG	Government Garage
HoD	Head Of Department
PFMA	Public Finance Management Act, 1999
OEM	Original Equipment Manufacture
Public Protector Act	Public Protector Act, 1994
Public Protector Rules	Rules relating to Investigations by the Public Protector and Matters Incidental thereto, 2018, (as amended)
Public Protector	Public Protector South Africa
Viva Garage	Viva Garage t/a CJ Mohamed Fuel BP and CJ Mohamed & Sons

EXECUTIVE SUMMARY

- (i) This is a report of the Public Protector issued in terms of section 182(1)(b) and (c) of the Constitution of the Republic of South Africa, 1996 (the Constitution), which empowers the Public Protector to report on any conduct in state affairs that is suspected to be improper or to result in any impropriety or prejudice and to take appropriate remedial action, read with section 8(1) of the Public Protector Act, 1994 (Public Protector Act), which provides that the Public Protector may make known the findings, point of view or recommendation of any matter investigated by her.

- (ii) The report relates to an investigation into allegations of maladministration by the functionaries of the Mpumalanga Department of Public Works, Roads and Transport (the Department), relating to the abuse of official vehicles and petrol cards.

- (iii) The investigation emanates from an Anonymous complaint lodged with the Public Protector on 15 July 2021 at the Mpumalanga Provincial Office of the Public Protector.

- (iv) The Complainant alleged that:
 - (a) The following functionaries of the Department were abusing petrol cards issued by the Department in the Nkangala Region, under the Thembisile Hani Cost Centre (the Cost Centre):
 - (aa) Ms Thembi Sylvia Mthombeni (Ms Mthombeni), the Siyatendela Coordinator, (allocated a Mazda BT50 with registration number GBL 671 MG);
 - (bb) Mr Vusi Mahlangu (Mr Mahlangu), the Principal Roadworks Foreman;

- (cc) Mr Maroko Abraham Matome (Mr Matome), the Roadworks Foreman (allocated a Nissan NP 300 with registration number GBK 157 MG); and
- (dd) Mr Johannes Stevens Makinita (Mr Makinita), the Roadworks Foreman (allocated a Toyota Hilux with registration number GBG 607 MG).
- (b) The functionaries would use the official petrol cards of the Department to buy fuel at the Viva Garage t/a CJ Mohamed Fuel BP and CJ Mohamed & Sons in Tweefontein, Somarobogo (Viva Garage), for an amount of two hundred rand (R200) at a time. The officials would then use the official petrol cards to pay an amount equivalent to a full tank of fuel, and take the difference between the R200 and the amount debited to the petrol card, in cash;
- (c) The matter was reported to the Assistant Transport Officer at the Cost Centre, Mr Billy Mokholoane (Mr Mokholoane), the Siyatendela Coordinator at the Cost Center who failed to take appropriate action; and
- (d) The abuse of the petrol cards cost the Department a lot of money and the alleged fraudulent activities remain ongoing to date.
- (v) **Based on the analysis of the complaint, as well as information which came to the attention of the Public Protector during the gathering and analysis of information obtained relating to the allegation of abuse of petrol cards, the following issues were considered and investigated:**
 - (a) Whether Ms Mthombeni, Mr Mahlangu, Mr Matome and Mr Makinita abused official petrol cards resulting in financial loss to the Department, if so, whether such conduct is improper as envisaged in section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act;

- (b) Whether the functionaries of the Department booked official vehicles for services and repairs at private garages / merchants without following the prescribed processes and procedures, if so, whether such conduct is improper as envisaged in section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act; and
- (c) Whether the functionaries of the Department irregularly purchased oil at filling stations resulting in a financial loss to the Department, if so, whether such conduct is improper as envisaged in section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act.
- (vi) A Notice in terms of section 7(9)(a) of the Public Protector Act, dated 18 August 2025, was sent to the following individuals, to afford them an opportunity to make representations in connection with the intended findings and proposed remedial action of the Public Protector:
 - (a) Mr Mandla Ndlovu, the Premier of Mpumalanga, for noting;
 - (b) Mr Thulasizwe Thomo, the Member of the Executive Council for Public Works, Roads and Transport, for noting;
 - (c) Mr Morake Morolo, the Head of Department: Mpumalanga Department of Public Works, Roads and Transport;
 - (d) Mr Whitey Nkadimeng, the Administrative Officer: Fleet Management;
 - (e) Mr Vusi Mahlangu, the Principal Roadwork Foreman;
 - (f) Mr John Sibanyoni, the Senior Roadwork Foreman;

- (g) Mr Moroko Matome, the Road Foreman;
- (h) Ms Thembi Mthombeni, the Siyatendela Coordinator;
- (i) Mr Billy Mokholoane, the Siyatendela Coordinator;
- (j) Mr P J Mtshweni, Road Worker: Thembisile Cost Centre; and
- (k) On 27 November 2025, a copy of the section 7(9) notice was resubmitted to Mr Thulasizwe Thomo, the Member of the Executive Council for Public Works, Roads and Transport, following receipt of a complaint on the 26th of November that he had not received a copy of the Notice.
- (vii) Responses that were received and were noted and considered by the Public Protector, were the following:
 - (a) Mr Moroko Matome, the Roadworks Foreman;
 - (b) Mr Billy Mokholoane, the Siyatendela Coordinator; and
 - (c) Mr Morake Morolo, the Head of the Mpumalanga Department of Public Works, Roads and Transport.
- (viii) **Having regard to the evidence and regulatory framework determining the standards that the Department should have complied with, the Public Protector makes the following findings:**
 - (a) **Regarding whether the functionaries of the Department abused official petrol cards resulting in financial loss to the Department, if so, whether such conduct is improper as envisaged in section 182(1)(a) of the**

Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act:

- (i) The allegation that Messrs Makinita, Matome and Mtshweni abused official petrol cards resulting in financial loss to the Department, **is substantiated**.
- (ii) The evidence in the Public Protector's possession indicates that Messrs Makinita, Matome and Mtshweni purchased 161 litres of petrol at a price to the Department of ten thousand eight hundred and sixty-two rand and thirty-eight cents (R10 862.38). During the time when these transactions took place and having regard to the petrol prices applicable at the time of the transactions, 161 litres of petrol cost three thousand four hundred and sixty-three rand and fifty-seven cents (R3 463.57), leaving a total amount of seven thousand three hundred and ninety-eight rand and eighty-one cents (R7 398.81) unaccounted for;
- (iii) Messrs Makinita, Matome and Mtshweni failed to ensure the efficient, economical and effective use of the Department's resources and failed to prevent losses to the Department from suspected criminal conduct;
- (iv) The conduct of Messrs Makinita, Matome and Mtshweni is in contravention of section 195(1)(b) of the Constitution and section 45 of the PFMA;
- (v) Messrs Makinita, Matome and Mtshweni were not honest and accountable in dealing with public funds;
- (vi) The conduct of Messrs Makinita, Matome and Mtshweni was in violation of Item 14 of the Code of Conduct for Public Servants;

- (vii) Messrs Makinita, Matome and Mtshweni failed to attach fuel receipts to their trip authorities when handing over their official vehicles at the end of the day, and failed to depose to affidavits to explain the non-submission thereof;
- (viii) The conduct of Messrs Makinita, Matome and Mtshweni was in violation of clauses 1.3 and 1.4 of section C of the Mpumalanga Provincial Government Motor Transport Handbook;
- (ix) The conduct of Messrs Makinita, Matome and Mtshweni accordingly constitutes improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration in terms of section 6(4)(a)(i) of the Public Protector Act;
- (x) Messrs Mokholoane and Nkadimeng failed to analyse reports monthly to identify, confirm and report any cases of possible fraud and misuse of the official petrol cards;
- (xi) The conduct of Messrs Mokholoane and Nkadimeng was in violation of clauses 2 and 9 of section E of the Mpumalanga Provincial Government Motor Transport Handbook;
- (xii) The conduct of Messrs Mokholoane and Nkadimeng accordingly constitutes improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration in terms of section 6(4)(a)(i) of the Public Protector Act;
- (xiii) Mr Morolo, as the Accounting Officer, failed to appoint the Transport Officer to properly investigate the alleged abuse of petrol cards when the allegations were raised with him by the Public Protector. The conduct of Mr Morolo is in violation of clause 9.1.6 of section E of the Handbook and section 45 of the

PFMA by failing to establish the system of financial management and internal control within his area of responsibility.

(xiv) The conduct of Mr Morolo accordingly constitutes improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration in terms of section 6(4)(a)(i) of the Public Protector Act.

(b) Regarding whether the functionaries of the Department booked official vehicles for services and repairs at private garages / merchants without following the prescribed processes and procedures, if so, whether such conduct is improper as envisaged in section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act

(i) The allegation that the functionaries of the Department booked official vehicles for services and repairs at private garages / merchants without following the prescribed processes and procedures **is substantiated**.

(ii) The evidence in possession of the Public Protector indicates that the Department paid for the services rendered by private garages / merchants for services and repairs of official vehicles without invoices and/or job cards and / or Wesbank authorisations.

(iii) Although the nature of the services and repairs that were done on some of the vehicles could not be obtained from the job cards, the reason behind the frequent repairs and services of the official vehicles could not be determined from the evidence obtained during the investigation.

- (iv) The Department failed to furnish the Public Protector with job cards to prove that the frequency of the bookings for repairs and services were justified or necessary.
- (v) A total amount of two hundred and eighty-five thousand one hundred and twenty-two Rand and fifty Cent (R285 122.50) was paid to private garages / merchants in the absence of Wesbank authorisations and reasons to deviate from the GG.
- (vi) Mr Mokholoane, the Assistant Transport Officer, failed to ensure efficient, economical and effective use of the Department's resources and failed to prevent losses to the Department from criminal conduct.
- (vii) The conduct of Mr Mokholoane is in contravention of section 195(1)(b) of the Constitution and section 45 of the PFMA and in violation of clause 1.1 of section B of the Mpumalanga Provincial Government Motor Transport Handbook.
- (viii) Mr Mokholoane failed to ensure completion of the required records, to monitor such, to exercise control over maintenance, to minimise running costs of the fleet and to ensure the proper monitoring of the reports submitted to him monthly to identify, confirm and report cases of possible fraud and misuse.
- (ix) Mr Mokholoane's conduct is in violation of Clause 1.1 of section B and clauses 2 and 4 of section E of the Mpumalanga Provincial Government Motor Transport Handbook.
- (x) The conduct of Mr Mokholoane accordingly constitutes improper conduct as envisaged in section 182(1) of the Constitution and maladministration in terms of section 6(4)(a)(i) of the Public Protector Act.

- (c) **Regarding whether the functionaries of the Department made irregular purchases of oil at filling stations resulting in a financial loss to the Department, if so, whether such conduct is improper as envisaged in section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act:**
- (i) The allegation that the functionaries of the Department made irregular purchases of oil, **is substantiated.**
 - (ii) The evidence obtained during the course of the investigation revealed that Ms Mthombeni and Messrs Sibanyoni and Mahlangu purchased hundred and forty-nine (149) pints of oil over a twenty-seven (27) month period, at a total cost to the Department of five thousand five hundred and thirty-four Rands seventy-five Cents (R5 534.75).
 - (iii) Ms Mthombeni and Messrs Sibanyoni and Mahlangu failed to ensure the efficient, economical and effective use of the Department's resources.
 - (iv) The conduct of Ms Mthombeni and Messrs Sibanyoni and Mahlangu is in contravention of section 195(1)(b) of the Constitution and section 45 of the PFMA.
 - (v) No evidence could be obtained during the investigation that Ms Mthombeni and Messrs Sibanyoni and Mahlangu reported any defects on their officially designated vehicles to the Transport Officer, which could have justified the frequency of the oil purchase.
 - (vi) The conduct of Ms Mthombeni and Messrs Sibanyoni and Mahlangu was in violation of Clauses 1 and 5 of section F of the Mpumalanga Provincial Government Motor Transport Handbook.

- (vii) The conduct of Ms Mthombeni and Messrs Sibanyoni and Mahlangu accordingly constitutes improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration in terms of section 6(4)(a)(i) of the Public Protector Act.

- (viii) Messrs Mokholoane and Nkadimeng failed to validate the oil receipts against the logbook entries, or to identify and investigate the frequency of the oil purchases and the variations in oil prices for the same quantities at the same garage.

- (ix) The conduct of Messrs Mokholoane and Nkadimeng was in violation of Clause 9 of section F of the Mpumalanga Provincial Government Motor Transport Handbook.

- (x) The conduct of Messrs Mokholoane and Nkadimeng accordingly constitutes improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration in terms of section 6(4)(a)(i) of the Public Protector Act.

- (xi) Mr Morolo, as the Accounting Officer, failed to prevent unauthorised, irregular and fruitless and wasteful expenditure and losses resulting from suspected criminal conduct by Ms Mthombeni and Messrs Sibanyoni and Mahlangu. The conduct of Mr Morolo is in violation of section 38 of the PFMA and it accordingly constitutes improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration in terms of section 6(4)(a)(i) of the Public Protector Act.

- (xi) **The appropriate remedial action the Public Protector is taking in pursuit of section 182(1)(c), with the view to remedy improper conduct and maladministration, is the following:**

The Premier of Mpumalanga

- (a) To note the findings of the report pertaining to the conduct of the Departmental functionaries and the remedial action; and
- (b) Within **sixty (60) calendar days** from the date of receipt of the report, in terms of section 16A(1)(a) of the Public Service Act, take appropriate disciplinary steps against Mr Morolo for:
 - (i) His failure to appoint the Transport Officer to properly investigate the alleged abuse of petrol cards by the functionaries of the Thembisile Hani Cost Centre; and
 - (ii) His failure to put in place systems and monitor same to prevent financial losses emanating from suspected criminal conduct by the functionaries of the Thembisile Hani Cost Centre who transgressed relevant departmental legal prescripts and policies, in terms of section 38(c)(ii) of the PFMA.

The Member of the Executive Council for the Mpumalanga Department of Public Works, Roads and Transport

- (c) Take cognisance of the report and the improprieties reported herein and ensure that the remedial action by the Public Protector is implemented in line with the authority, powers and functions of the MEC contemplated in sections 133 and 181 of the Constitution.

The Head of the Department

- (d) **Within sixty (60) calendar days** from the date of receipt of the report, and in accordance with his responsibility to establish a system of financial management and internal control as required in terms of section 38 of the PFMA, to evaluate the effectiveness of the Department's internal controls on fleet management and identify systemic deficiencies with a view to take corrective action to prevent a recurrence of the improprieties referred to herein;
- (e) **Within sixty (60) calendar days** from the date of receipt of the report, and in accordance with his responsibility to establish a system of financial management and internal control as required in terms of section 38 of the PFMA, to review the Mpumalanga Provincial Government Motor Transport Handbook, to:
- (i) Clarify the roles between the Regional Office and the Cost Centre in respect of the responsibility and procedure to book official vehicles at private garages / merchants for services or repairs; and
 - (ii) Regulate the submission of monthly reports by the Regional Office and to outline the process in the event of non-compliance.
- (f) **Within sixty (60) calendar days** from the date of receipt of the report, establish or strengthen the governance structure tasked with the responsibility to manage fleet at the Thembisile Hani Cost Centre and Nkangala Regional office to ensure proper management and accountability thereof in accordance with section 38(1)(a)(iv) of the Public Finance Management Act, by:
- (l) Ensuring that a permanent Transport Officer is appointed;

- (II) Ensuring that the job profile of the Transport Officer is aligned with the provisions of the Mpumalanga Provincial Government Motor Transport Handbook; and
 - (III) Ensuring that all the officials at the Cost Centre are properly trained on the provisions of section 45 of the Public Finance Management Act, the Mpumalanga Provincial Government Motor Transport Handbook and the Mpumalanga Provincial Government Procedure Manual Utilising Government Motor Transport.
- (g) Within **sixty (60) calendar days** from the date of receipt of the report, in line with section 16A(2)(a) of the Public Service Act read with item 14 of the Public Service Regulations, 2016 and Item 3.1 of the Code of Conduct of Public Servants, take appropriate disciplinary steps against Mr Nkadimeng, Mr Mokholoane, Mr D Mahlangu, for their failure to follow due process and procedures when utilising and booking the official vehicles for services and repairs at private garages / merchants.
- (h) Within **sixty (60) calendar days** from the date of receipt of the report, in line with section 16A(2)(a) of the Public Service Act read with item 14 of the Public Service Regulations, 2016 and Item 3.1 of the Code of Conduct of Public Servants, take appropriate disciplinary steps against Messrs Matome and Mtshweni for the abuse of petrol cards resulting in the financial loss by the Department.
- (i) Within **sixty (60) calendar days** from the date of receipt of the report, in line with section 16A(2)(a) of the Public Service Act read with item 14 of the Public Service Regulations, 2016 and Item 3.1 of the Code of Conduct of Public Servants, take appropriate disciplinary steps against Ms Mthombeni and

Messrs Sibanyoni and Mahlangu for irregular oil purchases resulting in financial loss to the Department.

- (j) **Within hundred and eighty (180) calendar days** from the date of receipt of the report, and in accordance with the responsibility to establish a system of financial management and internal control as required in terms of section 38 of the PFMA, conduct an audit of fuel records and consumption at all the provincial Cost Centres, with a view to identify waste, prevent fraud, improve efficiency, ensure compliance and adopt effective risk mitigation strategies.

- (k) This matter is also referred to the **Directorate for Priority Crime Investigation (DPCI)** in terms of section 6(4)(c)(ii) of the Public Protector Act, 1994, to investigate suspected fraudulent activities relating to the abuse of petrol cards, service of motor vehicles and fraudulent purchases of motor vehicle oil at inflated prices at the Cost Centres within the Nkangala Region.

1. INTRODUCTION

- 1.1 This is a report of the Public Protector issued in terms of section 182(1)(b) of the Constitution of the Republic of South Africa, 1996 (the Constitution), and section 8(1) of the Public Protector Act, 1994.
- 1.2 This report is submitted to the following persons in terms of section 8(1) read with section 8(3) of the Public Protector Act, which empowers the Public Protector to make known the findings of an investigation, to affected parties, for such persons to note the outcome of the investigation and to implement the remedial action, where applicable:
- 1.2.1 Mr Mandla Ndlovu, Premier of Mpumalanga;
 - 1.2.2 Mr Thulasizwe Thomo, Member of the Executive Council for Public Works, Roads & Transport;
 - 1.2.3 Mr Morake Morolo, Head of Department: Mpumalanga Department of Public Works, Roads and Transport;
 - 1.2.4 Mr Whitey Nkadimeng, Administrative Officer: Fleet Management;
 - 1.2.5 Mr Vusi Mahlangu, Principal Roadwork Foreman;
 - 1.2.6 Mr John Sibanyoni, Senior Roadwork Foreman;
 - 1.2.7 Mr Moroko Matome, Roadworks Foreman;
 - 1.2.8 Ms Thembi Mthombeni, Siyatendela Coordinator;
 - 1.2.9 Mr Billy Mokholoane, Siyatendela Coordinator; and
 - 1.2.10 Mr P J Mtshweni, Road Worker: Thembisile Cost Centre.

1.3 This Report relates to an investigation into allegations of maladministration by the functionaries of the Mpumalanga Department of Public Works, Roads and Transport (the Department), relating to the abuse of official vehicles and petrol cards.

2. THE COMPLAINT

2.1 The investigation emanates from a complaint lodged on 15 July 2021 at the Mpumalanga Provincial Office of the Public Protector South Africa (PPSA), by an Anonymous Complainant (the Complainant).

2.2 In essence, the Complainant alleged that:

2.2.1 The following functionaries of the Department were abusing petrol cards issued by the Department in the Nkangala Region, under the Thembisile Hani Cost Centre (the Cost Centre):

2.2.1.1 Ms Thembi Sylvia Mthombeni (Ms Mthombeni), the Siyatendela Coordinator, (allocated a Mazda BT50 with registration number GBL 671 MG);

2.2.1.2 Mr Vusi Mahlangu (Mr Mahlangu), the Principal Roadworks Foreman;

2.2.1.3 Mr Maroko Abraham Matome (Mr Matome), the Roadworks Foreman (allocated a Nissan NP 300 with registration number GBK 157 MG); and

2.2.1.4 Mr Johannes Stevens Makinita (Mr Makinita), the Roadworks Foreman (allocated a Toyota Hilux with registration number GBG 607 MG).

2.2.2 The functionaries would use the official petrol cards of the Department to buy fuel at the Viva Garage t/a CJ Mohamed Fuel BP and CJ Mohamed & Sons in Tweefontein, Somarobogo (Viva Garage), for an amount of two hundred

rand (R200) at a time. The officials would then use the official petrol cards to pay an amount equivalent to a full tank of fuel, and take the difference between the R200 and the amount debited to the petrol card, in cash;

2.2.3 The matter was reported to the Assistant Transport Officer at the Cost Centre, Mr Billy Mokholoane (Mr Mokholoane), the Siyatendela Coordinator at the Cost Center who failed to take appropriate action; and

2.2.4 The abuse of the petrol cards cost the Department a lot of money and the alleged fraudulent activities remain ongoing to date.

3. POWERS AND JURISDICTION OF THE PUBLIC PROTECTOR

3.1 The Public Protector is an independent constitutional institution, established under section 181(1)(a) of the Constitution of the Republic of South Africa, 1996 (the Constitution), to strengthen constitutional democracy through investigating and redressing improper conduct in state affairs.

3.2. Section 182(1) of the Constitution provides that:

“The Public Protector has the power as regulated by national legislation –

- (a) to investigate any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice;*
- (b) to report on that conduct; and*
- (c) take appropriate remedial action”.*

3.3. Section 182(2) of the Constitution directs that the Public Protector has additional powers and functions prescribed by national legislation. The Public Protector’s powers are regulated and amplified by the Public Protector Act,

which states, amongst others, that the Public Protector has the powers to investigate and redress maladministration and related improprieties in the conduct of state affairs.

- 3.4. The Mpumalanga Department of Public Works, Roads and Transport (the Department) is an organ of state as contemplated in section 239 of the Constitution and the conduct of its functionaries amount to conduct in state affairs. As a result, the Public Protector is satisfied that the complaint falls within its competency to investigate, as envisaged in section 182(1)(a) of the Constitution and section 6(4)(a) of the Public Protector Act. Furthermore, the jurisdiction of the Public Protector was not disputed in this instance.
- 3.5. Additionally, in the *Public Protector v Mail & Guardian Ltd and Others*¹ the Supreme Court of Appeal (SCA) held that “[t]he Public Protector is not a passive adjudicator between citizens and the state, relying upon evidence that is placed before him or her before acting. His or her mandate is an investigatory one, requiring pro-action in appropriate circumstances. Although the Public Protector may act upon complaints that are made, he or she may also take the initiative to commence an enquiry, and on no more than ‘information that has come to his or her knowledge’ of maladministration, malfeasance or impropriety in public life.”
- 3.6. During the perusal of the information received from the Department on 13 December 2022, 11 April 2023, 18 January 2024 respectively, as well as information obtained from the private garages also known as merchants on 08 April 2024, the Public Protector Investigation Team (the Investigation Team) identified possible irregularities relating to servicing and repairs of the Department’s vehicles. In line with the *Mail & Guardian* case, the scope of the

¹ The Public Protector v Mail & Guardian Ltd and Others 2011 (4) SA 420 (SCA); [2011] ZASCA 108; 422/10.

investigation was extended to include the processes and procedures followed the functionaries of the Department when booking official vehicles for service and repairs at the private garages / merchants and the repeated purchases of oil at filling stations.

4. ISSUES IDENTIFIED FOR INVESTIGATION

4.1 Based on the perusal of the complaint and the circumstances outlined above, the following issues were identified to inform and focus the investigation:

4.1.1 Whether the functionaries of the Department abused official petrol cards resulting in financial loss to the Department, if so, whether such conduct is improper as envisaged in section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act;

4.1.2 Whether the functionaries of the Department booked official vehicles for services and repairs at private garages / merchants without following the prescribed processes and procedures, if so, whether such conduct is improper as envisaged in section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act; and

4.1.3 Whether the functionaries of the Department irregularly purchased oil at filling stations resulting in a financial loss to the Department, if so, whether such conduct is improper as envisaged in section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act.

5. THE INVESTIGATION

5.1 Methodology

5.1.1 The investigation was conducted in terms of section 182 of the Constitution read with sections 6 and 7 of the Public Protector Act.

5.1.2 The Public Protector Act confers on the Public Protector the sole discretion to determine the format and the procedure to be followed in conducting any investigation with due regard to the circumstances of each case.

5.2 Approach to the investigation

5.2.1 The approach to the investigation included an exchange of documents between the Public Protector, the Department and private garages / merchants, interviews with the functionaries of the Department, an analysis of the relevant documentation and consideration and application of the relevant laws, regulatory framework and prescripts.

5.2.2 The investigation was approached using an enquiry process that seeks to determine:

5.2.2.1 What happened?

5.2.2.2 What should have happened?

5.2.2.3 Is there a discrepancy between what happened and what should have happened and does that deviation amount to maladministration, abuse of power, improper conduct or resulted in prejudice?

- 5.2.2.4 In the event of a violation, what action should be taken?
- 5.2.3 The question regarding what happened is resolved through a factual enquiry relying on the evidence provided by the parties and independently sourced during the investigation. Evidence is evaluated and a determination is made on what happened based on a balance of probabilities. In this case, the factual enquiry principally focused on whether the amounts expended on fuel and oil by the Department could be justified *vis-à-vis* the quantity of the fuel and oil received, as well as whether the functionaries of the Department followed due process to book official vehicles for repairs and services.
- 5.2.4 The enquiry regarding what should have happened, focuses on the law or rules that regulate the standard that should have been met by the functionaries of the Department to prevent improper conduct and maladministration.
- 5.2.5 The enquiry regarding the remedy or remedial action seeks to explore options for redressing the consequences of maladministration. Where a Complainant has suffered prejudice, the idea is to place him or her as close as possible to where they would have been had the Department or organ of state complied with the regulatory framework setting the applicable standards for good administration.
- 5.3 **Key sources of information**
- 5.3.1 **Correspondence sent and received**
- 5.3.1.1 Notice in terms of Rule 23(1) of the Public Protector Rules from the Public Protector to the Head of the Department, Mr Morake Morolo, dated 16 May 2022;

- 5.3.1.2 Response to the Notice in terms of Rule 23(1) from Mr Morolo to the Public Protector, dated 09 June 2022;
- 5.3.1.3 Letter from the Public Protector to Mr Morolo requesting further information, dated 22 August 2022;
- 5.3.1.4 Response to the request for further information received by the Public Protector from Mr Morolo, dated 11 October 2022;
- 5.3.1.5 Email from the Public Protector to Mr Morolo dated 04 December 2022;
- 5.3.1.6 Response to the request for further information received by the Public Protector from Mr Morolo, dated 13 December 2022;
- 5.3.1.7 Letter from the Public Protector to Mr Morolo requesting further information, dated 09 March 2023;
- 5.3.1.8 Response to the request for further information from Mr Morolo to the Public Protector, dated 30 May 2023;
- 5.3.1.9 Letter from the Public Protector to Mr Morolo requesting further information, dated 28 June 2023;
- 5.3.1.10 Response letter from Mr Morolo to the Public Protector, dated 02 August 2023;
- 5.3.1.11 Notice of interviews scheduled with the officials from the Thembisile Hani Cost Centre, dated 15 November 2023;
- 5.3.1.12 Letter from the Public Protector to Mr Morolo requesting further information, dated 24 November 2023;

- 5.3.1.13 Email dated 06 February 2024 from the Public Protector requesting the Departmental bank statements from Mr Morolo;
- 5.3.1.14 Response letter from Mr Morolo to the Public Protector, dated 06 March 2024;
- 5.3.1.15 Notice of Investigation on matters pursued on Own Initiative from the Public Protector to Mr Morolo, dated 30 January 2025; and
- 5.3.1.16 Response letter from Mr Morolo to the Public Protector, dated 27 February 2025.

5.3.2 Documents

- 5.3.2.1 Memorandums from Mr SA Mbatha, the Director for the Nkangala District to the Chief Financial Officer, Ms H N Mdaka under subject, *Request for an Approval to pay overtime in respect of Road Maintenance Teams and Technical Staff in Nkangala District* dated 11 February 2021, 09 July 2021 and 09 December 2021, received by the Public Protector 06 March 2024;
- 5.3.2.2 Warning letters issued to Ms Mthombeni dated 24 January 2023, Mr Matome dated 24 January 2023 and Mr Makinita dated 01 February 2023;
- 5.3.2.3 Email dated 23 November 2023 from the Department confirming a list of the white fleet vehicles in the Thembisile Hani Cost Centre;
- 5.3.2.4 Performance agreement of Mr Madonsela dated 01 April 2023, received by the Public Protector on 19 January 2024;
- 5.3.2.5 Undated Departmental Investigation Report on allegations of abuse of petrol cards on state vehicles GBL 671 MG, GBK 157 MG and GBG 607 MG, received by the Public Protector on 19 January 2024;

- 5.3.2.6 Attendance registers of Fleet and Logistics Information Sessions held on 22 January 2020 and 09 September 2021, received by the Public Protector on 19 January 2024;
- 5.3.2.7 Copy of a bank statement from First National Bank (FNB) for the period August 2021 to September 2023 for the 08 official vehicles, received on 13 February 2024;
- 5.3.2.8 Copy of an appointment letter of Mr Mokholoane as the Assistant Transport Officer for the period 01 April 2021 to 31 March 2022, received by the Public Protector on 05 March 2024;
- 5.3.2.9 Copy of an appointment letter of Mr Mokholoane as the Assistant Transport Officer for the period 01 April 2023 to 31 March 2024, received by the Public Protector on 12 March 2025;
- 5.3.2.10 Copies of trip authorities and logbooks for the vehicles GBK 157 MG, GBG 607 MG and GBL 671 MG, from November 2021 to April 2022, received by the Public Protector on 05 March 2024;
- 5.3.2.11 Performance agreement of Mr D Mahlangu dated 01 April 2023, received by the Public Protector on 11 March 2024 and on 27 February 2025;
- 5.3.2.12 Performance Agreement of Mr W Nkadimeng received on 11 March 2024 and on 27 February 2025;
- 5.3.2.13 Copies of invoices / job cards / authorisations from private garages / merchants for the period August 2021 to October 2023, received by the Public Protector on 08 April 2024;

- 5.3.2.14 Affidavit from Mr D Mahlangu dated 12 April 2024;
 - 5.3.2.15 Copies of petrol deposit slips for the vehicles GBK 157 MG and GBG 607 MG received from Viva Garage 03 May 2024;
 - 5.3.2.16 Affidavit from Ms Mthombeni dated 04 February 2025;
 - 5.3.2.17 Affidavit from Mr V Mahlangu dated 05 February 2025;
 - 5.3.2.18 Mr Skhosana's Performance Agreement, dated 09 April 2024, received by the Public Protector on 27 February 2025;
 - 5.3.2.19 Supplementary Affidavit from Mr D Mahlangu dated 04 February 2025;
 - 5.3.2.20 Affidavit from Mr W Nkadimeng dated 05 March 2025; and
 - 5.3.2.21 Affidavit from Mr Sibanyoni dated 05 May 2025.
- 5.3.3 **Investigative interviews held**
- 5.3.3.1 Interviews conducted on 23 November 2022, with Messrs Matome, Makinita, Mokholoane, Madonsela and Ms Mthombeni;
 - 5.3.3.2 Interviews conducted with Messrs Madonsela, Nkadimeng, Mokholoane and D Mahlangu on 08 April 2024; and
 - 5.3.3.3 Interview conducted on 12 April 2024 with Mr Mohamed.

5.3.4 **Legal Framework**

- 5.3.4.1 The Constitution of the Republic of South Africa, 1996;
- 5.3.4.2 Public Service Act, 1994;
- 5.3.4.3 The Public Protector Act, 1994;
- 5.3.4.4 The Public Finance Management Act, 1999;
- 5.3.4.5 Public Service Regulations, 2016;
- 5.3.4.6 Mpumalanga Provincial Government Motor Transport Handbook, 2019; and
- 5.3.4.7 Mpumalanga Provincial Government Procedure Manual Utilising Government Motor Transport, 11 May 2021.

5.3.5 **Case Law**

- 5.3.5.1 *Public Protector v Mail & Guardian Ltd and Others* 2011 (4) SA 420 (SCA); 442/10 [2011] ZASCA 108; and
- 5.3.5.2 *Economic Freedom Fighters v Speaker of the National Assembly and Others: Democratic Alliance v Speaker of the National Assembly and Others* (CCT143/15, CCT171/15) [2016] ZACC 11, 2016 (5) BCLR 618 (CC), 2016 (3) SA 580 (CC) 31 March 2016.

5.3.6 **Notices issued in terms of section 7(9)(a) of the Public Protector Act**

- 5.3.6.1 Section 7(9)(a) notices were served to the following persons to afford them an opportunity to make representations in connection with the Public Protector's preliminary findings and proposed remedial action:

(a) Ms Mthombeni, Mr Matome, Mr Mokholoane, Mr Mtsweni, Mr V Mahlangu, Mr D Mahlangu, Mr Sibanyani, Mr Nkadimeng and Mr Morolo; and

(b) The section 7(9)(a) notice was also served on Mr Thulasizwe Thomo the Member of the Executive Council for Public Works, Roads and Transport and Mr Mandla Ndlovu, the Premier of Mpumalanga, for noting.

5.3.6.2 The Public Protector received acknowledgements of receipt of the section 7(9)(a) notice from the following individuals, as follows:

5.3.6.2.1 The Personal Assistant to the Premier of Mpumalanga, Mr Ndlovu, on 27 August 2025;

5.3.6.2.2 The Head of Department of the Mpumalanga Department of Public Works, Roads and Transport, Mr Morake Morolo, on 21 August 2025; and

5.3.6.2.3 The Head of Department of the Mpumalanga Department of Public Works, Roads and Transport, Mr Morake Morolo, on 21 August 2025, on behalf of the officials at the Thembisile Hani Cost Centre.

5.3.6.3 Responses to the notices issued in terms of section 7(9)(a) of the Public Protector Act were received from the following parties:

(a) Mr Matome provided his representation to the Public Protector in a letter dated 29 August 2025; and

(b) Mr Mokholoane provided his representation to the Public Protector in a letter dated 22 August 2025.

- 5.3.6.4 Reminder letter to respond to the section 7(9)(a) notice from the Public Protector to Mr Morolo, dated 09 September 2025;
- 5.3.6.5 Reminder letter to respond to the section 7(9)(a) notice from the Public Protector to Mr Mtsweni, dated 09 September 2025;
- 5.3.6.6 Reminder letter to respond to the section 7(9)(a) notice from the Public Protector to Mr Sibanyoni, dated 09 September 2025;
- 5.3.6.7 Reminder letter to respond to the section 7(9)(a) notice from the Public Protector to Ms Mthombeni, dated 09 September 2025;
- 5.3.6.8 Reminder letter to respond to the section 7(9)(a) notice from the Public Protector to Mr D Mahlangu, dated 09 September 2025;
- 5.3.6.9 Reminder letter to respond to the section 7(9)(a) notice from the Public Protector to Mr V Mahlangu, dated 09 September 2025; and
- 5.3.6.10 Reminder letter to respond to the section 7(9)(a) notice from the Public Protector to Mr Nkadimeng, dated 09 September 2025.
- 5.3.6.11 Notwithstanding that only two responses were received to the Public Protector's notice issued in terms of section 7(9)(a), the Public Protector, on 29 September 2025, extended a courtesy call to the Premier of Mpumalanga to facilitate compliance with the said notice, particularly the submission of a response by Mr Morolo.
- 5.3.6.12 Subsequently, copies of the section 7(9)(a) Notice, the cover letter and the reminder letter addressed to Mr Morolo were shared with the Office of the Premier to assist with the facilitation of the response.

5.3.6.13 The Public Protector thereafter formalised the discussion with a letter dated 29 September 2025, addressed to the Premier and also sent to Mr Morolo, as a final request for a response to the Public Protector's section 7(9)(a) Notice prior to the finalisation of the final report.

5.3.6.14 Mr Morolo consequently provided his representation to the Public Protector in a letter and supporting documents, dated 03 October 2025.

6. THE DETERMINATION OF THE ISSUES IN RELATION TO THE EVIDENCE OBTAINED AND CONCLUSIONS MADE WITH REGARD TO THE APPLICABLE LAW AND PRESCRIPTS

6.1 Whether the functionaries of the Department abused official petrol cards resulting in financial loss to the Department, if so, whether such conduct is improper as envisaged in section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act

Common cause

6.1.1 Mr Vusi Mahlangu is the Principal Roadworks Foreman employed by the Department. Furthermore, the following officials who are, are allocated official vehicles:

6.1.1.1 Ms Thembi Sylvia Mthombeni (Ms Mthombeni), the Siyatendela Coordinator, (allocated a Mazda BT50 with registration number GBL 671 MG);

6.1.1.2 Mr Maroko Abraham Matome (Mr Matome), the Roadworks Foreman (allocated a Nissan NP 300 with registration number GBK 157 MG); and

6.1.1.3 Mr Johannes Stevens Makinita (Mr Makinita), the Roadworks Foreman (allocated a Toyota Hilux with registration number GBG 607 MG).

Issue in dispute

6.1.2 The issue for the Public Protector's determination is whether the functionaries of the Department irregularly utilised the official petrol cards of the Department, resulting in financial loss to the Department.

The Complainant's version

6.1.3 The Complainant submitted that Ms Mthombeni, Messrs Mahlangu, Matome and Makinita were involved in irregular activities pertaining to the official petrol cards of the Department. The Complainant alleged that the officials would buy fuel at Viva Garage for an amount of two hundred rand (R200) at a time.

6.1.4 The officials would then request the petrol attendant to debit the Department's petrol card for an amount equal to a full tank of petrol, and the difference between the R200 and the full tank debited to the petrol card would be given to the relevant official in cash.

The Department's version

6.1.5 On 16 May 2022, the Investigation Team issued a Notice in terms of Rule 23(1) of the Rules relating to Investigations by the Public Protector and Matters Incidental thereto, 2018, (as amended), (the Public Protector Rules) to the Head of the Department, Mr C Morolo (Mr Morolo), requesting him to respond to the allegations and to provide supporting documentation in

support of the version outlined in his response. On 09 June 2022, Mr Morolo responded to the request from the Investigation Team.

6.1.6 In his response, Mr Morolo stated that the Department had commissioned an internal investigation into the allegations, headed by the Department's Labour Relations Unit. Mr Morolo made an undertaking to submit a copy of the investigation report to the Investigation Team upon conclusion of the internal investigation.

6.1.7 The Investigation Team addressed correspondence to Mr Morolo again on 17 August 2022, requesting feedback on the progress of the internal investigation, and a commitment regarding the timeframe for the completion of the investigation.

6.1.8 On 11 October 2022, the Deputy Director: Government Motor Transport (DD: GMT), Ms Charity Motlodi (Ms Motlodi), responded to the request dated 17 August 2022, stating that the Investigation Team would be furnished with a copy of the internal investigation report by the end of November 2022.

6.1.9 On 13 December 2022, the Investigation Team received correspondence from Mr Morolo, in which he stated, *inter alia*, that:

6.1.9.1 The Department was not aware of allegations about the possible abuse of the departmental petrol cards, however, after receiving notice of the imminent investigation from the Public Protector, the Department conducted an internal investigation to establish the facts;

6.1.9.2 The Department has not received any complaint relating to the abuse of petrol cards through the Assistant Transport Officer, Mr Mokholoane or the Siyatendela Coordinator, Ms Mthombeni. Both Mr Mokholoane and Ms

Mthombeni were questioned in connection with their failure to escalate the matter, and they indicated that the matter was never reported to them; and

6.1.9.3 The Department's internal investigation revealed that there was no evidence to support the allegation that the Departmental petrol cards were misused.

6.1.10 Despite further request by the Investigation Team in the letter dated 17 August 2022 to be provided with a copy of the internal investigation report, no investigation report was produced by the Department. However, Mr Morolo submitted a report pertaining to an investigation into the theft of diesel by two officials at the Morotele Cost Centre, namely Mr Johannes Sakane Masenyadiloana (Roadworker) and Mr Michael Kwadibe Mabuso (Foreman), who were dismissed following the conclusion of the investigation on 11 May 2023 and on 02 August 2023, respectively.

The Department's subsequent response

6.1.11 Upon perusal of the response and supporting documents received from Mr Morolo during the initial exchange of information between the Investigation Team and the Department, the Investigation Team addressed further correspondence to Mr Morolo on 09 March 2023.

6.1.12 Ms Motlodi, Deputy Director: Motor Transport of the Department provided an incomplete response on 30 May 2023, as it failed to include important information requested by the Investigation Team, amongst others the Department's bank statements for the year 2020. Ms Motlodi indicated that the bank statements for the year 2020 could not be provided, as its accounts were managed by Transit Solutions.

6.1.13 On 28 June 2023, the Investigation Team sent a letter to Ms BP Mojapelo, (Ms Mojapelo), the Chief Director: Government Motor Transport (CD: GMT), requesting the submission of the First National Bank (FNB) bank statements indicating the transactions involving the three (03) vehicles listed by the Complainant. The information was received from Mr Morolo on 02 August 2023.

6.1.14 Upon the perusal of the documents submitted by Mr Morolo, the Investigation Team noted that the fleet of the Cost Centre actually consisted of eight (08) official vehicles, and not only three (03) as alluded to by the Complainant in the complaint, namely:

- (a) Toyota Corolla with registration number GBM 309 MG;
- (b) Nissan Tida with registration number GBL 687 MG;
- (c) Mazda BT 50 with registration number GBL 671 MG;
- (d) Mazda BT 50 with registration number GBL 672 MG;
- (e) Nissan Hardbody with registration number GBK 157 MG;
- (f) Toyota Hilux with registration number GBG 607 MG;
- (g) Nissan NP 200 with registration number GBM 334 MG; and
- (h) Mazda BT 50 with registration number GBL 673 MG.

6.1.15 Additionally, the Investigation Team noted that some of the fuel purchases were made over weekends, for instance on 13 February (Sunday) and 26 February 2022 (Saturday).

Interview with Mr Matome

- 6.1.16 The Investigation Team interviewed Mr Matome on 23 November 2022, who stated that the vehicle with registration number GBK 157 MG, was allocated to him as the permanent driver thereof. He denied that he ever abused Departmental petrol cards. He further stated that the Department had not interviewed or engaged him in connection with the allegations.
- 6.1.17 Mr Matome stated that he occasionally loaned his official vehicle to other officials to use. According to him, he submitted fuel receipts to the Transport Officer, except those petrol slips that were either lost or misplaced.

Interview with Mr Makinita

- 6.1.18 On 23 November 2023, the Investigation Team interviewed Mr Makinita to obtain his response to the allegations. During the interview, he stated that he was the permanent driver of the vehicle with registration number GBG 607 MG. During the interview, he denied any abuse of petrol cards and confirmed that he was interviewed by the Labour Relations Manager, Mr Stephen Skhosana (Mr Skhosana), early in 2023 in connection with allegations made against him.
- 6.1.19 Mr Makinita further stated that he was thereafter issued with a final written warning on charges unrelated to the abuse of petrol cards.
- 6.1.20 Mr Makinita indicated that his official vehicle, with registration number GBG 607 MG, was not working and was stationary for the period 01 November 2021 to 26 November 2021. As such, he denied that there was a need for him to purchase fuel for a stationary vehicle. He also stated that officials used to hand over vehicle keys to security guards for safekeeping instead of to the Transport Officer.

Interview with Ms Mthombeni

- 6.1.21 Ms Mthombeni was interviewed by the Investigation Team on 23 November 2023 and stated that she was the permanent driver of the vehicle with registration number GBL 671 MG. Ms Mthombeni denied that she abused petrol cards as alleged and stated that she had not been interviewed or investigated by the Department in connection with the allegations.
- 6.1.22 Ms Mthombeni confirmed that the Department disciplined her for misconduct previously, on charges unrelated to the misuse of official petrol cards.

Interview with Mr Mokholoane

- 6.1.23 An interview was conducted by the Investigation Team with Mr Mokholoane on 23 November 2023, to give him an opportunity to respond to the allegations. During the interview, Mr Mokholoane stated that the functionaries of the Cost Centre did not follow due process in requesting authorisation to utilise the vehicles, therefore it was difficult to identify the drivers and hold them accountable for suspicious transactions.
- 6.1.24 Mr Mokholoane stated further that most officials at the Cost Center were elderly, and they continuously reported loss of fuel receipts at the end of the month when they were expected to submit them for returns.

The version of Mr BP Madonsela, Principal Road Superintendent of the Cost Centre

- 6.1.25 The Investigation Team interviewed Mr BP Madonsela (Mr Madonsela) on 23 November 2023. During the interview he confirmed that Mr Mokholoane was the Assistant Transport Officer at the Cost Center and that it was Mr Mokholoane's responsibility to ensure that fuel receipts were submitted by

the drivers of the official vehicles and that these fuel receipts were properly recorded.

- 6.1.26 Mr Madonsela concurred with Mr Mokholoane's version that the functionaries of the Cost Centre did not follow due process to request authorisation to utilise the vehicles. According to him, the officials would hand over the vehicles to one another without closing trips in the logbook and without approved trip authorities.

Additional response from the Department

- 6.1.27 The Investigation Team addressed a letter dated 24 November 2023 to Mr Morolo requesting additional documentary evidence, *inter alia*, the submission of logbooks, completed trip authorities, fuel receipts and bank statements for the 08 official vehicles of the Cost Centre. Although the information was received on 05 March 2024, Mr Morolo failed to respond to and to place on record any version of events on behalf of the Department in connection with the allegations under investigation.

Mr GL Nkadimeng's version: Admin Officer, Fleet Management

- 6.1.28 Mr GL Nkadimeng (Mr Nkadimeng) of the Nkangala Regional Office was interviewed by the Investigation Team during the visit to the Nkangala Regional Office (regional office) on 08 March 2024. He stated, amongst others, that there were discrepancies in the internal record keeping of the Cost Centre and that the officials of the Cost Centre did not submit the vehicle records to the regional office. The Department did not regularly request the records from the regional office, resulting in the non-submission thereof, alternatively misplacement thereof.

Mr H Mahomed's version

6.1.29 Mr Haroon Mahomed (Mr Mahomed), the owner of Viva Garage was interviewed telephonically by the Investigation Team during a visit to Kwa-Mhlanga on 12 April 2024. He stated that he was aware of the alleged abuse of petrol cards by officials from various state organs and private companies in and around Kwa-Mhlanga, who he alleged were colluding with the petrol attendants employed at his garage.

6.1.30 Mr Mahomed stated that, due to the old system (manual system) used at his garage, he was unable to identify the petrol attendants involved in the alleged collusion with the officials who were abusing petrol cards. He also alleged that, besides officials claiming cash refunds from the garage, officials would also fill up their petrol tanks, whereafter they would drain the petrol once they left the garage premises to resell the petrol.

Further response received from the Department

6.1.31 On 30 January 2025, the Investigation Team addressed correspondence to Mr Morolo again, specifically drawing his attention to and requesting his response to the possible irregularities noticed by the Investigation Team during the analysis of the evidence he already submitted.

6.1.32 This related to issues discussed in more detail in paragraphs 6.2 and 6.3 below. As part of his response to the Investigation Team on 27 February 2025, he submitted affidavits from Ms Mthombeni and Mr Mahlangu, in which affidavits the two (02) officials denied the allegations of abuse of petrol cards.

Documentation received from the Department

6.1.33 Together with the responses received from the Department dated 09 June 2022, 11 October 2022, 13 December 2022 and subsequent responses of 30 May 2023, 02 August 2023, 05 March 2024 and 27 February 2025, Mr Morolo furnished the Investigation Team with the following documentary evidence:

Memorandum from Mr SA Mbatha, the Director for the Nkangala District to the Chief Financial Officer, Ms H N Mdaka under subject, Request for an Appeal to pay overtime in respect of Road Maintenance Teams and Technical Staff in Nkangala District

6.1.34 On 24 November 2023, the Investigation Team requested copies of the memorandum approving the payment of overtime work for road maintenance teams and technical staff in Nkangala District. The purpose was to establish whether the filling of the official vehicles with fuel over weekends was justified, as some of the dates on which the official vehicles were refueled fell on a weekend, for instance on 13 February (Sunday) and 26 February 2022 (Saturday).

6.1.35 The memorandum requested the approval for the payment of overtime to recover from the impact caused by heavy rains during the period of 01 December 2021 to 28 February 2022. The memorandum was approved by Ms Helen Nonhlahla Mdaka, the Chief Financial Officer (CFO) on 09 December 2021.

Undated Departmental Investigation Report on allegations of abuse of petrol cards on state vehicles GBL 671 MG, GBK 157 MG and GBG 607 MG

6.1.36 An undated document, purported to be an investigation report, signed by Mr Stephen Skhosana (Mr Skhosana), the Senior Labour Relations Officer of the Department, was received on 19 January 2024. The Investigation Report concluded that there was no evidence to support the allegations of abuse of petrol cards by officials.

Copy of a bank statement from First National Bank (FNB) for the period August 2021 to September 2023, received on 13 February 2024 for the 08 official vehicles

6.1.37 On 13 February 2024, a copy of a transactional bank statement from First National Bank (FNB) for the period between August 2021 to September 2023 for vehicles with registration numbers, GBL 671 MG, GBK 157 MG, GBG 607 MG, GBM 309 MG, GBL 687 MG, GBL 672 MG, GBM 334 MG and GBL 673 MG, was received.

6.1.38 The following observations were made from the bank statements:

6.1.38.1 Transactions on vehicle GBG 607 MG, allocated to Mr Makinita, captured and illustrated in the table below:

Date	Litres of fuel	Amount claimed	Daily trip authority	Odometer readings as per bank statement
13/02/2022	10 litres bought at Viva Garage	R1319.08	The date of the trip authority had been tampered with and replaced with a date of 14/02/2022.	1000 km

10/03/2022	10 litres bought at Viva Garage	R1415.05	The trip authority was completed	1000 km
14/03/2022	45.9 litres and 55.1 litres bought on the same day at Viva Garage	R2200	The trip authority was completed	500 108km (captured for both transactions)

Transactions on vehicle GBK 157 MG

6.1.38.2 Transactions on vehicle GBK 157 MG, allocated to Mr Matome, captured and illustrated in the table below:

Dates	Litres of fuel	Amount claimed	Daily trip authority	Odometers readings as per bank statement
13/02/2022	10 litres bought at Viva Garage	R1368.8	The trip authority was completed	1000 km
26/02/2022	10 litres bought at Viva Garage	R1299.84	The trip authority was completed	1000 km
14/03/2022	10 litres bought at Viva Garage	R1371.51	The trip authority was completed	1000 km
07/04/2022	10 litres bought at Viva Garage	R1888.1	The trip authority was completed	1000 km

Copies of trip authorities for the vehicles GBK 157 MG and GBG 607 MG

6.1.39 On 05 March 2024, the Investigation Team received copies of the completed trip authorities for 13 February 2022, 10 March 2022 and 14 March 2022, which indicated that on these dates, Mr Makinita was the driver of official vehicle GBG 607 MG.

- 6.1.40 The completed trip authorities for 13 February 2022, 26 February 2022 and 14 March 2022 indicated that on these dates, Mr Matome was the driver of vehicle GBK 157 MG.
- 6.1.41 The completed trip authority for 07 April 2022 indicated that on this date, Mr PJ Mtshweni: Road Worker, Thembisile Cost Centre was the driver of vehicle GBK 157 MG.

Appointment letter of Mr Mokholoane as Assistant Transport Officer

- 6.1.42 On 05 March 2024, the Investigation Team received a copy of the appointment letter of Mr Mokholoane dated 20 April 2021. The appointment letter indicated that Mr Mokholoane was appointed as an Assistant Transport Officer, for the period 01 April 2021 to 31 March 2022.
- 6.1.43 His responsibilities were indicated as, *inter alia*, to exercise control over the maintenance and expenditure involved in the use of government vehicles, to ensure proper completion and regular scrutiny of all records and returns regarding government motor transport, inclusive of the vehicle movement register, record keeping of all vehicles under his control, and to ensure that all regulations relevant to the use, operation and maintenance of vehicles were complied with.
- 6.1.44 The appointment letter stated that the appointment and duties thereof, were added functions to his initial appointment and that there would be no additional monetary benefits.

Copies of fuel receipts for the vehicles GBK 157 MG and GBG 607 MG received from Viva Garage 03 May 2024

6.1.45 According to the Fuel Industry Association of South Africa², the 2022 fuel prices on the dates that the transactions under investigation took place, were as follows:

Date	Price per liter
13 Feb 2022	R20.14
26 Feb 2022	R20.14
10 March 2022	R21.60
14 March 2022	R21.60
07 April 2022	R21.96

Affidavit from Ms Mthombeni

6.1.46 In her affidavit dated 04 February 2025, Ms Mthombeni denied any alleged abuse of a petrol card at Viva Garage by purchasing petrol for an amount of R200 and claiming a refund equal to the amount of a full tank of fuel.

Affidavit from Mr Mahlangu

6.1.47 In his affidavit dated 05 February 2025, Mr Mahlangu also denied the allegation of abuse of a petrol card at Viva Garage.

Mr S Skhosana's Performance Agreement

6.1.48 On 27 February 2025, the Investigation Team received a copy of the performance agreement of the Labour Relations Officer, Mr Skhosana.

² The prices have been verified with the 2022 petroleum products prices in cents per liter in terms of the Fuel Industry Association of South Africa.

According to his performance agreement, his duties included conducting investigations and making recommendations, and to manage logistics of disciplinary hearings and dispute meetings.

Responses to the Notice in terms of section 7(9)(a) of the Public Protector Act, 1994

6.1.49 On 18 August 2025, the Public Protector issued a Notice in terms of section 7(9)(a) of the Public Protector Act, to Mr Mokholoane and Mr Matome affording them an opportunity to respond to the Public Protector's provisional findings and proposed remedial action.

Response to the Notice by Mr Mokholoane

6.1.50 A response was received from Mr Mokholoane on 22 August 2025, stating, *inter alia*, that:

6.1.50.1 He received the outcome of the Public Protector's investigation into the misuse of Government fuel cards, and he is very concerned about the Public Protector's intended findings and proposed remedial action;

6.1.50.2 The person who was responsible to confirm cases of fraud and misuse is Mr Whitey Nkadimeng, who was appointed to the position of Transport Officer; and

6.1.50.3 He was just assisting and compiling transport documentation to Mr Nkadimeng for verification.

Response to the Notice by Mr Matome

6.1.51 In his response dated 29 August 2025, Mr Matome stated, *inter alia*, that:

- 6.1.51.1 He was employed by the Department as a Roads Works Foreman;
- 6.1.51.2 The Public Protector's assertion in the section 7(9) Notice that the Department did not engage or interview him regarding the allegations, was incorrect, as there was a disciplinary process that took place;
- 6.1.51.3 In this instance, he did not agree with the Public Protector's proposed remedial action that the Department take corrective measures against him, as such action had already been taken and he had served the sanction which was imposed; and
- 6.1.51.4 The Public Protector's proposed remedial action amounts to double punishment (double jeopardy), which will have a dire effect on his wellbeing.

Final Written Warning issued to Mr Matome

- 6.1.52 Mr Matome attached to his response a copy of the Final Written Warning issued to him on 24 January 2023. On perusal of the Final Written Warning, the following information is recorded thereon:
 - 6.1.52.1 The Final Written Warning was issued in terms of the Disciplinary Procedure and states that should Mr Matome engage in further misconduct, the Final Written Warning may be considered to determine a more serious sanction;
 - 6.1.52.2 The Final Written Warning will be placed on Mr Matome's personnel file and will be valid for a period of six (6) months, where after it will be removed and destroyed;
- 6.1.53 The nature of misconduct is recorded as follows:

- 6.1.53.1 Mr Matome unlawfully used state property by keeping the vehicle with registration number GBK 157 MG, at his personal residence with the keys and the petrol card, without the Garaging Form authorising such by his supervisor or the Transport Officer;
- 6.1.53.2 Mr Matome travelled unauthorised kilometers at fluctuating times which does not correspond with the trip authority;
- 6.1.53.3 On 25 November 2021, Mr Matome unlawfully used his official vehicle to travel 551 kilometers to Middelburg;
- 6.1.53.4 Unauthorised use of his vehicle, in that, on 17 December 2021, Mr Matome used his vehicle to travel with a trip authority which was approved for 15 December 2021;
- 6.1.53.5 Mr Matome changed the approved trip authority for 24 January 2022; to 26 January 2022 to 31 January 2022; whilst he knew it was unlawful to do so; and
- 6.1.53.6 Mr Matome failed to record the refueling of 13 February 2022 at CJ Mahomed Garage on his logbook and did not provide a reason for such failure to his Supervisor or the Transport Officer.

Response to the Notice by Mr Morolo

- 6.1.54 On 18 August 2025, the Public Protector issued a Notice in terms of section 7(9)(a) of the Public Protector Act, to Mr Morolo affording him an opportunity to respond to the Public Protector's provisional findings and likely remedial action. A response was received on 03 October 2025, stating, *inter alia*, that:

- 6.1.54.1 The Public Protector's section 7(9) notice asserts that he failed to appoint a Transport Officer to investigate complaints of petrol card abuse, however, the Handbook assigns the Transport Officer duties to monitor fuel usage and validate slips but does not require the same official to investigate allegations against themselves. For this reason, he appointed an independent Labour Relations Officer on the recommendation of Mr SA Mbatha to conduct the investigation, ensuring fairness and avoiding conflict of interest;
- 6.1.54.2 Although the Notice in terms of section 7(9)(a) of the Public Protector Act suggests that he failed to prevent financial losses resulting from the misuse, the accountability in terms of section 45 of the PFMA extends to all officials entrusted with resources;
- 6.1.54.3 The Fleet management responsibilities were formally delegated to the Director: SCM and overseen by the Chief Directorate: GMT; and
- 6.1.54.4 Whilst oversight responsibility remains with him, he instituted consequent management against those directly responsible for the misuse of the petrol cards and oversight lapses.
- 6.1.55 Mr Morolo thereafter summarised the Departmental findings previously submitted to the Public Protector, and highlighted the differences between these findings and the Public Protector's provisional findings, as follows:

Official	Allegation	Public Protector's provisional finding	Departmental finding	(Mr Morolo's) Conclusion

Mr JS Makinta	Fraudulent petrol card use	Unaccounted R2 299.12 (Feb – March 2022)	No petrol card abuse found, unauthorised trips, excessive kms	Partially substantiated, consequence management applied and final written warning issued
Mr MA Matome	Fraudulent petrol card use	Unaccounted R3 422.07 (Feb – March 2022)	No petrol card abuse found, unauthorised trips, excessive kms	Partially substantiated, consequence management applied and final written warning issued
Mr PJ Mthsweni	Fraudulent petrol card use	Unaccounted R1 666.30 (07 April 2022)	Linked to misuse of GBK 157 MG, unaccounted amounts confirmed	Substantiated – disciplinary action pending

6.1.54 Mr Morolo further stated that the findings of the Protector have been carefully considered alongside the internal Department investigations. He indicates that the allegations of the misuse of petrol cards were partly substantiated, with unaccounted amounts identified for certain officials. Mr Morolo also submits that corrective actions already taken include final written warnings, disciplinary referrals and strengthened fleet management controls.

6.1.55 Mr Morolo recommends strict enforcement of the Handbook, monthly compliance monitoring by the Chief Directorate: MT, consequence

management against implicated officials and training on the PFMA and Code of Conduct for Public Servants.

Documents submitted by Mr Morolo with his response to the section 7(9) notice

Memorandum to Mr SA Mbatha, Director: Nkangala District from Mr S Sikhosana, Investigating Officer: Labour Relations under subject Investigation report into allegations of petrol cards abuse of state vehicles GBL 671 MG, GBK 157 MG and GBG 607 MG within our department, undated

- 6.1.56 It is noted from the memorandum that there were no findings on allegations of petrol card abuse, but the three officials, namely Ms Mthombeni and Messrs Makinita and Matome, used state vehicles without adhering to transport policy procedures by travelling more kilometres exceeding their destinations indicated in their trip authorities. The report further indicates that the officials were given written warning.

Final Written Warning issued to Mr Makinita on 01 February 2023

- 6.1.57 A final written warning was issued to Mr Makinita on 01 February 2023 because he:

- (a) used state property in an improper manner, as he intentionally and negligently travelled more kilometres exceeding his place of departure and the place indicated on the trip authority;
- (b) Unauthorised trips;
- (c) Travelling inconsistent kilometres;
- (d) Changing the dates on trip authorities

Final Written Warning issued to Ms Mthombeni on 24 January 2023

- 6.1.58 A final written warning was issued to Ms Mthombeni on 24 January 2023 because she used state property in an improper manner, as she intentionally and negligently travelled more kilometres exceeding her place of departure and the place indicated on the trip authority.

Final Written Warning issued to Mr Matome on 24 January 2023

- 6.1.59 A final written warning was issued to Mr Matome on 24 January 2023 because he:
- (a) Wrongfully used state property in that he kept the vehicle at his place of residence together with the keys and the petrol card without a garaging form with the authority of his supervisor and the Transport Officer;
 - (b) Travelling unauthorised kilometres with fluctuating times which did not correspond with the trip authority;
 - (c) Unlawful travelling 551 Kms to Middelburg on 25 November 2021;
 - (d) Travelling on 17 December 2021 with a trip authority that ended on the 15th of December 2021;
 - (e) Changing the date on a trip authority from 24 January 2022 to 26 January 2022 and to 31 January 2022; and
 - (f) Not recording the refuelling at CJ Mahomed Garage on 13 February 2022 on his logbook without any explanation.

Advert for Labour Relations Officer, undated

- 6.1.60 It is noted from a copy of an undated advert for the position of Labour Relations Officer that one of the responsibilities of the Labour Relations Officer is to deal with matters pertaining to misconduct.

Financial Delegations issued in terms of section 44 of the PFMA dated 14 April 2021 and 17 April 2023

- 6.1.61 According to the Departmental Financial Delegations, powers in terms of sections 38(1)(b) and (c), 38(1)(h) have been delegated to Directors and powers in terms of Treasury Regulation 4.1.2 have been delegated to Directors and Regional Heads.

Applicable law

Constitution of the Republic of South Africa, 1996

- 6.1.62 Section 195(1) of the Constitution provides that public administration must be governed by the democratic values and principles enshrined in the Constitution including, *inter alia*, the following principles:

- (a) *A high standard of professional ethics must be promoted and maintained;*
- (b) *Efficient, economical and effective use of resources must be promoted;*
- (f) *Public administration must be accountable.”*

Public Service Act, 1994

- 6.1.63 Section 16A(1)(a) of the Public Service Act, provides that an executive officer shall immediately take appropriate disciplinary steps against the Head of a

Department who does not comply with a provision of this Act, or a regulation, determination or directive made thereunder.

- 6.1.64 Section 16A(2)(a) of the Public Service Act, provides that the Head of a Department shall immediately take appropriate disciplinary steps against an employee of the Department who does not comply with a provision of this Act, or a regulation, determination or directive made thereunder.

Public Finance Management Act, 1999

- 6.1.65 Section 38(1) of the Public Finance Management Act provides that the accounting officer for a Department, Trading Entity or Constitutional Institution—
- (a) must ensure that the department, trading entity or constitutional institution has and maintains-
 - (i) effective, efficient and transparent systems of financial and risk management and internal control.
 - (b) Is responsible for the effective, efficient, economical and transparent use of the resources of the Department.
 - (c) Must take effective and appropriate steps to –
 - (i) Collect all money due to the Department;
 - (ii) Prevent unauthorised, irregular and fruitless and wasteful expenditure and losses resulting from criminal conduct.
- 6.1.66 Section 44(2)(d) of the PFMA states that a delegation or instruction to an official issued in terms of subsection (1), does not divest the Accounting Officer of the responsibility concerning the exercise of the delegated power or the performance of the assigned duty.

6.1.67 Section 45 of the PFMA obliges every other official to also comply with these requirements, within the official's area of responsibility.

Public Service Regulations, 2016

6.1.68 The Code of Conduct for Public Servants is provided for in Chapter 2 of the new Public Service Regulations.

6.1.69 Item 14 of the Code of Conduct for Public Servants provides that an employee must-

- (a) *Strive to achieve the objectives of his or her institution cost effectively and in the interest of the public;*
- (b) *be creative in thought and in the execution of his or her official duties, seek innovative ways to solve problems and enhance effectiveness and efficiency within the context of the law;...*
- (d) *execute his or her official duties in a professional and competent manner;*
- (e) *cooperate fully with other employees to advance the interest of the public;*
- (f) *be honest and accountable in dealing with public funds and use of the State's property.....;*
- (j) *promote sound, efficient, effective, transparent and accountable administration...*

Mpumalanga Provincial Government Motor Transport Handbook, 2019

6.1.70 Clause 6 of section A of the Mpumalanga Provincial Government Motor Transport Handbook (the Handbook) which regulates odometers states that:

6.2 “No tampering of odometer is permitted.

6.3 non-functioning of odometers needs to be reported to the designated official immediately”.

6.1.60 Clause 1 of section C of the Handbook regulates fueling of vehicles and states that:

1.4 All fuel receipts must be signed indicating the driver’s name, the vehicle registration number and the odometer reading of the vehicle. In the event that the slip is lost by the driver, the driver will need to submit an affidavit in this regard;

1.5 The official needs to ensure that the fuel receipt is returned to the Transport Officer at the same time as the vehicle;

1.6 Fuel purchases must be indicated in the logbook and on the approval to travel form;

1.7 All fuel receipts/issued by the filling stations must be attached to the application to travel (trip authority) and be handed over to the Transport Officer”.

6.1.61 Clause 2 of section E of the Handbook states that the responsibilities of a Transport Officer should include amongst other things:

- 2.1. *“Coordinating transport and ensuring that it is always used in the best and most cost effective manner;*
 - 2.4. *Ensuring that all records in connection with the fleet are properly completed, checked regularly, monitored and submitted in accordance with instructions;*
 - 2.5. *All instructions in connection with the use, operation and maintenance of vehicles are complied with, as prescribed in this Handbook and that all other prescripts are distributed within their department;*
 - 2.6. *Analysing reports on a monthly basis in order to identify, confirm and report any cases of possible fraud and misuse...”*
- 6.1.62 Clause 4 of section E of the Handbook states that the transport officer needs to ensure that the following records are kept and maintained in paper or electronic format. For this purpose, records may be combined. The Transport Officer is responsible for following up on any outstanding documents and provides feedback when required to do so:
- 4.1. *“Contact particulars of drivers;*
 - 4.2. *Policies and procedure documents;*
 - 4.5. *Records to be kept of all documents related to the specific vehicle. This will include log sheets, all documentation related to maintenance, services and repairs, tyres (fitment, size, date of replacement, brand) and batteries;...*
 - 4.9. *Fuel and toll cards records...”*

6.1.63 Clause 5.2 of section E of the Handbook states that all vehicles are to be issued with at least the following:

5.2.2. Fuel/toll card where applicable;...

5.2.8. Any other authorized instructions to the driver of the vehicle as deemed fit by the Department”.

6.1.64 Clause 9 of section E of the Handbook states that in terms of the management of the vehicle, the Transport officer should ensure the following:

“9.1.2 That fuel purchase slips are validated against the log book entries and system data;

9.1.5 That out of sync odometer readings are monitored;

9.1.6 That misuse complaints are investigated and feedback is supplied;

9.1.9 That all applicable vehicle related registers are updated and current for audit purposes;

9.1.10 That fuel consumption is monitored...”

Analysis

6.1.65 The evidence before the Public Protector established that fuel usage and vehicle management at the Cost Centre were characterised by poor record keeping, inconsistent documentation, and weak oversight. Evidence further indicates altered trip authorities, identical odometer readings, unrecorded fuel purchases and unauthorised trips.

Mr Makinita's fuel transactions

- 6.1.66 The logbooks and trip authorities before the Public Protector indicate that Mr Makinita is the designated driver of the vehicle with registration number GBG 607 MG. The trip authorities further demonstrate that on 13 February 2022, 10 and 14 March 2022, respectively, Mr Makinita was recorded as the driver of the official vehicle with registration number GBG 607 MG and that he refueled the vehicle at Viva Garage on these dates. These records provide documentary verification of vehicle use and fuel purchases and form part of the evidence examined by the Investigation Team.
- 6.1.67 Although Mr Makinita denied the allegations of abuse of petrol cards during his interview with the Investigation Team on 22 November 2023, evidence before the Public Protector indicates otherwise.
- 6.1.68 The FNB statement from August 2021 to October 2023, indicates that on 13 February 2022, Mr Makinita purchased ten (10) litres of fuel at Viva Garage for an amount of one thousand three hundred and nineteen rand and eight cent (R1 319.08). At the time, the price of a litre of fuel was twenty rand and fourteen cents (R20.14). It follows therefore that Mr Makinita should have paid two hundred and one rand fourteen cents (R201.14) for 10 litres of fuel.
- 6.1.69 On 10 March 2022, Mr Makinita also purchased 10 litres of fuel at Viva Garage for an amount of one thousand four hundred and fifteen rand and five cent (R1 415.05). Considering that the price of a litres of fuel at the time was twenty-one rand and sixty cents (R21.60), it can be deduced that Mr Makinita should have paid two hundred and sixteen rand (R216) to fill up his official vehicle with 10 litres of fuel.
- 6.1.70 According to trip authority, Mr Makinita filled his official vehicle with petrol twice on 14 March 2022, with 45.9 and 55.1 litres of petrol respectively, and

paid a total amount of two thousand two hundred rand (R2 200) for both transactions. The odometer reading for both the transactions stayed the same, namely at 500 108km, which suggests that Mr Makinita did not travel between the first and second transaction.

- 6.1.71 According to the bank statement, the Toyota Hilux vehicle allocated to Mr Makinita has a 65L petrol tank. Mr Makinita refueled his vehicle later on the same day with 55.1 litres of petrol whilst the odometer reading remained unchanged. The inference to be drawn is that Mr Makinita did not fill his vehicle with petrol earlier on 14 March 2022. This supports the version placed before the Public Protector by the Complainant, that Mr Makinita debited the official petrol card with an amount equal to 45.9 litres of petrol, but took the money in cash, instead of paying for fuel.
- 6.1.72 Over a period of a month, between 13 February 2022 and 14 March 2022, Mr Makinita refuelled his official vehicle with hundred and twenty-one (121) litres of petrol at a cost of four thousand nine hundred and thirty-four rand and thirteen cents (R4 934.13). Taking into consideration the cost of a litres of petrol at the time of each of these transactions, Mr Makinita should have paid an amount of two thousand six hundred and thirty-five rand and one cent (R2 635.01) for the 121 litres of petrol. Therefore, is thus an amount of two thousand two hundred and ninety-nine Rand and twelve Cents (R2 299.12) that is unaccounted for.
- 6.1.73 These vehicles were issued with official petrol cards by the Transport Officer upon authorisation of the trips in accordance with clause 5.2 of section 6 of the Mpumalanga Provincial Government Motor Transport Handbook (the Handbook).

Mr Matome's fuel transactions

- 6.1.74 According to the evidence, Mr Matome is the designated driver of the vehicle with registration number GBK 157 MG.
- 6.1.75 During the interview with the Investigation Team on 22 November 2023, Mr Matome contended that he occasionally lends his official vehicle to other officials, suggesting that it could be other officials who abused the petrol card. However, according to the trip authorities of the vehicle allocated to Mr Matome, it is evident that on 13 February 2022, 26 February 2022 and 14 March 2022, he was the driver of the vehicle with registration number GBK 157 MG, and that he refueled at Viva Garage.
- 6.1.76 The evidence in possession of the Public Protector indicates that on 13 February 2022, Mr Matome bought 10 litres of fuel at Viva Garage for an amount of one thousand three hundred and sixty-eight rand and eight cent (R1 368.08). He also refueled with 10 litres at Viva Garage on 26 February 2022 for an amount of one thousand two hundred and ninety-nine Rand and eighty-four Cent (R1 299.84). He bought 10 litres of fuel on 14 March 2022 at the same garage for an amount of one thousand three hundred and seventy-one Rand and fifty-one Cent (R1 371.51).
- 6.1.77 Over this period, between 13 February 2022 and 14 March 2022, Mr Matome refueled his official vehicle with thirty (30) litres of petrol at a cost of four thousand and forty Rand and fifteen Cents (R4 040.15). Considering the cost per liter of petrol at the time of each of these transactions, Mr Matome should have paid an amount of six hundred and eighteen Rand eight Cents (R618.08) for the 30 litres of petrol. There is thus an amount of three thousand four hundred and twenty-two Rand seven Cents (R3 422.07) that is unaccounted for.

- 6.1.78 The Public Protector notes Mr Matome's submission in response to her section 7(9) notice that he had already been disciplined for the alleged abuse of his petrol card. However, the Final Written Warning submitted by Mr Matome is a repetition of the evidence he has already submitted during the course of the investigation.
- 6.1.79 A perusal of the Final Written Warning revealed that Mr Matome was not disciplined for abusing his official petrol card, but rather, that he was disciplined for utilising his official vehicle without permission from the Department, and for not keeping proper records relating to the use of his official vehicle.
- 6.1.80 The only corresponding date between the events listed in the Final Written Warning and the transactions picked up from the Departmental bank statement, is 13 February 2022. Indeed, the Final Written Warning issued to Mr Matome verifies once again the fact that Mr Matome refueled his official vehicle on the 13th of February 2022.
- 6.1.81 However, the Final Written Warning reveals that Mr Matome was disciplined for not disclosing the discrepancy between the amount of fuel recorded in his logbook, and the exorbitant amount for 10 litres of fuel. In fact, it is more likely that Mr Matome failed to record the purchase in the logbook because he was aware of what he had done and was trying to conceal his actions out of fear of being caught.
- 6.1.82 In this instance, the Public Protector does not accept Mr Matome's version that he had already been disciplined for the transaction relating to the abuse of his petrol card on 13 February 2022.

Mr PJ Mtshweni's fuel transactions

- 6.1.83 According to the trip authority for 07 of April 2022, the vehicle with registration number GBK 157 MG which was allocated to Mr Matome, was driven by a certain Mr PJ Mtshweni: Road Worker of Thembisile Cost Centre, on that particular day.
- 6.1.84 On 07 April 2022, Mr Mtshweni refueled the official vehicle allocated to Mr Matome with another 10 litres of fuel at a cost of one thousand eight hundred and eighty-eight Rand and ten Cents (R1888.10). Considering that the price per liter of petrol was twenty-two rand and eighteen cents (R22.18) on 07 April 2022, Mr Mtshweni should have paid an amount of two hundred and twenty-one Rand and eighty Cents (R221.80) for ten (10) litres of petrol, leaving an amount of one thousand six hundred and sixty-six rand and thirty Cents (R1 666.30) unaccounted for.
- 6.1.85 Section 195(1)(b) read with section 45 of the PFMA, obliges every official of the Department to, within his or her area of responsibility, to use the resources of the Department in an effective, efficient and economical manner.
- 6.1.86 In addition, every official, within his or her area of responsibility, must take effective and appropriate steps to prevent unauthorised, irregular and fruitless and wasteful expenditure and losses resulting from criminal conduct, in accordance with section 45 of the PFMA.
- 6.1.87 The evidence in the Public Protector's possession indicates that during 13 February 2022 and 07 April 2022, Messrs Makinita, Matome and Mtshweni purchased 161 litres of petrol at a cost to the Department of ten thousand eight hundred and sixty-two Rand and thirty-eight Cents (R10 862.38). During the time when these transactions took place and having regard to the

petrol prices applicable at the time of the transactions, 161 litres of petrol should have cost three thousand four hundred and sixty-three Rand and fifty-seven Cents (R3 463.57), leaving a total amount of seven thousand three hundred and ninety-eight Rand and eighty-one Cents (R7 398.81) unaccounted for.

- 6.1.88 The Public Protector takes cognizance of the fact that neither Mr Matome nor Mr Morolo, in their respective responses to the Public Protector's section 7(9) notice, provided any explanation to justify the exorbitant amounts paid for 10 litres of petrol by Departmental officials.

Ms Mthombeni and Mr Mahlangu

- 6.1.88 Ms Mthombeni is the designated driver of the vehicle with registration number GBL 671 MG. After thorough analysis of evidence received, the Public Protector did not find evidence implicating Ms Mthombeni in the abuse of a petrol card assigned to her vehicle, thus she complied with the provisions outlined in the Handbook. Further, with respect to Mr Mahlangu, there was no specific motor vehicle that was allocated to him.
- 6.1.89 Clause 1 of section C of the Handbook requires that all fuel receipts must be signed indicating the driver's name, the vehicle registration number and the odometer reading of the vehicle. In addition, an official needs to ensure that the fuel receipt is returned to the Transport Officer at the same time as the vehicle.
- 6.1.90 Based on the evidence before the Public Protector, it is evident that Messrs Makinita, Matome and Mtshweni did not submit fuel receipts nor the affidavits for missing fuel receipts when handing over the vehicles back to the

Transport Officer which is in contravention of Clause 1 of section C of the Handbook.

- 6.1.91 The Public Protector again notes Mr Matome's response to her section 7(9) notice in which he contended to have already been disciplined for the violation of this provision of the Handbook. The Final Written Warning issued to Mr Matome on 24 January 2023, submitted in support of this contention by Mr Matome, indeed indicates that Mr Matome received a Final Written Warning for his failure to record a fuel purchase at Viva Garage on 13 February 2022, on his logbook.
- 6.1.92 In this regard, the Public Protector accepts Mr Matome's submission that he was disciplined for his failure to adhere to the provisions of the Handbook for the transaction of 13 February 2022.
- 6.1.93 Based on the evidence, however, it was already established that there are two other transactions as well, namely on 26 February 2022 and 14 March 2022, where there was non-compliance with the Handbook and Mr Matome did not submit any evidence that he was disciplined for his failure to comply with the Handbook in relation to these transactions.
- 6.1.94 Regarding the role of the Assistant Transport Officer, Mr Mokholoane is in terms of Clause 2 of section E of the Handbook, responsible for accountability of the expenditure involved in the use of official vehicles and to ensure proper completion and regular scrutiny of all records and returns. Accordingly, he has a responsibility to ensure that fuel receipts are submitted by officials using the vehicles and are properly recorded. Failure by Mr Mokholoane to enforce the provisions of the Handbook resulted in non-compliance of the Handbook by Cost Centre functionaries.

- 6.1.95 Furthermore, Mr Nkadimeng's role is the verification of the correctness of the submitted log sheets completed by officials for the use of government vehicles. However, it is evident from the evidence in possession of the Public Protector that the Cost Centre failed to submit the prescribed monthly reports to the Nkangala Regional Office thus, both Mr Mokholoane and Mr Nkadimeng had failed to perform their duties in that they had an obligation to analyse the monthly reports, identify, confirm and report any cases of possible fraud and misuse in line with Clauses 2 and 9 of section E of the Handbook.
- 6.1.96 The Public Protector notes that both the Handbook and the Performance Agreement of Mr Nkadimeng do not outline his responsibility in instances of non-compliance with the Handbook by the Cost Centre. This *lacuna* further exacerbated the non-compliance with the Handbook and the ongoing lack of accountability by both Mr Nkadimeng and Mr Mokholoane.
- 6.1.97 The Public Protector notes the submission by Mr Mokholoane in response to her section 7(9)(a) Notice, in which Mr Mokholoane indicated that the confirmation and reporting of cases of possible fraud and misuse is the responsibility of Mr Nkadimeng. Mr Mokholoane negates his role to assist and compile transport documentation to Mr Nkadimeng for verification.
- 6.1.98 The Handbook obliges the Transport Officer to analyse reports monthly to identify, confirm and report any cases of possible fraud and misuse.
- 6.1.99 It is noted from the evidence already submitted that, at the time when these transactions occurred, the position of Transport Officer was vacant. From the evidence obtained during the investigation, it was established that Mr Mokholoane was appointed as the Assistant Transport Officer for the period 01 April 2021 to 31 March 2022, an appointment which was later, on Mr

Mokholoane's own version, extended twice, to 31 March 2023 and thereafter to 31 March 2024. This evidence was corroborated by Mr Madonsela, the Principal Road Superintendent. It is thus undisputable that at the time when these transactions occurred, Mr Mokholoane was the Assistant Transport Officer, and the position of Transport Officer was vacant.

- 6.1.100 Mr Mokholoane's version that Mr Nkadimeng was the Transport Officer, is thus rejected.
- 6.1.101 In terms of his appointment letter, Mr Mokholoane was obliged to "*exercise control over expenditure involved in the use of Government vehicles*" and "*regular scrutiny of all records and returns.*"
- 6.1.102 From the evidence obtained during the investigation, it was established that the responsibilities as outlined above was the responsibility of Mr Mokholoane and not that of Mr Nkadimeng, as alleged by Mr Mokholoane.
- 6.1.103 Mr Mokholoane's version in response to the Public Protector's section 7(9)(a) notice, is in fact an admission by him that he failed to perform the responsibilities imposed on him in terms of his appointment letter.
- 6.1.104 Regarding the odometer readings, Clause 1 of section A of the Handbook prohibits tampering with odometer readings and requires that any non-functioning thereof should be reported to the designated official. However, evidence in the possession of the Public Protector indicates discrepancies in the odometer readings for the vehicle with registration GBG 607 MG, allocated to Mr Makinita.
- 6.1.105 Further, the FNB statement from August 2021 to October 2023 indicates that on 03 January 2022, the vehicle recorded an odometer reading of 510 117 km, on 13 January 2022, it recorded a reading of 495 613 km, on 19 January

2022, it recorded a reading of 49 609 km and on 13 February 2022, it recorded a reading of 1000 km. All these odometer readings were recorded at Viva Garage.

6.1.106 The Public Protector found no evidence that Mr Makinita reported that the odometer of his official vehicle was faulty, thus he did not comply with the provisions of Clause 1 of section A of the Handbook.

6.1.107 Regarding the internal investigation conducted by the Department, Mr Morolo indicated that an internal investigation was initiated upon receipt of the Public Protector's Notice of investigation. However, upon perusal of what purported to be the outcome of the internal investigation that was prompted by the Public Protector's Notice, it was discovered that the investigation does not relate to the allegations of abuse of petrol cards, but rather to allegations that the officials of the Cost Centre did not follow proper processes when booking official vehicles for services and repairs, discussed in more detail under issue 2 below.

6.1.108 The Public Protector notes that Mr Morolo's response to her section 7(9) notice refers to the very same investigation report that was conducted by the Department, a copy of which has never been shared with the Public Protector. The Public Protector, however, notes with grave concern that the findings of this internal investigation communicated by Mr Morolo in his response to the section 7(9) notice, have seemingly changed from the date it was initially submitted to the Public Protector on 19 January 2024.

6.1.109 The response to section 7(9) notice submitted by Mr Morolo now suggests that the Departmental investigation revealed that Mr Mtshweni did in fact abuse the departmental petrol card in the amount of R1 666.30, an allegation that Mr Morolo previously denied and suggested that the internal Departmental investigation cleared Mr Mtshweni of wrongdoing.

- 6.1.110 Mr Morolo's response to the Public Protector's section 7(9) notice also suggests that Mr Morolo is rejecting the Public Protector's provisional findings and accepting the findings of the Departmental investigation report, which cleared Messrs Makinita and Matome of wrongdoing, despite being confronted with evidence by the Public Protector contradicting these findings. One would expect that the Departmental conclusion that Messrs Makinita and Matome did not abuse their petrol cards, be based on evidence exonerating them of any wrongdoing. In a glaring omission, Mr Morolo fails to submit the evidence proving their innocence to the Public Protector.
- 6.1.111 Mr Morolo's conduct upon receipt of the Public Protector's section 7(9) Notice is mind-boggling to say the least. Mr Morolo's version is that he requested the Labour Relations Officer to investigate the allegations to ensure the independence of the Departmental investigation. Upon receipt of the Public Protector's provisional findings, Mr Morolo fails to question how two separate, independent investigations into the same allegations can reach such vastly different conclusions.
- 6.1.112 Clause 9.1.6 of section E of the Handbook requires the Transport Officer to investigate allegations of abuse of petrol cards. Instead, Mr Morolo appointed Mr Skhosana, the Senior Labour Relations Officer, to conduct an internal investigation, which was contrary to the provisions of the Handbook which delegate the investigation responsibilities to the Transport Officer. Based on this, Mr Morolo failed to execute his functions in line with the provisions of the Handbook.
- 6.1.113 Mr Morolo's submission in his response to the Public Protector's section 7(9) notice, is that the Handbook requires the Transport Officer to monitor fuel usage and validate slips, and that requiring the Transport Officer to investigate the allegations, would have been tantamount to requesting him to

investigate himself, is rejected, as Mr Mokholoane was never implicated in the allegations which were lodged.

- 6.1.114 In his response to the Public Protector's section 7(9) notice, Mr Morolo acknowledges that oversight responsibilities remain with the HOD. He indicates that he has instituted consequence management against those directly responsible for the petrol card abuse and oversight lapses. However, Mr Morolo's understanding of his responsibilities in terms of section 38(1)(a)(i) of the PFMA, which requires the Accounting Officer to establish effective, efficient and transparent systems of financial risk and internal control, is distorted.
- 6.1.115 If the DPWRT had effective, efficient and transparent systems of financial risk and internal control, this abuse would have been detected the very first instance it occurred. The mere fact that the abuse of petrol cards, which according to the Complainant, has been happening for many years, was only detected by the Department upon being notified of a complaint that has been lodged with the Public Protector, speaks volumes to the severe lack of effectiveness and efficiency of the Departmental internal controls.
- 6.1.116 Mr Morolo's submission in his response to the Public Protector's section 7(9) notice is that Fleet Management responsibilities are formally delegated to the Director: SCM and the Chief Directorate: GMT. He further indicates that consequence management has been instituted. Despite the exchange of numerous correspondence between the Investigation Team and the Department, the only version submitted by Mr Morolo was that he commissioned internal investigation on the alleged abuse of petrol cards, however, no evidence was found to support the allegations. It was also established that this purported investigation was only conducted after he received the notice of an investigation by the Public Protector.

6.1.117 Mr Morolo's contention that he should be absolved from these responsibilities and subsequent consequence management for contraventions of the PFMA, is rejected, because section 44 of the PFMA states that he cannot divest himself from his responsibility in terms of section 38 of the PFMA by delegating these functions.

Conclusion

6.1.118 Having considered the evidence, the legal prescripts applicable thereto, the Public Protector concludes that Messrs Makinita, Mr Matome and Mtshweni misused the Departmental petrol cards and the Department failed to hold them accountable in terms of the applicable legislation.

6.1.119 Mr Morolo appointed the Senior Labour Relations Officer, Mr Skhosana to investigate the alleged abuse of petrol cards, instead of the Transport Officer, in violation of the Handbook, therefore he failed to execute his duties as the Accounting Officer.

6.1.67 Further evidence indicates systemic failures in fleet management and financial control within the Department. Cumulative evidence supports findings of maladministration, improper conduct, and failure by management to prevent losses and ensure compliance with applicable prescripts.

6.2. Whether the functionaries of the Department booked official vehicles for services and repairs at private garages / merchants without following the prescribed processes and procedures, if so, whether such conduct is improper as envisaged in section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act

Common cause

- 6.2.1 The Cost Centre had a fleet of eight (08) vehicles with registration numbers: GBL 671 MG, GBK 157 MG, GBG 607 MG, GBM 309 MG, GBL 687 MG, GBL 672 MG, GBM 334 MG and GBL 673 MG, to perform official duties. These vehicles were utilised and managed by the functionaries of the Cost Centre.
- 6.2.2 The Department's fleet was administered by Wesbank, the Vehicle Financing Division of FNB. Wesbank has a list of registered merchants which render vehicle services and repairs for all the vehicles within its fleet register.
- 6.2.3 Mr Mokholoane was appointed as Assistant Transport Officer at the Cost Centre by Mr Morolo on 20 April 2021 for the period 01 April 2021 to 31 March 2022.

Issue in dispute

- 6.2.4 The issue for the Public Protector's determination is whether the functionaries of the Department followed the correct processes and procedures when booking official vehicles for services and repairs at private garages / merchants.

Interviews with officials from the Department

- 6.2.5 The Investigation Team held interviews held with officials employed at the Cost Centre on 08 April 2024

Interview conducted with Mr Madonsela, Principal Road Superintendent of the Cost Centre on 08 April 2024

- 6.2.6 Mr Madonsela was interviewed by the Investigation Team on 08 April 2024, and he stated, *inter alia*, that:

- 6.2.6.1 He was not involved in the booking of the official vehicles for services and repairs;
- 6.2.6.2 His team reported vehicle defects to him, and he alerted Mr Nkadimeng, who was responsible for administering the process for the repairs and servicing of the vehicles; and
- 6.2.6.3 Mr Makinita had unfortunately passed on in April 2024.

Interview held with Mr Nkadimeng of the Nkangala Regional Office on 08 April 2024

- 6.2.7 On 08 April 2024, the Investigation Team interviewed Mr Nkadimeng who stated that Mr Daniel Mahlangu (Mr D Mahlangu), Senior Artisan at the Cost Center did not comply with the booking process but instead, accused Mr Mahlangu of making bookings for the repairs and services of the official vehicles without informing him and without registering particulars of the vehicles in the service and repairs book. As a result of this, Mr Nkadimeng claimed not to have any knowledge of some of the bookings made with private garages / merchants by Mr Mahlangu.

Interview held with Mr Mokholoane on 08 April 2024

- 6.2.8 The Investigation Team conducted an interview with Mr Mokholoane on 08 April 2024. He stated that the officials at the Cost Centre did not follow due process when they requested authorisation to book the official vehicles for repairs and services. According to Mr Mokholoane, he was supposed to be notified if any official vehicle was booked for repairs or service, but he never received such notifications.

The version of Mr D Mahlangu

- 6.2.9 On 08 April 2024, Mr Mahlangu was interviewed by the Investigation Team and he stated, inter alia, that:
- 6.2.9.1 Most of the official vehicles were repaired in the Government Garage (GG) at the Cost Center. It was only when the Departmental mechanics were unable to repair the vehicles that the vehicles would be booked to be repaired by outside merchants;
- 6.2.9.2 Bookings were made by Wesbank, he did not have any interaction with merchants until he was notified by either private garages / merchants or Mr Nkadimeng to collect the vehicles; and
- 6.2.10 He never booked the vehicles for service and repairs without following the process. Mr Nkadimeng did not inform him when such bookings were made, as required.
- 6.2.11 Mr Mahlangu could not provide the Investigation Team with some of the job cards and invoices for the year 2021. He stated that he had destroyed them.

Department's version

- 6.2.12 On 30 January 2025, the Investigation Team issued a Notice in terms of Rule 23(1) of the Public Protector Rules to Mr Morolo, informing him that the Public Protector noted during the analysis of the evidence obtained during the investigation pertaining to the alleged abuse of petrol cards by certain officials, that the functionaries of the Department booked official vehicles for services and repairs at private garages / merchants without following due process and procedure.

- 6.2.13 The purpose of the Notice was to request a formal response from Mr Morolo regarding the procedures to be followed by officials in this regard.
- 6.2.14 In his response letter dated 19 February 2025, Mr Morolo failed to respond to the allegation and to outline the correct procedure which should be followed when official vehicles were booked for service and repairs. Instead, Mr Morolo simply stated that the Department investigated the allegation upon receipt of the Notice of investigation by the Public Protector and found no evidence to support the allegations.

Documentation received from the Department

- 6.2.15 Together with the responses received from the Department dated 09 June 2022, 11 October 2022, 13 December 2022 and subsequent responses of 30 May 2023, 02 August 2023, 05 March 2024 and 27 February 2025, Mr Morolo furnished the Investigation Team with several documents as documentary evidence.

Appointment letter of Mr Mokholoane as an Assistant Transport Officer

- 6.2.16 On 05 March 2024, Mr Morolo provided the Investigation Team with a copy of Mr Mokholoane's appointment letter as an Assistant Transport Officer. The purpose was to ascertain whether Mr Mokholoane's appointment as an Assistant Transport Officer was formalised, as his permanent position was that of Siyatendela Co-Ordinator: Roads Maintenance, and in addition, to confirm his duties and responsibilities as Assistant Transport Officer.
- 6.2.17 The appointment letter of Mr Mokholoane as Assistant Transport Officer, indicates that he was responsible for exercising control over the maintenance and expenditure involved in the use of government vehicles, ensure proper completion and regular scrutiny of all records and returns regarding

government motor transport inclusive of vehicle movement register, and record keeping of all vehicles under his control and to ensure that all regulations relevant to the use, operation and maintenance of vehicles are complied with.

Mr Madonsela's Performance Agreement

6.2.18 A copy of Mr Madonsela's Performance Agreement was received from Mr Morolo on 19 January 2024. In terms of the agreement, Mr Madonsela was the Principal Road Superintendent of the Cost Centre, and he was responsible for, amongst other things, ensuring the provision and efficient usage of materials, fleet and equipment.

Copy of FNB bank statement for the period August 2021 to October 2023 for the 8 official vehicles

6.2.19 On 13 February 2024, the Public Protector received a copy of the FNB Transactional Bank Statement for the period August 2021 to October 2023 from Mr Morolo of the Department. This statement was requested to link the bank transactions to the official vehicles, namely vehicles GBL 671 MG, GBK 157 MG, GBG 607 MG, GBM 309 MG, GBL 687 MG, GBL 672 MG, GBM 334 MG and GBL 673 MG.

6.2.20 The information contained in the bank statement, relating to private garages / merchants who serviced and repaired the official vehicles as well as the amounts paid for the services and repairs of the 08 official vehicles, is summarised in the table below:

Date	Vehicle description	Merchant	Amount claimed	Documents received from Merchants
10 August 2021	GBG 607 MG Toyota Hilux	Dibcon	R10 000.00	Invoice, job card and an authorisation from Wesbank

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02 September 2021	GBG 607 MG Toyota Hilux	Bogoshadi Trading Enterprise	R4 193.12	Invoice and an authorisation from Wesbank
27 October 2021	GBG 607 MG Toyota Hilux	Bogoshadi (Kwaggafontein)	R9 827.78	Invoice and an authorisation from Wesbank
18 May 2022	GBL 607 MG Toyota Hilux	Bogoshadi (Kwaggafontein)	R3 773.05	None
05 August 2022	GBL 607 MG Toyota Hilux	Bogoshadi (Kwaggafontein)	R17 052.83	None
08 October 2022	GBL 607 MG Toyota Hilux	Mdubane Electrical and Projects	R8 375.00	Invoice with no details of the driver/official
24 October 2022	GBL 607 MG Toyota Hilux	Ndalas Projects	R3 264.00	Invoice with no details of the driver/official
26 April 2023	GBL 607 MG Toyota Hilux	Mgwezane glass and windscreen	R3 600.00	Invoice with no details of the driver/official
13 June 2023	GBL 607 MG Toyota Hilux	Kaby's Trading enterprise	R10 809.42	Invoice with details of Mr D Mahlangu and approval from Westbank
Date	Vehicle description	Merchant	Amount claimed	Documents received from Merchants
31 October 2021	GBK 157 MG Nissan Hardbody	Umlindi Tech	R13 520.00	None
05 November 2021	GBK 157 MG Nissan Hardbody	Umlindi Tech	R6 900.00	None
24 October 2022	GBK 157 MG Nissan Hardbody	Zaya Motors	R5 980.00	Approval from Wesbank and a job card
09 December 2022	GBK 157 MG Nissan Hardbody	Umlindi Tech	R6 458.00	None
27 March 2023	GBK 157 MG	Zaya Motors	R4 105.00	None
24 August 2023	GBK 157 MG Nissan Hardbody	SMBST Projects (Pty Ltd)	R12 266.54	Invoice with no details of the driver/official
Date	Vehicle description	Merchant	Amount claimed	Documents received from Merchants

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26 August 2021	GBL 673 MG Mazda BT 50	Ziyandazethu Business Enterprise	R18 647.05	Invoice with no details of the driver/official authorisation from Wesbank and job card
24 September 2021	GBL 673 MG Mazda BT 50	Dibcon	R8 850.00	Invoice, job card and authorisation from Wesbank
15 November 2021	GBK 673 MG Mazda BT 50	New Automotive	R3 473.00	None
08 July 2022	GBL 673 MG Mazda BT 50	Zaya Motors	R1 638.00	Approval from Wesbank and an invoice
15 November 2022	GBL 673 MG Mazda BT 50	Zaya Motors	R11 807.00	Invoice
24 January 2023	GBL 673 MG Mazda BT 50	Mgwezane	R4 300.00	None
21 February 2023	GBL 673 MG Mazda BT 50	Mahlamza trading	R12 010.00	Invoice indicating Mr Nkadimeng, authorisation from Wesbank,
30 March 2023	GBL 673 MG Mazda BT 50	New Automotive	R4 466.25	None
13 June 2023	GBL 673 MG Mazda BT 50	Batanzi and Sons	R5 130.00	Invoice without further details of the driver/official
Date	Vehicle description	Merchant	Amount claimed	Documents received from Merchants
15 October 2021	GBL 671 MG Mazda BT 50	Ndlovu Best	R23 895.24	Invoice with no details of the driver/official
25 October 2021	GBL 671 MG Mazda BT 50	Ndlovu Best	R5 027.05	Invoice with no details of the driver/official
25 July 2022	GBL 671 MG Mazda BT 50	Sima Holdings	R14 071,75	Invoice, job card and also an authorisation from Wesbank
20 September 2022	GBL 671 MG Mazda BT 50	Mdubane Electrical and Projects	R6 587.87	Invoice with no details of the driver/official
Date	Vehicle description	Merchant	Amount claimed	Documents received from Merchants
18 November 2021	GBM 334 MG Nissan NP 200	Tsotetsi	R7 560.05	None
04 April 2022	GBM 334 MG Nissan NP 200	Zaya Motors	R6 240.01	Approval from Wesbank and a job card

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19 May 2022	GBM 334 MG Nissan NP 200	Zaya Motors	R7 427.00	Invoice, job card and an authorisation from Wesbank
09 December 2022	GBM 334 MG Nissan NP 200	Umlindi Tech	R3 300.00	None
29 June 2023	GBM 334 MG Nissan NP 200	Shisaka	R46 121.61	None
24 July 2023	GBM 334 MG Nissan NP 200	Kabys	R15 240.00	None
Date	Vehicle description	Merchant	Amount claimed	Documents received from Merchants
18 November 2021	GBL 672 MG Mazda BT 50	Tsotetsi	R3 423.00	None
18 November 2022	GBL 672 MG Mazda BT 50	Batanzi and Sons	R3 255.00	Job card and Invoice with no details of the driver/official
22 March 2023	GBL 672 MG Mazda BT 50	Batanzi and Sons	R 19 255.00	Job card and Invoice with no details of the driver/official
Date	Vehicle description	Merchant	Amount claimed	Documents received from Merchants
16 September 2021	GBL 687 MG Nissan Tida	Lesley Performance	R21 331.41	Invoice and Job card
10 March 2022	GBL 687 MG Nissan Tida	Mgwezane	R3 268.55	None
15 April 2022	GBL 687 Nissan Tida MG	Nature love	R7 740.00	Invoice with no details of the driver/official
31 May 2022	GBL 687 MG Nissan Tida	Bogoshadi (Kwaggafontein)	R13 850.59	None
13 July 2022	GBL 687 MG Nissan Tida	Batanzi and Sons	R1 026.12	None
20 December 2022	GBL 687 MG Nissan Tida	Lebone Auto Centre	R25 679.00	Invoice without further details of the driver/official, Wesbank authorisation
Date	Vehicle description	Merchant	Amount claimed	Documents received from Merchants

25 April 2022	GBM 309 MG Toyota Corolla	LP motors	R19 415.09	Invoice indicating Mr Nkadimeng without further details of the driver/official
15 November 2022	GBM 309 MG Toyota Corolla	Khayalami	R6 075.00	Merchant refused to cooperate.
13 February 2023	GBM 309 MG Toyota Corolla	Lebone Auto Centre	R16 830.00	Invoice without further details of the driver/official
29 March 2023	GBM 309 MG Toyota Corolla	Mgwezane	R3 800.00	None

Mr Mahlangu's Performance Agreement

6.2.21 On 11 March 2024, the Investigation Team received Mr Mahlangu's Performance Agreement from Mr Morolo. His duties and responsibilities were reflected as utilising and booking official vehicles at merchants for services and repairs. He is responsible, amongst others, to ensure provision and efficient usage of materials, fleet and equipment.

Mr Nkadimeng's Performance Agreement

6.2.22 On 11 March 2024, the Investigation Team received Mr Nkadimeng's Performance Agreement from Mr Morolo. His duties and responsibilities are reflected as being responsible for the general management of the official fleet.

Copies of Invoices, Job Cards and Authorisations from private garages / merchants

6.2.23 On 08 April 2024, the Investigation Team visited the Cost Centre, private garages / merchants as reflected on the FNB bank statement of the Department and Viva Garage. Copies of the job cards, invoices and Wesbank authorisations for the period August 2021 and October 2023 were provided to the Public Protector by private garages / merchants. Additional documents

were later received via emails from the owners of private garages / merchants described in the table above.

6.2.24 A summary of the information is captured on the table below:

Date	Vehicle description	Merchant	Amount claimed	Type of service or repair as per the documents received from private garages / merchants
10 August 2021	GBG 607 MG Toyota Hilux	Dibcon	R10 000.00	Replace oil filter, fuel filter, air filter, plugs, engine oil, antifreeze, brake fluid, brake pads, brake disc, brake shoe and brake drum.
02 September 2021	GBG 607 MG Toyota Hilux	Bogoshadi Trading Enterprise	R4 193.12	Replacement of speedometer cable. Repair speedometer cluster instrument
27 October 2021	GBG 607 MG Toyota Hilux	Bogoshadi (Kwaggafontein)	R9 827.78	Replacement of speedometer cluster instrument complete.
18 May 2022	GBL 607 MG Toyota Hilux	Bogoshadi (Kwaggafontein)	R3 773.05	None
05 August 2022	GBL 607 MG Toyota Hilux	Bogoshadi (Kwaggafontein)	R17 052.83	None
08 October 2022	GBL 607 MG Toyota Hilux	Mdubane Electrical and Projects	R8 375.00	Distributor- faulty pickup point Dirty fuel tank and pipe detached for cleaning and reinstalled Fuel Gadge instrument faulty of cluster reporting wrong information
24 October 2022	GBL 607 MG	Ndalas Projects	R3 264.00	Fuel pump repair

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	Toyota Hilux			
26 April 2023	GBL 607 MG Toyota Hilux	Mgwezane glass and windscreen	R3 600.00	Rear windscreen
13 June 2023	GBL 607 MG Toyota Hilux	Kaby's Trading enterprise	R10 809.42	4 liter Engen oil oil, fuel, air filter four spark plugs replace prop shaft center bearing replace three universal joints call out fee towing from cost center to merchant
31 October 2021	GBK 157 MG Nissan Hardbody	Umlindi Tech	R13 520.00	None
05 November 2021	GBK 157 MG Nissan Hardbody	Umlindi Tech	R6 900.00	None
24 October 2022	GBK 157 MG Nissan Hardbody	Zaya Motors	R5 980.00	Rear brake shoe Rear brake drums Wheel cylinder leaking Adjuster kit
09 December 2022	GBK 157 MG Nissan Hardbody	Umlindi Tech	R6 458.00	None
27 March 2023	GBK 157 MG	Zaya Motors	R4 105.00	Front brake pads plus disc Front wheel bearing Consumable/ sundries Wheel alignment
24 August 2023	GBK 157 MG Nissan Hardbody	SMBST Projects (Pty Ltd)	R12 266.54	Wiper blades Oil, air and fuel filter Engen oil Spark plugs Starter motor assy Wheel studs and nuts Front LH indicator light Hooter steering pad

				sundries
26 August 2021	GBL 673 MG Mazda BT 50	Ziyandazethu Business Enterprise	R18 647.05	Diff recon
24 September 2021	GBL 673 MG Mazda BT 50	Dibcon	R8 850.00	Replace joints Balance and alignment
15 November 2021	GBK 673 MG Mazda BT 50	New Automotive	R3 473.00	None
08 July 2022	GBL 673 MG Mazda BT 50	Zaya Motors	R1 638.00	Power steering pipe leaking Power steering oil Power steering belt cracked
15 November 2022	GBL 673 MG Mazda BT 50	Zaya Motors	R11 807.00	Right and left tie rod end Ball joint lower and up Idle arm Stabilizer busher Wheel bearing right and left set Brake pads Front and rear shocks Wheel alignment
24 January 2023	GBL 673 MG Mazda BT 50	Mgwezane	R4 300.00	None
21 February 2023	GBL 673 MG Mazda BT 50	Mahlamza trading	R12 010.00	Bonnet cable Skim front disc Front wheel bearing Front brake pads Skim rear drums Rear brake shoes Rear wheel bearing Diff oil consumables
30 March 2023	GBL 673 MG Mazda BT 50	New Automotive	R4 466.25	None
13 June 2023	GBL 673 MG Mazda BT 50	Batanzi and Sons	R5 130.00	Radiator Anti freeze

				Call out
15 October 2021	GBL 671 MG Mazda BT 50	Ndlovu Best	R23 895.24	Engen cylinder head Pleasure testing, skimming and valve stem seal Replace big ends, main bearing, rings, set gasket, water pump, thermostat, oil filter, air filter, Engen oil, spark plugs and fuel filter sundries
25 October 2021	GBL 671 MG Mazda BT 50	Ndlovu Best	R5 027.05	Replace radiator Replace anti-freeze Sundries
25 July 2022	GBL 671 MG Mazda BT 50	Sima Holdings	R14 071,75	Air, fuel and oil filter Spark plugs Engen oil Front brake pad Engen mountings Cam gasket Steering pump belt Ignition switch Consumables and sundries
20 September 2022	GBL 671 MG Mazda BT 50	Mdubane Electrical and Projects	R6 587.87	Recondition alternator Battery Main fuse
18 November 2021	GBM 334 MG Nissan NP 200	Tsotetsi	R7 560.05	None
04 April 2022	GBM 334 MG Nissan NP 200	Zaya Motors	R6 240.01	Spark plugs Fan belt Timing belt kit Oil, air and fuel filter Engen oil
19 May 2022	GBM 334 MG Nissan NP 200	Sima Holdings	R7 427.00	Local towing Front wheel bearing

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				Tie rod-ends Consumable/sundries
09 December 2022	GBM 334 MG Nissan NP 200	Umlindi Tech	R3 300.00	None
29 June 2023	GBM 334 MG Nissan NP 200	Shisaka	R46 121.61	Cylinder Head Gas Sump Plug washer Oil Pump Kit Piston Ring Big End-Bearing Main Bearing Thrush Washer Spark Plugs Oil & air Filter Engine Oil Water Pump Thermostat Antifreeze Hand Brake Lever Polish Crankshaft Cylinder Head Recon Towing Call out Clutch
24 July 2023	GBM 334 MG Nissan NP 200	Kabys	R15 240.00	None
18 November 2021	GBL 672 MG Mazda BT 50	Tsotetsi	R3 423.00	None
18 November 2022	GBL 672 MG Mazda BT 50	Batanzi and Sons	R3 255.00	Engen oil Oil and fuel filter Sump/plug washer Spark plugs Consumable Brake light switch
22 March 2023	GBL 672 MG Mazda BT 50	Batanzi and Sons	R 19 255.00	Prop shaft Recon Diff

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16 September 2021	GBL 687 MG Nissan Tida	Lesley Performance	R21 331.41	Head gasket Water pump Thermostat Radiator Valve stem seal Oil filter and oil Anti-freeze Skim and pressure test head and block towing
10 March 2022	GBL 687 MG Nissan Tida	Mgwezane	R3 268.55	Windscreen
15 April 2022	GBL 687 Nissan Tida MG	Nature love	R7 740.00	Control arms Engen mounting Front brake pads Rear brake shoes Rack ends Drum skimming Wheel alignment Sundries
31 May 2022	GBL 687 MG Nissan Tida	Bogoshadi (Kwaggafontein)	R13 850.59	None
13 July 2022	GBL 687 MG Nissan Tida	Batanzi and Sons	R1 026.12	None
20 December 2022	GBL 687 MG Nissan Tida	Lebone Auto Centre	R25 679.00	Front and rear shock absorber Front shock mountings Control arm Rack end Tie rod ends Rear Engen oil seal Radiator Anti-freeze Ignition barrel

25 April 2022	GBM 309 MG Toyota Corolla	LP motors	R19 415.09	Call out Oil & air filter Spark Plugs x4 Engine Oil Anti freezer Consumables Rear Main Bearing oil Seal Clutch Kit Conentric Brake Fluid Gear oil Skim Flywheel Concentric 5hrs Stabilizer link x2
15 November 2022	GBM 309 MG Toyota Corolla	Khayalami	R6 075.00	Merchant refused to cooperate.
13 February 2023	GBM 309 MG Toyota Corolla	Lebone Auto Centre	R16 830.00	Front and rear shock absorbers Tie rod ends Rack ends Stabilizer leak Stabilizer bar bush Ball joint Starter
29 March 2023	GBM 309 MG Toyota Corolla	Mgwezane	R3 800.00	None

Affidavit from Mr D Mahlangu

6.2.25 Mr D Mahlangu, a senior artisan at the Cost Center submitted an affidavit dated 12 April 2024, in which he stated that:

“I Daniel Mahlangu ID persal No.....working at the Kwamhlanga workshop as senior artisan. Report that the job card of 2021 were destroyed, because I never know that they will be needed

“Reported that I never submit the vehicles to the following merchant, Khayalami automotive, Ishaka Trading & Project and Lebone Auto Centre.”
(sic)

Mr D Mahlangu’s Performance Agreement

- 6.2.26 Mr Mahlangu’s Performance Agreement was received by the Investigation Team from Mr Morolo on 27 February 2025, which indicates that his job functions are to render maintenance services and repairs of plant equipment and GMT Fleet, to determine the cause of the defects and whether the defects or repairs require the attention of external merchants.

Supplementary affidavit from Mr D Mahlangu

- 6.2.27 In his response dated 27 February 2025, Mr Morolo provided the Public Protector with a copy of Mr Mahlangu’s affidavit dated 04 February 2025, in which Mr D Mahlangu stated that:

“I, the above-mentioned state under oath that I am an employee at Kwamhlanga Government garage under public works, my work description to inspect a car when it is brought to the garage and then we do a Jobcard. After we do a Jobcard we contact the wesbank to give us a merchant for where the car or vehicle will be fixed or serviced. We then send the vehicle to the merchant where the wesbank has referred us to. When the merchant is done with the repairs we therefore go and collect the vehicle. We then inspect the car/vehicle to check if the merchant has truly repaired the problem. After

inspection we therefore call upon the driver who brought the car to the garage to come and collect the car. This is the system that we use at the garage. We/i don't know of any other.” (sic)

Affidavit from Mr Nkadimeng

6.2.28 On 05 March 2025, the Public Protector received a copy of an affidavit Mr Nkadimeng stating that:

“I was visited by the Investigation Team from Public Protector and according to their findings it is alleged that I did not provide them with the Departmental Fleet Management Policy of which it is true. We as DPWRT by then, we were not in possession of it instead we used procedure manual (see attached) for which I thought was a good procedure.

It is also alleged again that I did not follow the prescribed processes and procedures when booking official vehicles for services and repairs at Merchants. I can say they are maybe right but what I thought it was according to the process flow assigned from government garage.” (sic)

Responses to the Notice issued in terms of section 7(9)(a) of the Public Protector Act, 1994

Response to the Notice from Mr Mokholoane

6.2.29 On 18 August 2025, the Public Protector issued a Notice in terms of section 7(9)(a) of the Public Protector Act to Mr Mokholoane, affording him an opportunity to respond to the Public Protector’s provisional findings and proposed remedial action.

- 6.2.30 A response was received from Mr Mokholoane on 22 August 2025, in which response he indicated that:
- 6.2.30.1 He received the outcome of the Public Protector's investigation into the misuse of Government fuel cards, and he is very concerned about the Public Protector's intended findings and proposed remedial action;
- 6.2.30.2 When the matter was reported to the Public Protector, he was not making bookings for services of state vehicles. The bookings for services and repairs were made by Messrs Nkadimeng and Dan Mahlangu;
- 6.2.30.3 He only commenced making the bookings for the services and repairs on 01 February 2024; and
- 6.2.30.4 He therefore questioned the Public Protector's provisional finding against him that he failed to follow due process and procedure to book official vehicles for services and repairs at private garages / merchants.

Response to the Notice from Mr Morolo

- 6.2.31 On 18 August 2025, the Public Protector issued a Notice in terms of section 7(9)(a) of the Public Protector Act to Mr Morolo affording him an opportunity to respond to the Public Protector's provisional findings and proposed remedial action.
- 6.2.32 A response was received from Mr Morolo on 03 October 2025.
- 6.2.33 Attached to the response, Mr Morolo once again provided a copy of the Departmental investigation report together with copies of all the correspondence between the Department and the Investigation Team. He

also attached a copy of a document titled **“Investigation report on allegations of irregular and fraudulent purchases of oil, repairs of state vehicles and destroyed job cards of 2021”** dated 07 March 2025.

6.2.34 From this report, the following was noted relating to the failure to follow prescribed processes and procedures when booking state vehicles for services and repairs:-

6.2.34.1 Although the Investigation Team found that Messrs. Nkadimeng and Mahlangu did not follow prescribed processes and procedures when booking official vehicles for services and repairs at merchants, the Department investigated to establish whether above two officials contravened the prescribed process and procedure and there were no adverse findings against them;

6.2.34.2 The Departmental investigation revealed that the form used to refer state vehicles to the merchants is not aligned with the information required in terms of the Handbook when booking state vehicles to merchants for service and repairs; and

6.2.34.3 The investigation also revealed that in terms of the Handbook, the Transport Officer must ensure that the vehicles are serviced as prescribed by the relevant Original Equipment Manufacturer (OEM). The officials did not adhere to this procedure as they booked vehicles at any merchant who is not the original manufacturer of the said vehicles. The two officials argued that the merchants where vehicles are sent for repairs and services, are identified by Wesbank after the warranty of vehicle expired, and it is beyond their control.

- 6.2.35 The document further stated the following relating to the destroying of the 2021 job cards by Mr D Mahlangu:
- 6.2.35.1 The Department was not aware that Mr D Mahlangu destroyed job cards for the repair and services of state vehicles for year 2021. Mr D Mahlangu states that he confirmed in writing that he destroyed the job cards for the year 2021 because he had a huge volume of job cards which he must store. He further indicates that he was not aware that departmental records would be required, and could not to be destroyed without permission or approval of a relevant authority; and
- 6.2.35.2 Mr Mahlangu furthermore submitted that it was the first time his employment with the department that he destroyed job cards.
- 6.2.36 The report confirms that the Department will take disciplinary action against Mr D Mahlangu for his misconduct.
- 6.2.37 Lastly, the report recommended that the remaining state vehicles should not be used in any circumstances, due to their poor condition and for safety reasons. The report further notes that the contract entered between the Department and Wesbank, be aligned with Handbook when booking the vehicle for repairs and services.

Applicable law

Constitution of the Republic of South Africa, 1996

- 6.2.38 Section 195(1) of the Constitution provides that public administration must be governed by the democratic values and principles enshrined in the Constitution including, *inter alia*, the following principles:

- (a) *A high standard of professional ethics must be promoted and maintained;*
- (b) *Efficient, economical and effective use of resources must be promoted;*
- (f) *Public administration must be accountable.*

Public Finance Management Act, 1999

6.2.39 Section 38(1) of the Public Finance Management Act provides that the accounting officer for a Department, Trading Entity or Constitutional Institution—

- (a) *Must ensure that the department, trading entity or constitutional institution has and maintains-*
 - (i) *effective, efficient and transparent systems of financial and risk management and internal control.*
- (b) *Is responsible for the effective, efficient, economical and transparent use of the resources of the Department.*
- (c) *Must take effective and appropriate steps to –*
 - (i) *Collect all money due to the Department;*
 - (ii) *Prevent unauthorised, irregular and fruitless and wasteful expenditure and losses resulting from criminal conduct.*

6.2.40 Section 45 of the PFMA obliges every other official to also comply with these requirements, within the official's area of responsibility.

Public Service Act, 1994 as amended by the Public Service Amendment Act, 2007

- 6.2.41 Section 16A(1)(a) of the Public Service Act, provides that an executive officer shall immediately take appropriate disciplinary steps against the Head of a Department who does not comply with a provision of this Act, or a regulation, determination or directive made thereunder.
- 6.2.42 Section 16A(2)(a) of the Public Service Act, provides that the head of a Department shall immediately take appropriate disciplinary steps against an employee of the Department who does not comply with a provision of this Act or a regulation, determination or directive made thereunder.

Mpumalanga Provincial Government Motor Transport Handbook, 2019

- 6.2.43 Clause 1 of section B of the Handbook regulates authorisation for services and repairs of vehicles and states that:
- 1.1. *Pre-authorisation must be obtained from the service provider or designated official responsible for the maintenance of the vehicle by the transport officer before taking a vehicle to a service provider/merchant;*
 - 1.2. *When delivering a vehicle to a merchant the official must obtain written acknowledgement of receipt;*
 - 1.3. *The following minimum information needs to be contained as part of the vehicle acknowledgment of receipt by the merchant:*
 - 1.3.1. *Date and time of receipt;*
 - 1.3.2. *Vehicle registration number;*
 - 1.3.3. *Vehicle make, model and colour;*

- 1.3.4. *Engine and VIN Number;*
 - 1.3.5. *Vehicle condition;*
 - 1.3.6. *Odometer reading;*
 - 1.3.7. *Fuel level;*
 - 1.3.8. *Vehicle accessories;*
 - 1.3.9. *Merchant name, address and contact details;*
 - 1.3.10. *Official name, department, Persal number and contact details; and*
 - 1.3.11. *Contract details of the department.*
- 1.4. *When collecting a vehicle from a merchant, the official collecting the vehicle must sign the invoice and endorse the latter with the following information:*
- 1.4.1. *First name and surname;*
 - 1.4.2. *Contact telephone number;*
 - 1.4.3. *ID number / Persal Number;*
 - 1.4.4. *Date and time of collection; and*
 - 1.4.5. *Department name.*
- 1.5. *All trips to and from service providers/merchants must be processed in terms of the trip authority procedure explained in the Handbook.*
- 6.2.44 Clause 2 of section B of the Handbook regulates servicing of a vehicles and states that:
- 2.1. *The Transport Officer must ensure that vehicles are serviced as prescribed by the relevant OEM.*

2.2. *When the vehicle is left with the merchant, pre and post inspection must be conducted to ensure that the vehicle is received back by the end user in the same condition as it was delivered to the merchant.*

6.2.45 Clause 3 of section D of the Handbook regulates authorisation to travel and states that:

“3.1. An application for approval to travel / trip authority needs to be completed and approved by the delegated authority before any vehicle may be issued;

3.2. The compulsory information to be contained in the approval to travel / trip authority;

3.3. Applicants must certify that the particulars on the application are correct;

3.7. In cases where the user of a vehicle must deviate from the approved trip, approval must be obtained from the approver of the original application or from an alternative official duly authorised to approve such application;

3.8. The transport officer shall retain the original approved application to travel, including the names of all the passengers and keep it on record...”

6.2.46 Clause 2 of section E of the Handbook states the responsibilities of a Transport Officer should include, amongst others, the following:

“2.1. Coordinating transport and ensuring that it is always used in the best and most cost effective manner;

2.2. Exercise control over the maintenance of the vehicle fleet with the aim to minimize the running costs of the fleet;

- 2.3. *Ensuring that vehicles are used optimally and that vehicles that are not utilised are returned immediately for redistribution;*
- 2.4. *Ensuring that all records in connection with the fleet are properly completed, checked regularly, monitored and submitted in accordance with instructions;*
- 2.5. *All instructions in connection with the use, operation and maintenance of vehicles are complied with, as prescribed in this handbook and that all other prescripts are distributed within their department;*
- 2.6. *Analysing reports on (at least) a monthly basis in order to identify, confirm and report any cases of possible fraud and misuse;*
- 2.7. *Serving as a link between the officials from the department and service providers in accordance with the relevant contracts.”*

6.2.47 Clause 4 of section E of the Handbook states that the Transport Officer needs to ensure that the following records are kept and maintained in paper or electronic format. For this purpose, records may be combined. The transport officer is responsible for following up on any outstanding documents and provide feedback when required to do so:

- “4.1. *Contact particulars of drivers;*
- 4.2. *Policies and procedure documents;*
- 4.3. *Blank forms for all vehicle related services such as booking form, accident report forms, garaging forms etc;*
- 4.5. *Records to be kept of all documents related to the specific vehicle. This will include log sheets, all documentation related to maintenance,*

services and repairs, tyres (fitment, size, date of replacement, brand) and batteries;

4.6.;

4.9.;

4.10. *Accident / loss records;*

4.11. *vehicle inspection records;*

6.2.48 Clause 5 of section E of the Handbook relates to the issuing of vehicles and states that:

5.2. All vehicles are to be issued with at least the following:

5.2.1. *“Log book;*

5.2.2. *Fuel / Toll Card, where applicable;*

5.2.3. *Vehicle manufacture manual / service books;*

5.2.4. *Trip authority;*

5.2.5. *Pre and post inspection sheet;*

5.2.8. *Garaging authorisation where applicable;*

5.2.9. *Any other authorized instructions to the driver of the vehicle as deemed fit by the Department”.*

6.2.49 Clause 8 of section E of the Handbook regulates the Vehicle maintenance and services and states amongst others that, the Transport Officer needs to ensure the following:

8.1.1. *Vehicle downtime is monitored and reported on to management and the required service provider;*

8.1.3. *The delivery of vehicles to merchants for repairs and maintenance as advised by the service provider and collect when notified. The Transport Officer must ensure that service books for the vehicles are stamped as evidence that the vehicle was serviced;*

6.2.50 Clause 9.1 of section E of the Handbook provides that the Transport Officer should ensure the following:

“9.1.3

9.1.4.;

9.1.5. *That out of sync odometer readings are monitored;*

9.1.6. *That misuse complaints are investigated and feedback is supplied;*

9.1.9. *That all applicable vehicle related registers are updated and current for audit purposes”.*

Mpumalanga Provincial Government Procedure Manual Utilising Government Motor Transport, 11 May 2021 (the Manual)

6.2.51 Part 1 of the Mpumalanga Provincial Government Procedure Manual Utilising Government Motor Transport, 11 May 2021 (the Manual) states that all

sections of the trip authority must be completed with as much detail as possible starting with:

- *“Name of the main driver;*
- *Driver’s ID number;*
- *License number;*
- *Code;*
- *Department;*
- *Telephone number;*
- *Name of Co-Driver;*
- *License number;*
- *Code;*
- *Vehicle Registration number;*
- *Vehicle station;*
- *Make/Model”.*

6.2.52 Part 2 of the Manual states that the following details of the trip must be completed before the journey:

- *“Date;*
- *Starting point;*
- *Odometer reading (before departure);*
- *Destination;*
- *End point;*
- *Odometer reading (after completion of trip);*
- *Reasons for the trip;*
- *Validity period;*
- *Time period”.*

Analysis

- 6.2.53 Following a review of the evidence submitted by Mr Morolo as dealt with in the first issue, as set out above, the Investigation Team proceeded to investigate potential additional irregularities. This continued inquiry was undertaken to determine whether other instances of non-compliance or improper conduct may have occurred within the Department, particularly in relation to the management and use of official vehicles and petrol cards.
- 6.2.54 The evidence in the Public Protector's possession indicates that in respect of vehicle with registration number GBG 607 MG, the Department serviced and/or repaired the vehicle, *inter alia*, as follows:
- (a) On 10 August 2021, in the amount of R10 000;
 - (b) On 02 September 2021, in the amount of R4 193.12;
 - (c) 27 October 2021, in the amount of R9 827.78;
 - (d) On 05 August 2022, in the amount of R17 052.83;
 - (e) On 08 October 2022, in the amount of R8 375; and
 - (f) On 24 October 2022, in the amount of R3 264.
- 6.2.55 For the period August to October 2021 (03 months), the Department expended an amount of twenty-four thousand and twenty Rand and ninety Cents R24 020.90 on vehicle with registration number GBG 607 MG.
- 6.2.56 For the period of August to October 2022 (03 months), the Department expended an amount of twenty-eight thousand six hundred and ninety-one

Rand and eighty-three Cents (R28 691.83) on vehicle with registration number GBG 607 MG.

6.2.57 In addition, it was noted from the evidence submitted to the Public Protector during the investigation that on 02 September 2021, the speedometer cluster instrument of vehicle with registration number GBG 607 MG had to be repaired, and a little more than a month later, on 27 October 2021, the speedometer cluster instrument of the same vehicle had to be replaced.

6.2.58 The evidence in the Public Protector's possession indicates that for vehicle with registration number GBL 673 MG, the Department serviced and / or repaired the vehicle, *inter alia*, as follows:

(a) On 26 August 2021, in the amount of R18 647.05;

(b) On 24 September 2021, in the amount of R8 850;

(c) On 15 November 2021, in the amount R3 473;

(d) On 24 January 2023, in the amount of R4 300;

(e) On 21 February 2023, in the amount R12 010; and

(f) On 30 March 2023, in the amount R4 466.25.

6.2.59 For the period August to November 2021 (04 months), the Department expended an amount of thirty thousand nine hundred and seventy Rand and five Cents (R30 970.05) on vehicle with registration number GBL 673 MG.

6.2.60 For the period January 2023 to March 2023 (03 months), the Department expended an amount of twenty thousand seven hundred and seventy-six Rand

and twenty-five Cents (R20 776.25) on vehicle with registration number GBL 673 MG.

6.2.61 It was further noted from the evidence received by the Public Protector during the investigation that the brake pads of vehicle GBL 673 MG was replaced on 15 November 2022, but had to be replaced again on 21 February 2023, some three (03) months later.

6.2.62 The evidence in the Public Protector's possession indicates that for vehicle with registration number GBL 671 MG, the Department serviced and / or repaired the vehicle, *inter alia*, as follows:

- (a) On 15 October 2021, in the amount of R23 895.24;
- (b) On 25 October 2021, in the amount of R5 027.05;
- (c) On 25 July 2022, in the amount of R14 071.75; and
- (d) On 20 September 2022, in the amount R6 587.87.

6.2.63 This evidence indicates that within 10 days (15 to 25 October 2021), the Department expended twenty-eight thousand nine hundred and twenty-two Rand and twenty-nine Cents (R28 922. 29) on vehicle with registration number GBL 671 MG.

6.2.64 The evidence in the Public Protector's possession indicates that for vehicle with registration number GBM 334 MG, the Department serviced and / or repaired the vehicle, *inter alia*, as follows:

- (a) On 04 April 2022, an amount of R 6 240.01;

- (b) On 19 May 2022, an amount of R7 427;
- (c) On 29 June 2023, an amount of R46 121.61; and
- (d) On 24 July 2023, an amount of R15 240.

6.2.65 This evidence indicates that, on two separate occasions, the Department expended amounts of thirteen thousand six hundred and sixty-seven Rand and one Cent (R13 667.01) and sixty-one thousand three hundred and sixty-one rand and sixty-one cents (R61 361.61) respectively, within one (01) month for the service and / or repair of vehicle with registration number GBM 334 MG.

6.2.66 In addition, it was noted from the evidence obtained during the investigation that on 31 October 2021 and on 05 November 2021, the Department serviced and / or repaired vehicle with registration number GBK 157 MG, in the amount of twenty thousand four hundred and twenty Rand (R20 420). This suggests that a service or repairs on this vehicle was required within 5 days after the previous service and / or repair of the vehicle and still paid for.

6.2.67 The evidence in the Public Protector's possession indicates that for vehicle with registration number GBL 687 MG, the Department serviced and / or repaired the vehicle, *inter alia*, as follows:

- (a) On 10 March 2022, in the amount of R3 268.55;
- (b) On 15 April 2022, in the amount of R7 740; and
- (c) On 31 May 2022, in the amount of R13 850.59.

6.2.68 This evidence indicates that within three (03) months, the Department expended twenty-four thousand eight hundred and fifty-nine rand and fourteen

cents (R24 859.14) on the service and / or repairs for vehicle with registration number GBL 687 MG.

- 6.2.69 Section 195(1)(b) of the Constitution, read with section 45 of the PFMA, obliges every official of the Department to, within his or her area of responsibility, to use the resources of the Department in an effective, efficient and economical manner.
- 6.2.70 In addition, section 45 of the PFMA requires that every official, within his or her area of responsibility, must take effective and appropriate steps to prevent unauthorised, irregular and fruitless and wasteful expenditure and losses resulting from criminal conduct.
- 6.2.71 For several of the transactions where the Department paid merchants for services and / or repairs of the official fleet, the nature of the services and repairs that were done could not be determined from the evidence obtained during the investigation.
- 6.2.72 The Public Protector notes that, in his response to the section 7(9) notice, Mr Morolo does not respond at all to the fact that the nature of the repairs could not be determined. In essence, this means that the Department does not know what it paid for.
- 6.2.73 The evidence before the Public Protector indicates that, despite the fact that the Department paid for the services rendered as outlined in the transactions highlighted in the evidence, the Cost Centre was unable to provide the Public Protector with invoices and/or job cards and/or Wesbank authorisations, as well as the name(s) of the officials who booked these vehicles in for services and/ or repairs, as required by clause 2 and 4 of section E and clause 4 of section F of the Handbook.

6.2.74 In addition, as the Public Protector was not furnished with the job cards for a number of these transactions, as such it was not possible to determine what the cause of the frequent bookings was, and whether they were justified or necessary. A sample of the frequency of these bookings is illustrated on the table below:

Registration numbers	Amount paid to the merchant	Dates booked at merchants
GBG 607 MG	R10 000	10 August 2021
	R4 193.12	02 September 2021
	R9 827.78	27 October 2021
	R17 052.83	05 August 2022
	R8 375.00	08 October 2022
	R3 264.00	24 October 2022
GBL 671 MG	R23 895.24	15 October 2021
	R5 027.05	25 October 2021
GBM 334 MG	R6 240.01	04 April 2022
	R7 427.00	19 May 2022

6.2.75 The Public Protector notes the explanation by Mr Mahlangu as stated in his affidavit, that the process of booking an official vehicle for repairs is that the vehicle would be taken to the GG garage for inspection and only if the GG garage is unable to repair the vehicle, would the vehicle be booked for repairs with a merchant.

6.2.76 No evidence could be obtained during the investigation that any defects were reported on the vehicles which could explain the frequent bookings. In addition, no evidence was provided to the Public Protector to justify the outsourcing of the services or repairs, which is expected to be delivered by the Cost Centre / Government Garage.

- 6.2.77 The Public Protector notes with concern that some of the expenses on the repairs or services could have been saved by the Department if the services or repairs were done at the Cost Centre / Government Garage instead of private garages / merchants.
- 6.2.78 Clause 1.1 of section B of the Handbook requires pre-authorisations to be obtained from the Transport Officer and Wesbank prior to booking an official vehicle for maintenance, service or repairs. No evidence was provided by the Cost Center that any such authorisations were issued by the Transport Officer or Wesbank prior to the booking of vehicles for services and repairs at various merchants.
- 6.2.79 A total amount of two hundred and eighty-five thousand, one hundred and twenty-two rand and fifty cent (R285 122.50) was paid to private garages / merchants in the absence of authorisations and justification that the GG could not deliver the service.
- 6.2.80 The process to be followed, and the way the decision to book the official vehicle for repair with a merchant, is to be recorded, could not be explained by either Mr Nkadimeng or Mr Mahlangu.
- 6.2.81 It is also alarming that Mr Mahlangu destroyed the job cards for the year 2021. If Mr Mahlangu had such a huge volume of job cards, one may question why he would specifically destroy the job cards for 2021, which is coincidentally one of the years under investigation by the Public Protector. It remains unclear as to why Mr Mahlangu would not have started the destruction with much older job cards.
- 6.2.82 The evidence placed before the Public Protector, specifically during the interviews conducted with Messrs Nkadimeng and Mahlangu, suggests that the two officials do not want to take responsibility for the roles that each of

them should play in their duties relating to the bookings of official vehicles for repairs. As a result, each party blames the other for the non-adherence to the Handbook.

6.2.83 This once again becomes evident when regard is to be had to Mr Mokholoane's response to the Public Protector's section 7(9)(a) Notice. Mr Mokholoane's defence is that he did not book the vehicles to the merchants, it was Messrs Nkadimeng and D Mahlangu.

6.2.84 It was already established in the evidence that Mr Mokholoane was the Assistant Transport Officer from 01 April 2021 to 31 March 2023, the time during which most of the bookings were made with the merchants. It was also established that the position of Transport Officer was vacant at the time. The Handbook obliges the Transport Officer to exercise control over the maintenance of the vehicle fleet with the aim to minimize the running costs of the fleet.

6.2.85 In terms of his appointment letter as Assistant Transport Officer, Mr Mokholoane was obliged to "*exercise control over expenditure involved in the use of Government vehicles*" and "*regular scrutiny of all records and returns*" and "*to ensure that all regulations relevant to the use, operation and maintenance of vehicles were complied with.*"

6.2.86 Again, Mr Mokholoane's version that it was the responsibility of Messrs Nkadimeng and D Mahlangu is rejected.

6.2.87 Once more, Mr Mokholoane's version in response to the Public Protector's section 7(9)(a) notice, can only be construed as an admission by him that he failed to perform the responsibilities imposed on him in terms of his appointment letter.

- 6.2.88 The Public Protector was only able to analyse receipts received from private garages / merchants, as no receipts were provided by the Department. It remains unclear to the Public Protector how the Department justified the expenditure in the absence of receipts.
- 6.2.89 The Public Protector takes cognizance of Mr Morolo's submission in his response to her section 7(9) notice that the Departmental investigation revealed that the form used to refer state vehicles to the merchants, is not aligned with the information required in the Handbook. One of the recommendations of the Departmental investigation was that the contract between the Department and the Wesbank be aligned with the requirements in the Handbook. Despite the Departmental investigation report being dated 07 March 2025, Mr Morolo has not taken any action to implement this recommendation.
- 6.2.90 The Public Protector notes with further concern that receipts are not completed properly (information such as the first names and surnames, ID numbers or Persal numbers, date and time of collection, were outstanding), as required by section 1.4 of the Handbook.
- 6.2.91 For instance, on 25 April 2022, Mr Nkadimeng collected the vehicle with registration number GBM 309 MG from LP Motors, without completing the receipt. Mr D Mahlangu collected the vehicle with registration number GBL 607 MG from Kaby's Trading Enterprise on 13 June 2023 without completing the receipt.
- 6.2.92 The Department failed to keep proper records relating to the booking of the official vehicles at private garages / merchants for repairs, despite being required by section E clause 2 and 4 and section F clause 4 of the Handbook to properly record and safekeep the information.

Conclusion

- 6.2.93 Having considered the facts of the matter, the legal prescripts applicable thereto, the Public Protector concludes that the functionaries of the Cost Centre did not follow proper processes and procedures when utilising and booking the official vehicles at private garages / merchants for services and repairs, therefore they failed to comply with the relevant prescripts and the Department should have held them accountable for non-adherence with the relevant prescripts.
- 6.2.94 It can further be concluded that the functionaries of the Cost Centre and Nkangala Regional Office failed to keep safe the fleet management and maintain records which is contrary to the provisions of the Handbook and the Manual. The Department should have ensured adherence to prescripts relevant to record and financial management, therefore the Department should have ensured that the functionaries are compliant with the relevant prescripts.
- 6.3 Whether the functionaries of the Department made irregular purchases of oil at petrol stations resulting in a financial loss to the Department, if so, whether such conduct is improper as envisaged in section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act**

Common cause

- 6.3.1 The Cost Centre has a fleet of eight (08) vehicles with registration numbers GBL 671 MG, GBK 157 MG, GBG 607 MG, GBM 309 MG, GBL 687 MG, GBL 672 MG, GBM 334 MG and GBL 673 MG, to enable them to perform official duties. The fleet is utilised and managed by the functionaries of the Cost Centre.

6.3.2 Following perusal of the evidence submitted by Mr Morolo under issue 1, as discussed in paragraph 6.1 above, the Investigation Team continued to pursue the investigation of additional issues which it became aware of during the perusal of the documentary evidence submitted.

Issue in dispute

6.3.3 The issue for the Public Protector's determination is whether the functionaries of the Department purchased oil for the official vehicles contrary to the prescripts, resulting in a financial loss to the Department.

The Department's version

6.3.4 On 30 January 2025, the Investigation Team sent a Notice in terms of Rule 23(1) of the Public Protector Rules to Mr Morolo, informing him that during the Public Protector's analysis of the information received during the course of the investigation, it was noted that certain functionaries, *to wit*, Ms Mthombeni, Mr Mahlangu and Mr John Sibanyoni (Mr Sibanyoni), made frequent purchases of oil at different petrol stations, paying different amounts for the same quantity of oil.

6.3.5 In his response letter dated 19 February 2025, which was received by the Investigation Team on 27 February 2025, Mr Morolo again failed to respond to the allegation, but re-stated that the Department investigated the allegations upon receipt thereof by the Public Protector, however, found no evidence to support the allegations.

Documentation received from the Department

6.3.6 The documentation discussed below was received during the information gathering process described under issue 1 above.

Attendance register: Fleet and Logistics information session

6.3.7 On 19 January 2024, Mr Morolo provided the Investigation Team with two copies of attendance registers for Fleet and Logistics Information Sessions held on 22 January 2020 and on 09 September 2021 respectively, which were attended by the Cost Center officials. The Information Sessions were also attended by Mr Mokholoane and Mr Nkadimeng of the Nkangala Regional Office.

Copy of a bank statement received on 13 February 2024 from FNB, for the period August 2021 to October 2023, relating to the 8 official vehicles

6.3.8 On 13 February 2024, the Investigation Team received a copy of the Department's FNB Transactional Bank Statement from it for the period August 2021 to October 2023 for vehicles with registration numbers GBL 671 MG, GBK 157 MG, GBG 607 MG, GBM 309 MG, GBL 687 MG, GBL 672 MG, GBM 334 MG and GBL 673 MG.

6.3.9 From the statement provided, the following oil purchases were noted, for the vehicle with registration GBL 671 MG, allocated to Ms Mthombeni:

Date	Oil quantity	Petrol stations	Amount claimed
03 January 2022	X2	Total KwaMhlanga	R97.00

08 February 2022	X2	Engen Pholapark Convenience Centre	R119.8
21 April 2022	X2	Total KwaMhlanga	R110.00
01 June 2022	X2	Engen Pholapark Convenience Centre	R119.08
23 June 2022	X2	Total KwaMhlanga	R84.00
27 June 2022	X2	Total Gateway KwaMhlanga	R84.00
06 July 2022	X2	Engen Pholapark Convenience Centre	R183.07
14 July 2022	X2	Total KwaMhlanga	R38.00
05 October 2022	X2	Total Gateway KwaMhlanga	R60.00
25 October 2022	X2	Total Gateway KwaMhlanga	R90.00
13 January 2023	X2	Engen Pholapark Convenience Centre	R131.08
03 April 2023	X2	Total KwaMhlanga	R68.00
25 April 2023	X2	Total Gateway KwaMhlanga	R68.00
26 June 2023	X2	Engen Pholapark Convenience Centre	R36.09
27 July 2023	X2	Engen Pholapark Convenience Centre	R105.08
17 September 2023	X2	Total KwaMhlanga	R64.00
20 October 2023	X2	Total KwaMhlanga	R64.00
13 November 2023	X2	Total Gateway KwaMhlanga	R136.00

6.3.10 Transactions for oil purchases in respect of the vehicle with registration GBL 672 MG allocated to Mr John Sibanyoni (Mr Sibanyoni), the Senior Roadworks Foreman, are captured and illustrated in the below table:

Date	Oil quantity	Petrol stations	Amount claimed
30 August 2021	X2	Ener-GI Ntuli	R126.00
22 November 2021	X2	Engen Pholapark Convenience Centre	R152.08

07 December 2021	X2	Ener-GI Lucky Sams	R130.00
04 January 2022	X2	Ener-GI Ntuli	R97.00
11 January 2022	X2	Ener-GI Crossroads	R84.00
25 January 2022	X2	Ener-GI Lucky Sams	R49.00
14 February 2022	X2	Verena Filling station	R51.00
23 February 2022	X2	Total KwaMhlanga	R48.05
07 March 2022	X2	Ener-GI Lucky Sams	R49.00
23 March 2022	X2	Ener-GI Lucky Sams	R49.00
19 April 2022	X2	Ener-GI Lucky Sams	R49.00
09 May 2022	X2	Ener-GI Lucky Sams	R196.00
07 June 2022	X2	Ener-GI Lucky Sams	R49.00
04 July 2022	X2	Ener-GI Machiding	R126.00
12 August 2022	X2	Ener-GI Ntuli	R147.00
25 August 2022	X2	Ener-GI Lucky Sams	R40.00
03 September 2022	X2	Ener-GI Lucky Sams	R130.00
21 September 2022	X2	Ener-GI Lucky Sams	R49.00
18 October 2022	X2	Ener-GI Lucky Sams	R65.00
26 October 2022	X2	Ener-GI Lucky Sams	R130.00
30 October 2022	X2	Ener-GI Lucky Sams	R130.00
12 April 2023	X2	Ener-GI Ntuli	R260.00
30 May 2023	X2	Safari Motors	R55.05
20 June 2023	X4	Ener-GI Ntuli	R220.00
29 June 2023	X2	Engen Pholapark Convenience Centre	R36.09
17 July 2023	X2	Ener-GI Moutsi	R110.00
30 August 2023	X2	Engen Pholapark Convenience Centre	R143.07
21 October 2023	X2	Ener-GI Tweefontein	R260.00
20 November 2023	X2	Ener-GI Tweefontein	R120.00
27 November 2023	X2	Engen Pholapark Convenience Centre	R47.09

6.3.11 Transactions relating to oil purchases in respect of the vehicle with registration GBL 673 MG, allocated to Mr Mahlangu, are captured and illustrated in the table below:

Date	Oil Quantity	Petrol Stations	Amount Claimed
16 November 2021	X2	Engen Pholapark Convenience Centre	R179.07
26 November 2021	X2	CJ Mahomed & Son	R70.00
14 January 2022	X2	CJ Mahomed fuel BP	R100.00
08 February 2022	X2	Total KwaMhlanga	R97.00
28 February 2022	X2	CJ Mahomed fuel BP	R100.00
24 March 2022	X2	CJ Mahomed fuel BP	R96.00
04 April 2022	X2	CJ Mahomed fuel BP	R96.00
06 April 2022	X2	Ener-GI Moutsi	R98.00
08 April 2022	X2	CJ Mahomed fuel BP	R192.00
19 May 2022	X2	Engen Pholapark Convenience Centre	R59.09
25 May 2022	X2	Engen Pholapark Convenience Centre	R59.09
29 June 2022	X2	Engen Pholapark Convenience Centre	R119.08
27 June 2022	X2	Engen Pholapark Convenience Centre	R107.07
11 August 2022	X2	Engen Pholapark Convenience Centre	R71.08
31 August 2022	X2	Engen Pholapark Convenience Centre	R95.08
30 November 2022	X2	Engen Pholapark Convenience Centre	R95.08
12 December 2022	X2	Engen Moutsiya	R77.00
12 January 2023	X2	Ener-GI Tweefontein	R260.00
23 January 2023	X2	Engen Pholapark Convenience Centre	R95.08

24 February 2023	X2	Engen Pholapark Convenience Centre	R95.00
25 March 2023	X2	Engen Pholapark Convenience Centre	R95.08
14 April 2023	X2	Ener-GI Crossroads	R60.00
21 April 2023	X2	Engen Pholapark Convenience Centre	R95.08
15 May 2023	X2	Engen Pholapark Convenience Centre	R73.08
24 May 2023	X2	Engen Pholapark Convenience Centre	R95.08

Appointment letter of Mr Mokholoane as an Assistant Transport Officer

- 6.3.12 On 24 November 2023, the Investigation Team requested a copy of Mr Mokholoane's appointment letter from Mr Morolo which was received by the Investigation Team on 05 March 2024. Mr Mokholoane's appointment letter was dated 20 April 2021 and was appointed as an Assistant Transport Officer, for the period 01 April 2021 to 31 March 2022. The appointment was later extended.
- 6.3.13 The appointment letter of Mr Mokholoane stated further that his responsibilities were, amongst others, to exercise control over the maintenance and expenditure involved in the use of government vehicles to ensure proper completion and regular scrutiny of all records and returns regarding government motor transport, inclusive of vehicle movement register and record keeping of all vehicles under his control, ensure that all regulations relevant to the use, operation and maintenance of vehicles were complied with.
- 6.3.14 In addition, the appointment letter stated that the appointment and duties thereof, were added functions to Mr Mokholoane's additional appointment and that there would be no additional monetary benefits.

Mr Nkadimeng's Performance Agreement

- 6.3.15 On 11 March 2024, the Investigation Team received Mr Nkadimeng's performance agreement submitted by Mr Morolo. His duties and responsibilities included general management of the official fleet.
- 6.3.16 On 30 January 2025, the Investigation Team sent a Notice in terms of Rule 23(1) of the Public Protector Rules to Mr Morolo requesting him to assist with obtaining affidavits of Mr Mahlangu, Ms Mthombeni and Mr Sibanyoni in which they must respond to the allegation of irregular purchases of oil at various petrol stations. On 27 February 2025, the Investigation Team received affidavits of the three officials from Mr Morolo.

Affidavit from Mr Mahlangu

- 6.3.17 In his affidavit dated 05 February 2025, Mr Mahlangu stated the following:

"I don't know about allegations against my name of using petrol cards and oil."
(sic)

Affidavit from Ms Mthombeni

- 6.3.18 In her affidavit dated 05 February 2025, Ms Mthombeni stated that:

"I agree to the allegations that the trip authority was not filled in and signed properly. I have attached my signature to authorise the government vehicle to be utilised without any letter that authorises me to do so."

"I do not agree to the allegations of pouring R200 petrol in Viva Garage and receive a cashback and also did not pour too much oil." (sic)

Affidavit from Mr Sibanyoni

6.3.19 In his affidavit dated 05 February 2025, Mr Sibanyoni stated that:

“I am hereby to confirm that I was appointed on 1999 at Public Works Roads and Transport as Supervisor. And I don’t remember signing a wrong trip sheet. and I apologise to what was happened and I was not aware.” (sic)

Responses to the Notice issued in terms of section 7(9)(a) of the Public Protector Act, 1994

Response to the Notice from Mr Morolo

6.3.20 On 18 August 2025, the Public Protector issued a Notice in terms of section 7(9)(a) of the Public Protector Act to Mr Morolo affording him an opportunity to respond to the Public Protector’s provisional findings and proposed remedial action.

6.3.21 A response was received from Mr Morolo on 03 October 2025.

6.3.22 In his response, Mr Morolo submitted the following regarding the officials implicated in irregular purchases of oil:

Official	Allegations	Public Protector’s provisional findings	Departmental Findings	Conclusion
Ms TA Mthombeni	Abuse of petrol card / irregular purchases of oil	Evidence implicating her in petrol card abuse	No petrol card abuse found; irregular oil purchases and unauthorized trips	Not substantiated on petrol card, but disciplinary applied

Mr V Mahlangu	Fraudulent petrol card use	No vehicle allocated, allegations unsubstantiated	Irregular oil purchases linked to excessive kms on high mileage vehicle	Not substantiated for petrol card misuse
Mr J M Sibanyoni	Irregular oil purchase	Not directly addressed in PP findings	Confirmed irregular oil purchases in high mileage vehicle	Disciplinary referral recommended

6.3.23 Attached to the response, Mr Morolo provided a copy of a document titled ***“Investigation report on allegations of irregular and fraudulent purchases of oil, repairs of state vehicles and destroyed job cards of 2021”*** dated 7 March 2025. The following was stated in the report:

6.3.23.1 Ms Mthombeni is appointed as the Sityatendela Coordinator in Thembisile Hani Cost Center, she was allocated a 2011 Mazda BT 50, 2.6 petrol with registration number GBL 671 MG. Mr Sibanyoni is appointed as the Foreman and was driving Mazda BT 50 2.6 petrol 2011 model, which was allocated to the Kwaggafontein sub-cost center of Thembisile Hani Cost Center. According to the report, he was not the only official driving the vehicle, every official authorised to drive the vehicle was using it for official purposes;

6.3.23.2 Mr V Mahlangu is appointed as a Principal Work Foreman, and he was allocated a 2011 Mazda BT 50 2.6 petrol model with registration number GBL 673 MG;

6.3.23.3 The three officials indicated that the oil consumption of these three bakkies are not normal because of their engine condition and that they had frequent break downs; and the transaction record of Wesbank indicating the purchases

of fuel and oil, attest to this statement of the officials, as it is evident that oil was purchased for the vehicles having travelled about 2000 Km's or less;

6.3.23.4 The Mazda BT 50 vehicle with registration number GBL 673 MG was auctioned in December 2024 and the condition of the remaining two bakkies, namely GBL 671 MG and GBL 672 MG, are very poor and the vehicles are not considered roadworthy. They are, however, used because there is a significant shortage of the transport at the Cost Centre;

6.3.23.5 Given the model of the three bakkies and the number of kilometers travelled, which is about 277 565 Km for GBL 671 MG, 271 097 Km for GBL 672 MG and 378 720 Km for GBL 673 MG when it was sold at an auction, the vehicles are likely to consume oil in their current condition; and

6.3.23.6 On basis of the above information regarding the three bakkies, a finding of irregular and fraudulent purchases of oil by the three officials cannot be justified. The vehicles require frequently oil purchases to prevent the engine from running out of oil, which can result in serious damage to the engine if the vehicles were driven without oil.

Applicable law

The Constitution of the Republic of South Africa, 1996

6.3.24 The provisions of section 195(1) of the Constitution as earlier discussed apply *mutatis mutandis* to this issue.

Public Service Regulations, 2016

- 6.3.25 The provisions of the Code of Conduct for Public Servants provided for in Chapter 2 of the new Public Service Regulations, as earlier discussed apply *mutatis mutandis* to this issue.

Public Finance Management Act, 1999

- 6.3.26 The provisions of the PFMA as earlier discussed apply *mutatis mutandis* to this issue.

Mpumalanga Provincial Government Motor Transport Handbook, 2019

- 6.3.27 Clause 1 of section C of the Handbook provides that:

- “1.3 All fuel receipts must be signed indicating the driver’s name, the vehicle registration number and the odometer reading of the vehicle. In the event that the slip is lost by the driver, the driver will need to submit an affidavit in this regard;
- 1.4 The official needs to ensure that the fuel receipt is returned to the Transport Officer at the same time as the vehicle;
- 1.5 Fuel purchases must be indicated in the log book on the approval to travel form;
- 1.6 All fuel receipts/issued by the filling stations must be attached to the application to travel (trip authority) and be handed over to the Transport Officer”.

6.3.28 Clause 2 of section E of the Handbook regulates the responsibilities of a Transport Officer and stating amongst others that:

2.1.;

2.2. *Exercise control over maintenance of vehicle fleet with the aim to minimize the running costs of the fleet;*

2.3.;

2.4. *Ensuring that all records in connection with the fleet are properly completed, checked regularly, monitored and submitted in accordance with instruction;*

2.5. *All instructions in connection with the use, operation and maintenance of vehicles are complied with, as prescribed in this Handbook and that all other prescripts are distributed within their department;*

2.6. *Analysing reports on (at least) a monthly basis in order to identify, confirm and report any cases of possible fraud and misuse”.*

6.3.29 Clause 4 of section E of the Handbook states that the Transport Officer needs to ensure that the following records are kept and maintained in paper or electronic format. For this purpose, records may be combined. The Transport Officer is responsible for following up on any outstanding documents and provide feedback when required to do so:

4.1. *“Contact particulars of drivers;*

4.2. *Policies and procedure documents;...*

- 4.5. *Records to be kept of all documents related to the specific vehicle. This will include log sheets, all documentation related to maintenance, services and repairs, tyres (fitment, size, date of replacement, brand) and batteries;*
 - 4.6. *Storage and filing of all completed trip authorization forms, parking/storing authorizations;...*
 - 4.9. *Fuel and toll cards records;...*
 - 4.14. *Service intervals records’.*
- 6.3.30 Clause 5 of section E of the Handbook states that all vehicles are to be issued with at least the following:
- 5.2.1. *“Log book;*
 - 5.2.2. *Fuel/toll card where applicable;...*
 - 5.2.4. *Trip authority;...*
 - 5.2.8. *Any other authorized instructions to the driver of the vehicle as deemed fit by the Department”.*
- 6.3.31 Clause 9 of section E of the Handbook states that in terms of the management of the vehicle, the Transport Officer should ensure the following:
- “9.1.2. *That fuel purchases slips are validated against the log book entries and system data;*
 - 9.1.3. *That fleet utilization reports are obtained and scrutinized;*

9.1.5. *That out of sync odometer readings are monitored;*

9.1.6. *That misuse complaints are investigated and feedback is supplied;*

9.1.9. *That all applicable vehicle related registers are updated and current for audit purposes;...*

9.1.10. *That fuel consumption is monitored;*

9.1.11. *Identify and investigate exception on oil purchases.”*

6.3.32 Clause 1 of section F of the Handbook provides amongst others that:

1.1. *“The driver of the vehicle needs to report any vehicle defects to the Transport Officer for rectification”.*

6.3.33 Clause 9 of section F of the Handbook provides amongst other things that:

9.1. *“In terms of the management of the vehicle, the Transport Officer should ensure the following:*

That fuel purchase slips are validated against the logbook entries and system data;...

That fuel consumption is monitored;

Identify and investigate exception on oil purchases”.

Analysis

- 6.3.34 Evidence in the possession of the Public Protector indicates that the functionaries purchased 149 pints of oil frequently at inflated prices ranging between R36.09 to R260.00 at a total cost to the Department of eight thousand seven hundred and eighty-five rand and forty cents (R8 785.40) for quantities between two (02) and six (06) pints of oil at various petrol stations from the period of August 2021 to November 2023.
- 6.3.35 Evidence obtained during the investigation further revealed that Ms Mthombeni's official vehicle would need the same amount of oil frequently. For instance, she purchased two (02) pints of oil for her vehicle on 23 June 2022, 27 June 2022, 06 July 2022 and 14 July 2022, respectively. Her vehicle also needed 02 pints of oil on 05 October 2022 and again on 25 October 2022; as well as on 03 April 2023 and 25 April 2023.
- 6.3.36 Ms Mthombeni purchased two pints of oil on 01 June 2022, 23 June 2022, 27 June 2022, 06 July 2022 and again on 14 July 2022. She then purchased three (03) pints of oil in June 2022 and two (02) pints of oil in July 2022. Evidence further indicates that Ms Mthombeni purchased two (02) pints of oil on 09 May 2022 at Erne-GI Lucky Sams petrol station for an amount of one hundred- and ninety-six-rand (R196.00) and on 07 June 2022, only one (01) month later, she purchased two pints of oil at the same filling station for an amount of forty-nine rand (R49.00). This suggests that within a period of a month, the price of a pint of oil increased by seventy-three rand and fifty cents (R73.50).³
- 6.3.37 The evidence in the Public Protector's possession further indicates that Mr Sibanyoni's official vehicle needed oil at least twice a month for a period of two (02) years.

³ R196-R49÷2.

- 6.3.38 The cost of the same number of pints of oil differed though they were purchased from the same petrol station. For instance, he purchased two pints of oil from Ener-GI Lucky Sams on 09 May 2022 for R196.00 and a month later, on 07 June 2022, he purchased the same quantity of oil at the same petrol station for R49.00, suggesting that the price for a pint of oil decreased by R73.50 per pint within a period of a month.
- 6.3.39 The evidence in the Public Protector's possession indicates that Mr Mahlangu's official vehicle needed at least two (02) pints of oil every month for the period December 2022 to May 2023.
- 6.3.40 Mr Mahlangu also paid different amounts for the same quantity of oil. For instance, on 25 May 2022 he paid R59.00 for two pints of oil but on 29 June 2022, he paid R119.00 for the same quantity of oil at the same petrol station, namely Engen Pholapark Convenience Centre. On 12 January 2023 he paid an amount of R260.00 for two pints of oil at Ener-GI Tweefontein.
- 6.3.41 Mr Mahlangu purchased 2 pints of oil at Belfast petrol station for an enormous amount of one thousand three hundred and fifty-one rand and seven cents (R1351.07) on 27 October 2023.
- 6.3.42 Section 195(1)(b) of the Constitution, read with section 45 of the PFMA, obliges every official of the Department to, within his or her area of responsibility, to use the resources of the Department in an effective, efficient and economical manner.
- 6.3.43 In addition, section 38 and section 45 of the PFMA requires that the Accounting Officer and every official, within his or her area of responsibility, must take effective and appropriate steps to prevent unauthorised, irregular and fruitless and wasteful expenditure and losses resulting from their criminal conduct. Mr

Morolo as the Accounting Officer and the functionaries failed and neglected to comply with the provisions of the PFMA.

6.3.44 Vehicles, on average, can travel between 3000 to 5000 kilometers per liter of oil. This can be impacted by the engine type, the age of the vehicle, the driving style of the driver and the environmental factors, such as the weather. The Public Protector could not find evidence to the effect that the vehicles of Ms Mthombeni and Messrs Sibanyoni and Mahlangu travelled the suggested number of kilometers between the different oil purchase transactions.

6.3.45 Further, no evidence could be obtained by the Public Protector that the officials reported any defects on their officially designated vehicles to the Transport Officer as required by Clauses 1 and 5 of section F of the Handbook, to justify the frequent purchases of oil and they could not explain the discrepancies in the amounts paid for the same quantity of oil at the same filling station.

6.3.46 It is evident from Mr Morolo's response to the Public Protector's section 7(9) notice as well, that Mr Morolo does not provide any explanation for the evidence in the Public Protector's possession about the differences in price for the same quantity of oil which has been purchased at short intervals.

6.3.47 Mr Morolo tries to justify the oil use, in essence the frequency in the purchase of oil, by submitting that the vehicles of Mr V Mahlangu and Mr J Sibanyoni, are old, high-mileage vehicles. It is, however, noted from his submission that the vehicle of Ms Mthombeni is also a 2011 model, but no justification is provided for the oil usage of her vehicle.

6.3.48 Whilst the old, high mileage of vehicles may a higher oil usage than other vehicles, Mr Morolo did not attach any evidence to his response to indicate how many kilometers each of the vehicles travelled between the highlighted

transactions, before it became necessary to replace the oil, to justify the frequency of the usage.

6.3.49 Further, the evidence reveals that the functionaries failed to submit to the Transport Officer corresponding receipts for the oil purchases and did not record purchases on the trip authorities in line with the provisions of the Handbook and the Manual. The Transport Officer should have ensured that the fuel consumption is monitored and should have identified and investigated exception on oil purchases in line with Clause 9 of section F of the Handbook.

6.3.50 In addition, no evidence could be obtained that Mr Mokholoane as Assistant Transport Officer and Mr Nkadimeng as Admin Officer: Fleet Management, validated oil receipts against the logbook entries identified and investigated the frequent oil purchases, as required in Clause 9 of section F of the Handbook.

6.3.51 Therefore, Mr Morolo, as the Accounting Officer and the officials failed to take effective and appropriate steps to prevent unauthorised, irregular and fruitless and wasteful expenditure and losses to the Department resulting from suspected criminal conduct, as required by section 38 of the PFMA.

Conclusion

6.3.52 Having considered the evidence obtained in this matter and the legal prescripts applicable thereto, the Public Protector concludes that the functionaries of the Cost Centre, namely- Ms Mthombeni, Messrs Mahlangu and Sibanyoni made excessive purchases of oil for the official vehicles and Mr Morolo, as the Accounting Officer failed to hold them accountable in terms of the applicable legislation.

6.3.53 The Public Protector further concludes that Mr Mokholoane and Mr Nkadimeng, by not validating, verifying oil receipts and by failing to identify and

investigate exception on oil purchases, failed to ensure adherence to Clause 9 of section F of the Handbook, therefore failed to execute their duties diligently. Therefore, the Department should have held them accountable in line with applicable prescripts.

7. FINDINGS

Having regard to the evidence, the regulatory framework determining the standard that the Department should have complied with and the impact thereof on good administration, the Public Protector now makes the following findings against the Department:

7.1 **Regarding whether the Functionaries of the Department abused official petrol cards resulting in financial loss to the Department, if so, whether such conduct is improper as envisaged in section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act:**

7.1.1. The allegation that Messrs Makinita, Matome and Mtshweni abused official petrol cards resulting in financial loss to the Department, **is substantiated**.

7.1.2. The evidence in the Public Protector's possession indicates that Messrs Makinita, Matome and Mtshweni purchased 161 litres of petrol at a price to the Department of ten thousand eight hundred and sixty-two rand and thirty-eight cents (R10 862.38). During the time when these transactions took place and having regard to the petrol prices applicable at the time of the transactions, 161 litres of petrol cost three thousand four hundred and sixty three rand and fifty seven cents (R3 463.57), leaving a total amount of seven thousand three hundred and ninety-eight rand and eighty one cents (R7 398.81) unaccounted for;

- 7.1.3. Messrs Makinita, Matome and Mtshweni failed to ensure the efficient, economical and effective use of the Department's resources and failed to prevent losses to the Department from criminal conduct;
- 7.1.4. The conduct of Messrs Makinita, Matome and Mtshweni is in contravention of section 195(1)(b) of the Constitution and section 45 of the PFMA;
- 7.1.5. Messrs Makinita, Matome and Mtshweni were not honest and accountable in dealing with public funds;
- 7.1.6. The conduct of Messrs Makinita, Matome and Mtshweni was in violation of Item 14 of the Code of Conduct for Public Servants;
- 7.1.7. Messrs Makinita, Matome and Mtshweni failed to attach fuel receipts to their trip authorities when handing over their official vehicles at the end of the day, and failed to depose to affidavits to explain the non-submission thereof;
- 7.1.8. The conduct of Messrs Makinita, Matome and Mtshweni was in violation of clauses 1.3 and 1.4 of section C of the Mpumalanga Provincial Government Motor Transport Handbook;
- 7.1.9. The conduct of Messrs Makinita, Matome and Mtshweni accordingly constitutes improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration in terms of section 6(4)(a)(i) of the Public Protector Act;
- 7.1.10. Messrs Mokholoane and Nkadimeng failed to analyse reports monthly to identify, confirm and report any cases of possible fraud and misuse of the official petrol cards;

- 7.1.11. The conduct of Messrs Mokholoane and Nkadimeng was in violation of clauses 2 and 9 of section E of the Mpumalanga Provincial Government Motor Transport Handbook;
- 7.1.12. The conduct of Messrs Mokholoane and Nkadimeng accordingly constitutes improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration in terms of section 6(4)(a)(i) of the Public Protector Act;
- 7.1.13. Mr Morolo, as the Accounting Officer, failed to appoint the Transport Officer to properly investigate the alleged abuse of petrol cards when the allegations were raised with him by the Public Protector. The conduct of Mr Morolo is in violation of clause 9.1.6 of section E of the Handbook and section 45 of the PFMA by failing to establish the system of financial management and internal control within his area of responsibility.
- 7.1.14. The conduct of Mr Morolo accordingly constitutes improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration in terms of section 6(4)(a)(i) of the Public Protector Act.
- 7.2 Regarding whether the functionaries of the Department booked official vehicles for services and repairs at private garages / merchants without following the prescribed processes and procedures, if so, whether such conduct is improper as envisaged in section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act:**
- 7.2.1 The allegation that the functionaries of the Department booked official vehicles for services and repairs at private garages / merchants without following the prescribed processes and procedures **is substantiated.**

- 7.2.2 The evidence in possession of the Public Protector indicates that the Department paid for the services rendered by private garages / merchants for services and repairs of official vehicles without invoices and/or job cards and / or Wesbank authorisations;
- 7.2.3 Although the nature of the services and repairs that were done on some of the vehicles could not be obtained from the job cards, the reason behind the frequent repairs and services of the official vehicles could not be determined from the evidence obtained during the investigation;
- 7.2.4 As the Public Protector was not furnished with the job cards for most of the transactions, the Department failed to justify the frequent bookings for repairs or services;
- 7.2.5 A total amount of two hundred and eighty five thousand one hundred and twenty-two Rand and fifty Cent (R285 122.50) was paid to private garages / merchants in the absence of Wesbank authorisations and reasons to deviate from the GG;
- 7.2.6 Mr Mokholoane, the Assistant Transport Officer, failed to ensure efficient, economical and effective use of the Department's resources and failed to prevent losses to the Department from criminal conduct;
- 7.2.7 The conduct of Mr Mokholoane is in contravention of section 195(1)(b) of the Constitution and section 45 of the PFMA and in violation of clause 1.1 of section B of the Mpumalanga Provincial Government Motor Transport Handbook;

- 7.2.8 Mr Mokholonae failed to ensure completion of the required records, to monitor such, to exercise control over maintenance, to minimise running costs of the fleet and to ensure the proper monitoring of the reports submitted to him monthly to identify, confirm and report cases of possible fraud and misuse;
- 7.2.9 Mr Mokholoane's conduct is in violation of Clause 1.1 of section B and clauses 2 and 4 of section E of the Mpumalanga Provincial Government Motor Transport Handbook; and
- 7.2.10 The conduct of Mr Mokholoane accordingly constitutes improper conduct as envisaged in section 182(1) of the Constitution and maladministration in terms of section 6(4)(a)(i) of the Public Protector Act.
- 7.3 Regarding whether the functionaries of the Department made irregular purchases of oil at filling stations resulting in a financial loss to the Department, if so, whether such conduct is improper as envisaged in section 182(1)(a) of the Constitution and amounts to maladministration in terms of section 6(4)(a)(i) of the Public Protector Act:**
- 7.3.1 The allegation that the functionaries of the Department made irregular purchases of oil, **is substantiated**
- 7.3.2 The evidence obtained during the course of the investigation revealed that Ms Mthombeni and Messrs Sibanyoni and Mahlangu purchased hundred and forty nine (149) pints of oil over a twenty seven (27) month period, at a total cost to the Department of five thousand five hundred and thirty four Rands seventy five Cents (R5 534.75);
- 7.3.3 Ms Mthombeni and Messrs Sibanyoni and Mahlangu failed to ensure the efficient, economical and effective use of the Department's resources;

- 7.3.4 The conduct of Ms Mthombeni and Messrs Sibanyoni and Mahlangu is in contravention of section 195(1)(b) of the Constitution and section 45 of the PFMA;
- 7.3.5 No evidence could be obtained during the investigation that Ms Mthombeni and Messrs Sibanyoni and Mahlangu reported any defects on their officially designated vehicles to the Transport Officer, which could have justified the frequency of the oil purchase ;
- 7.3.6 The conduct of Ms Mthombeni and Messrs Sibanyoni and Mahlangu was in violation of Clauses 1 and 5 of section F of the Mpumalanga Provincial Government Motor Transport Handbook;
- 7.3.7 The conduct of Ms Mthombeni and Messrs Sibanyoni and Mahlangu accordingly constitutes improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration in terms of section 6(4)(a)(i) of the Public Protector Act;
- 7.3.8 Messrs Mokholoane and Nkadimeng failed to validate the oil receipts against the logbook entries, or to identify and investigate the frequency of the oil purchases and the variations in oil prices for the same quantities at the same garage;
- 7.3.9 The conduct of Messrs Mokholoane and Nkadimeng was in violation of Clause 9 of section F of the Mpumalanga Provincial Government Motor Transport Handbook; and
- 7.3.10 The conduct of Messrs Mokholoane and Nkadimeng accordingly constitutes improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration in terms of section 6(4)(a)(i) of the Public Protector Act.

7.3.11 Mr Morolo, as the Accounting Officer, failed to prevent unauthorised, irregular and fruitless and wasteful expenditure and losses resulting from criminal conduct by Ms Mthombeni and Messrs Sibanyoni and Mahlangu. The conduct of Mr Morolo is in violation of section 38 of the PFMA and it accordingly constitutes improper conduct as envisaged in section 182(1)(a) of the Constitution and maladministration in terms of section 6(4)(a)(i) of the Public Protector Act.

8. REMEDIAL ACTION

8.1 The Public Protector is empowered in terms of section 182(1)(c) of the Constitution to take appropriate remedial action with a view of redressing the conduct referred to in this Report upon the conclusion of an investigation where adverse findings are made.

8.2 In the *Economic Freedom Fighters v Speaker of the National Assembly and Others: Democratic Alliance v Speaker of the National Assembly and Others* the Constitutional Court per Mogoeng CJ, held that the remedial action taken by the Public Protector has a binding effect.

8.3 Having regard to the evidence, the regulatory framework determining the standard the Department should have complied with, and the impact on the fiscus, the Public Protector takes the following remedial action in terms of section 182(1)(c) of the Constitution:

The Premier of Mpumalanga

8.3.1. To note the findings of the report pertaining to the conduct of the Departmental functionaries and the remedial action; and

- 8.3.2. Within **sixty (60) calendar days** from the date of receipt of the report, in terms of section 16A(1)(a) of the Public Service Act, take appropriate disciplinary steps against Mr Morolo for:
- (i) His failure to appoint the Transport Officer to properly investigate the alleged abuse of petrol cards by the functionaries of the Thembisile Hani Cost Centre; and
 - (ii) His failure to put in place systems and monitor same to prevent financial losses emanating from suspected criminal conduct by the functionaries of the Thembisile Hani Cost Centre who transgressed relevant departmental legal prescripts and policies, in terms of section 38(c)(ii) of the PFMA.

The Member of the Executive Council for the Mpumalanga Department of Public Works, Roads and Transport

- 8.3.3. Take cognisance of the report and the improprieties reported herein and ensure that the remedial action by the Public Protector is implemented in line with the authority, powers and functions of the MEC contemplated in sections 133 and 181 of the Constitution.

The Head of the Department

- 8.3.4. **Within sixty (60) calendar days** from the date of receipt of this report, and in accordance with his responsibility to establish a system of financial management and internal control as required in terms of section 38 of the PFMA, to evaluate the effectiveness of the Department's internal controls on fleet management and identify systemic deficiencies with a view to take corrective action to prevent a recurrence of the improprieties referred to herein.

8.3.5. **Within sixty (60) calendar days** from the date of receipt of this report, and in accordance with his responsibility to establish a system of financial management and internal control as required in terms of section 38 of the PFMA, to review the Mpumalanga Provincial Government Motor Transport Handbook, to:

- (i) Clarify the roles between the Regional Office and the Cost Centre in respect of the responsibility and procedure to book official vehicles at private garages / merchants for services or repairs; and
- (ii) Regulate the submission of monthly reports by the Regional Office and to outline the process in the event of non-compliance.

8.3.6. **Within sixty (60) calendar days** from the date of receipt of this report, establish or strengthen the governance structure tasked with the responsibility to manage fleet at the Thembisile Hani Cost Centre and Nkangala Regional office to ensure proper management and accountability thereof in accordance with section 38(1)(a)(iv) of the Public Finance Management Act, by:

- (i) Ensuring that a permanent Transport Officer is appointed;
- (ii) Ensuring that the job profile of the Transport Officer is aligned with the provisions of the Mpumalanga Provincial Government Motor Transport Handbook; and
- (iii) Ensuring that all the officials at the Cost Centre are properly trained on the provisions of section 45 of the Public Finance Management Act, the Mpumalanga Provincial Government Motor Transport Handbook and the Mpumalanga Provincial Government Procedure Manual Utilising Government Motor Transport.

- 8.3.7. Within **sixty (60) calendar days** from the date of receipt of this report, in line with section 16A(2)(a) of the Public Service Act read with item 14 of the Public Service Regulations, 2016 and Item 3.1 of the Code of Conduct of Public Servants, take appropriate disciplinary steps against Mr Nkadimeng, Mr Mokholoane, Mr D Mahlangu, for their failure to follow due process and procedures when utilising and booking the official vehicles for services and repairs at private garages / merchants.
- 8.3.8. Within **sixty (60) calendar days** from the date of receipt of this report, in line with section 16A(2)(a) of the Public Service Act read with item 14 of the Public Service Regulations, 2016 and Item 3.1 of the Code of Conduct of Public Servants, take appropriate disciplinary steps against Messrs Matome and Mtshweni for the abuse of petrol cards resulting in the financial loss by the Department.
- 8.3.9. Within **sixty (60) calendar days** from the date of receipt of this report, in line with section 16A(2)(a) of the Public Service Act read with item 14 of the Public Service Regulations, 2016 and Item 3.1 of the Code of Conduct of Public Servants, take appropriate disciplinary steps against Ms Mthombeni and Messrs Sibanyoni and Mahlangu for irregular oil purchases resulting in financial loss to the Department.
- 8.3.10. **Within hundred and eighty (180) calendar days** from the date of receipt of the report, and in accordance with the responsibility to establish a system of financial management and internal control as required in terms of section 38 of the PFMA, conduct an audit of fuel records and consumption at all the provincial Cost Centres, with a view to identify waste, prevent fraud, improve efficiency, ensure compliance and adopt effective risk mitigation strategies.

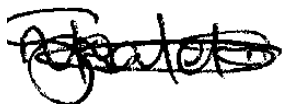
Directorate for Priority Crime Investigation (DPCI)

8.4 This matter is also referred to the Directorate for Priority Crime Investigation in terms of section 6(4)(c)(ii) of the Public Protector Act, 1994, to investigate suspected fraudulent activities relating to the abuse of petrol cards, service of motor vehicles and fraudulent purchases of motor vehicle oil at inflated prices at the Cost Centres within the Nkangala Region.

9. MONITORING

9.1 The MEC for Public Works, Roads and Transport, in conjunction with the HOD of the Department, submit an action plan to the Public Protector on the implementation of the remedial action referred to in paragraph 8 above, within thirty (30) calendar days from date of this report.

9.2 The submission of the implementation plan and the implementation of the remedial action shall, in the absence of a court order, be complied with within the period prescribed in this report to avoid being in contempt of the Public Protector.



ADV KHOLEKA GCALEKA
PUBLIC PROTECTOR
REPUBLIC OF SOUTH AFRICA
DATE: 31 DECEMBER 2025

Assisted by: Ms Phumudzo Mathobo: Investigator
Mr Sekwala Mothiba: Senior Investigator, Mpumalanga Province