



REPORT NO. 47 OF 2025/26

ISBN Number : 978-1-0671932-9-4

INVESTIGATION INTO ALLEGATIONS OF IRREGULARITIES IN THE RECRUITMENT AND SELECTION PROCESS FOLLOWED BY THE FUNCTIONARIES OF THE CITY OF TSHWANE AND ITS COUNCIL RELATING TO THE APPOINTMENT OF MR MOSHEMA MOSIA TO THE POSITION OF CHIEF OF EMERGENCY SERVICES

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LIST OF ACRONYMS AND ABBREVIATIONS

ACRONYM ABBREVIATION	AND	DESCRIPTION
Chief of Emergency		Chief of Emergency Services
CoE		City of Ekurhuleni Metropolitan Municipality
CoGTA		Gauteng Cooperative Governance & Traditional Affairs
Constitution		The Constitution of the Republic of South Africa, 1996
CoT		City of Tshwane Metropolitan Municipality
CV		Curriculum Vitae
FBB		Fire Brigade Board
Fire Brigade Services Act		Fire Brigade Services Act, 1987, as amended
HOC		Head of the Disaster Management Centre
IFSAC		International Fire Services Accreditation Congress
KPA		Key Performance Areas
MEC		Member of Executive Committee
MFMA		Municipal Finance Management Act, 2003
MIE		Managed Integrity Evaluation
Municipal Systems Act		Local Government: Municipal Systems Act, 2000
NFPA		National Fire Protection Association
NQF		National Qualifications Framework
SAESI		South African Emergency Services Institute
SALGA		South African Local Government Association
SAPS		South African Police Service
SAQA		South African Qualifications Authority
The Public Protector Act		The Public Protector Act, 1994



ACRONYM AND ABBREVIATION	DESCRIPTION
The Public Protector Rules	Rules Relating to Investigations by the Public Protector and Matters Incidental Thereto, 2018
UFS	University of Free State
UNISA	University of South Africa

EXECUTIVE SUMMARY

- (i) 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 (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 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 irregularities in the recruitment and selection process followed by the functionaries of the City of Tshwane Metropolitan Municipality (CoT) and its Council in the appointment of Mr Moshema Mosia (Mr Mosia) to the position of Chief of Emergency Services (Chief of Emergency).
- (iii) The investigation originates from a complaint of Mr Sydney Johannes Tshabalala (the Complainant) referred to the Public Protector on 24 October 2023, wherein he alleged, *inter alia*, that:
 - (a) A prior report to the Council dated 31 October 2019, titled *Misrepresentation made by a section 56 manager with regard to qualifications*, cautioned against the use of the words 'equivalent' or 'career related' qualifications in advertisements as it is causing confusion during the shortlisting process for candidates. Despite this clear warning, the CoT has repeated the error in their recent advertisement;

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- (b) The aforesaid report which made the *proposal for corrective measures to be followed*, was directed to Mr Moeketsi Ntsimane (Mr Ntsimane), the former Head of Group Audit and Risk of the CoT;
 - (c) The same report stated that the advertisement for the position of Chief of Emergency requires a bachelor's degree or equivalent qualifications in the industry of fire and emergency services, with Key Performance Areas (KPA's). Therefore, the bachelor's degree or equivalent qualifications must be in the fire and emergency services industry, *not a corporate degree*;
 - (d) Emergency Services Fire Brigade is a legislated function, therefore a person that should be appointed to this position, must be appointed in terms of the legislation. The South African Emergency Services Institute (SAESI) qualifications are not tertiary qualifications; however, they are legacy qualifications and are not registered with the South African Qualifications Authority (SAQA). Therefore, they are not on a National Qualifications Framework (NQF) Level;
 - (e) Mr Mosia has a Bachelor of Administration Degree, on an NQF Level 7. However, his qualification is not fit for purpose, as it is a corporate type of qualification. The CoT is violating the Fire Brigade Services Act, 1987, as amended (Fire Brigade Services Act) and acts contrary to its policies;
 - (f) The recruitment and selection processes were flawed and misguided, as Mr Mosia was not even supposed to be shortlisted, and he does not understand how the CoT decided to shortlist a candidate who does not have qualifications relating to the advertisement;

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- (g) The advertisement was misleading, and tailor made for a certain individual which is unfair, as the CoT appointed a candidate without relevant qualifications;
 - (h) The Public Protector Report No: 13 of 2020/21 ISBN NO: 978-1-990942-792 made a finding that the selection panel overlooked the Managed Integrity Evaluation (MIE) qualification verification report which picked up material discrepancies and misrepresentation on the information submitted by the candidate relating to his qualifications and it proceeded with the recruitment and selection processes, as if all was above board; and
 - (i) The Fire Brigade Services Act is being undermined and bypassed by the CoT to suit individuals.
- (iv) In an email dated 10 Nov 2023, the Public Protector Investigation Team (Investigation Team) requested the Complainant to confirm the issues for investigation and on the same date, an email was received from the Complainant stating amongst others that:
- (a) In South Africa, there is no qualification that is higher than bachelor's degree in Fire Technology in the carrier or industry of fire and rescue services;
 - (b) Mr Mosia has applied with Bachelor of Administration Degree, which is a cooperate degree, but not a qualification relevant to the fire and rescue industry. The Fire Brigade Services is a legislated function, therefore not any qualification qualifies a candidate to be appointed to perform this function without a legislated qualification;

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- (c) Prescribed qualifications are recognised qualifications needed to practise at a certain profession, and the reason for a prescribed qualification is that there will be powers that are vested on the candidate in terms of legislation, and they will further delegate them to their personnel to do their functions;
 - (d) The advertisement of the Chief of Emergency position was advertised with KPAs of a Chief Fire Officer, therefore, Mr Mosia is not qualified for this position as per the qualifications he submitted when applying for the position; and
 - (e) SAESI qualifications are not SAQA accredited and not on an NQF level, and he requested the Public Protector to investigate the maladministration by the functionaries of the CoT in the appointment of Mr Mosia to the position of Chief of Emergency.
- (v) In an email dated 06 June 2024, the Complainant further alleged that Mr Mosia has a criminal record that he did not disclose to the CoT.
- (vi) Based on the analysis of the complaint, the following issue was identified to inform and focus on the investigation:
- (a) Whether there were irregularities in the recruitment and selection process followed by the functionaries of the City of Tshwane Metropolitan Municipality and its Council in the recruitment process of the position of Chief of Emergency Services, if so, whether such conduct was improper as envisaged in section 182(1) of the Constitution and maladministration, as well as improper conduct as envisaged in section 6(4)(a)(i) and (ii) of the Public Protector Act.

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- (vii) The investigation was conducted in terms of Section 182(1) of the Constitution and Sections 6 and 7 of the Public Protector Act. It included correspondence with CoT, SAQA, South African Police Service (SAPS), SAESI, South African Local Government Association (SALGA), University of Free State (UFS), the University of South Africa (UNISA), Gauteng Cooperative Governance & Traditional Affairs (CoGTA), an analysis of the relevant documents and information obtained.
- (viii) On 23 February 2026, notices in terms of Section 7(9)(a) of the Public Protector Act (the Notice) were issued to Dr Nasiphi Moya (Dr Moya): the Executive Mayor of the CoT, Mr Johann Mettler (Mr Mettler): the City Manager at the City of Tshwane Metropolitan Municipality, Mr Jacob Mamabolo: the Member of Executive Council of CoGTA, Mr S Dlamini (Mr Dlamini): an Independent panel member, Mr Ronald Oppelt (Mr Oppelt), Mr R Morake (Mr Morake, Mr Ald G Theunissen (Mr Theunissen) and Mr V Ngcobo (Mr Ngcobo), and Mr Mosia, to provide them an opportunity to respond to the intended findings and remedial action.
- (ix) Written responses were received from Mr Mettler, Mr Dlamini and Mr Mosia. The responses and information/evidence were duly considered by the Public Protector.
- (x) Having regard to the evidence and regulatory framework determining the standard that the CoT should have complied with, the following findings are made:
- (a) Whether there were irregularities in the recruitment and selection process followed by the functionaries of the City of Tshwane Metropolitan Municipality and its Council in the recruitment process of the position of Chief of Emergency Services, if so, whether such conduct was improper as envisaged in section 182(1) of the Constitution and maladministration, as well as improper conduct as envisaged in section 6(4)(a)(i) and (ii) of the Public Protector Act.

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- (aa) The allegation that there were irregularities in the recruitment and selection process followed by the functionaries of the City of Tshwane Metropolitan Municipality and the Council in the recruitment process of the position of Chief of Emergency Services, is substantiated.
- (bb) The CoT failed to ensure the advertisement for the position of Chief of Emergency was clear and unambiguous prior to granting approval for its publication. This omission compromised the objectivity, transparency, and fairness required in the recruitment process, and therefore in violation of sections 50(1) and 67(1) of the Municipal Systems Act and contrary to the provisions of section 195(1)(i) of the Constitution.
- (cc) The CoT failed to implement the Forensic Investigation Report and take steps to ensure that prescribed qualifications for the Chief of Emergency, who is assigned functions of Chief Fire Officer are prescribed in the 2014 Regulations and aligned to section 5 of the Fire Brigade Act.
- (dd) The Selection Panel further failed to conduct the screening verification of candidates for qualification, reference checks and previous employment contrary to the provisions of Regulation 14 of the 2014 Regulations.
- (ee) Mr Mettler, as the Municipal Manager and Chairperson of the Selection Panel failed to complete the report on the outcome of the screening process before the interviews took place, contrary to Regulation 14(2) of the 2014 Regulation.
- (ff) The Selection Panel failed to comply with mandatory requirements of the 2014 Regulations during the recruitment and selection process for the position Chief of Emergency.

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- (gg) Mr Mosia possesses the relevant qualification for the position of Chief of Emergency and met the relevant competencies, experience, and knowledge set out in Annexure A and B of the 2014 Regulations.
- (hh) Accordingly, the conduct of the functionaries of the CoT, which approved the appointment, constitute improper conduct as envisaged in sections 182(1)(a) of the Constitution and maladministration and improper conduct as envisaged in section 6(4)(a)(i) and (ii) of the Public Protector Act.
- (xi) The appropriate remedial action being taken in terms of Section 182(1)(c) of the Constitution, is the following:

The Member of the Executive Council for COGTA

- (a) Take Cognisance of the report and ensure the implementation of the remedial action.

The Executive Mayor

- (b) Within **ninety (90) calendar days** from the date of receipt of this report, in terms of section 56(3)(f) of the Municipal Structures Act, 1998, table the report before the Municipal Council for deliberation.
- (c) Within **ninety (90) calendar days** from the date of receipt of this report, in terms of section 56(3)(f) of the Municipal Structures Act, 1998, table this report before the Municipal Council for deliberation and ensure that future advertisements for appointments made in terms of section 56 of the Municipal Systems Act are clear in terms of qualification requirements and free from ambiguity, before approval is obtained in terms of Regulation 7 of the 2014 Regulations to fill the position.

The Municipal Manager

- (d) Within **sixty (60) calendar days** from the date of receipt of this report, in line with Regulation 12(4)(a) of the 2014 Regulations and as the Chairperson of the Selection Panel for the appointment of senior managers directly accountable to the Municipal Manager, implement internal controls and measures to ensure that future appointments are made in full compliance with section 56 of the Municipal Systems Act, the 2014 Regulations and in line with the job descriptions and advertisements.

- (e) Within **sixty (90) calendar days** from the date of receipt of this report take steps in consultation with COGTA to ensure that prescribed qualifications for the Chief of Emergency, who is assigned functions of Chief of Fire and Disaster Management are prescribed in the 2014 Regulations and aligned to section 5 of the Fire Brigade Act and section 45 of the Disaster Management Act.

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 (the Public Protector Act).
- 1.2. The Report relates to an investigation into allegations of irregularities in the recruitment and selection process followed by the functionaries of the CoT and its Council in the appointment of Mr Mosia to the position of Chief of Emergency.
- 1.3. The Report is submitted in terms of Section 8(1) read with Section 8(3) of the Public Protector Act and with Rule 40(b) of the Rules Relating to Investigations by the Public Protector and Matters Incidental Thereto, 2018, as amended (Public Protector Rules), which empowers the Public Protector to make known the findings of an investigation, to the following affected parties, for such persons to note the outcome of the investigation:
 - 1.3.1. Mr Mamabolo, Member of Executive Council for Cooperative Governance and Traditional Affairs;
 - 1.3.2. Dr Moya, Executive Mayor of the City of Tshwane Metropolitan Municipality;
 - 1.3.3. Mr Mettler, City Manager of the City Manager at the City of Tshwane Metropolitan Municipality;
 - 1.3.4. Mr Dlamini, Independent Selection Panel Member;
 - 1.3.5. Mr Oppelt, Selection Panel Member;
 - 1.3.6. Mr Morake, Selection Panel Member;
 - 1.3.7. Mr Theunissen, Selection Panel Member;
 - 1.3.8. Mr Ngcobo, Selection Panel Member;
 - 1.3.9. Mr Mosia, Chief of Emergency; and
 - 1.3.10. Mr Sydney Johannes Tshabalala, the Complainant.

2. THE COMPLAINT

- 2.1. The investigation originates from a complaint lodged with the Public Protector by Mr Sydney Johannes Tshabalala (the Complainant), on 24 October 2023. The Complainant alleged, *inter alia*, that:
- 2.1.1. A prior report to the Council dated 31 October 2019, titled *Misrepresentation made by a section 56 manager with regard to qualifications*, cautioned against the use of the words ‘*equivalent*’ or ‘*career related*’ qualifications in advertisements as it is causing confusion during the shortlisting process for candidates. Despite this clear warning, the CoT has repeated the error in their recent advertisement;
- 2.1.2. The aforesaid report which made the *proposal for corrective measures to be followed*, was directed to Mr Moeketsi Ntsimane (Mr Ntsimane), the former Head of Group Audit and Risk of the CoT;
- 2.1.3. The same report stated that the advertisement for the position of Chief of Emergency requires a bachelor’s degree or equivalent qualifications in the industry of fire and emergency services, with Key Performance Areas (KPA’s). Therefore, the bachelor’s degree or equivalent qualifications must be in the fire and emergency services industry, *not a cooperate degree*;
- 2.1.4. Emergency Services Fire Brigade is a legislated function, therefore a person that should be appointed to this position, must be appointed in terms of the legislation. The South African Emergency Services Institute (SAESI) qualifications are not tertiary qualifications; however, they are legacy qualifications and are not registered with the South African Qualifications Authority (SAQA). Therefore, they are not on a National Qualifications Framework (NQF) Level;

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- 2.1.5. Mr Mosia has a Bachelor of Administration Degree, on an NQF Level 7. However, his qualification is not fit for purpose, as it is a corporate type of qualification. The CoT is violating the Fire Brigade Services Act, 1987, as amended (Fire Brigade Services Act) and acts contrary to its policies;
- 2.1.6. The recruitment and selection processes were flawed and misguided, as Mr Mosia was not even supposed to be shortlisted, and he does not understand how the CoT decided to shortlist a candidate who does not have qualifications relating to the advertisement;
- 2.1.7. The advertisement was misleading, and tailor made for a certain individual which is unfair, as the CoT appointed a candidate without relevant qualifications;
- 2.1.8. The Public Protector Report No: 13 of 2020/21 ISBN NO: 978-1-990942-792 made a finding that the selection panel overlooked the Managed Integrity Evaluation (MIE) qualification verification report which picked up material discrepancies and misrepresentation on the information submitted by the candidate relating to his qualifications and it proceeded with the recruitment and selection processes, as if all was above board; and
- 2.1.9. The Fire Brigade Services Act is being undermined and bypassed by the CoT to suit individuals.
- 2.2. In an email dated 10 Nov 2023, the Public Protector Investigation Team (Investigation Team) requested the Complainant to confirm the issues for investigation and on the same date, an email was received from the Complainant stating amongst others that:

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- 2.2.1. In South Africa, there is no qualification that is higher than bachelor's degree in Fire Technology in the carrier or industry of fire and rescue services;
- 2.2.2. Mr Mosia has applied with Bachelor of Administration Degree, which is a cooperate degree, but not a qualification relevant to the fire and rescue industry. The Fire Brigade Services is a legislated function, therefore not any qualification qualifies a candidate to be appointed to perform this function without a legislated qualification;
- 2.2.3. Prescribed qualifications are recognised qualifications needed to practise at a certain profession, and the reason for a prescribed qualification is that there will be powers that are vested on the candidate in terms of legislation, and they will further delegate them to their personnel to do their functions;
- 2.2.4. The advertisement of the Chief of Emergency position was advertised with KPAs of a Chief Fire Officer; therefore, Mr Mosia is not qualified for this position as per the qualifications he submitted when applying for the position; and
- 2.2.5. SAESI qualifications are not SAQA accredited and not on an NQF level, and he requested the Public Protector to investigate the maladministration by the functionaries of the CoT in the appointment of Mr Mosia to the position of Chief of Emergency.
- 2.3. In an email dated 06 June 2024, the Complainant further alleged that Mr Mosia has a criminal record that he did not disclose to the CoT.

3. POWERS AND JURISDICTION OF THE PUBLIC PROTECTOR

- 3.1. The Public Protector is an independent constitutional institution, established in terms of section 181(1)(a)(a) of the Constitution to support and 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) to take appropriate remedial action.”

3.3. Section 182(2) 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 City of Tshwane Metropolitan Municipality is an organ of state in terms of section 239 of the Constitution, and the conduct of its functionaries amounts to conduct in state affairs. As a result, the Public Protector is satisfied that the complaint falls within its competency to conduct an investigation as envisaged in section 182(1)(a) of the Constitution and section 6(4) of the Public Protector Act.

3.5. The jurisdiction of the Public Protector in this matter was not disputed by CoT.

4. ISSUE IDENTIFIED FOR INVESTIGATION

4.1. Based on analysis of the complaint, the following issue was identified to inform and focus the investigation:

4.1.1. Whether there were irregularities in the recruitment and selection process followed by the functionaries of the City of Tshwane Metropolitan Municipality and its Council in the recruitment process of the position of Chief of Emergency Services, if so, whether such conduct was improper as envisaged in section 182(1) of the Constitution and maladministration, as well as improper conduct as envisaged in section 6(4)(a)(i) and (ii) of the Public Protector Act.

5. THE INVESTIGATION

5.1. Methodology

5.1.1. The investigation is conducted in terms of section 182 of the Constitution and 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 how to investigate with due regard to the circumstances of each case.

5.2. Approach to the investigation

5.2.1. The approach to the investigation included the exchange of documents between the Public Protector, CoT, SAQA, South African Police Service (SAPS), SAESI, South African Local Government Association (SALGA), University of Free State (UFS), the University of South Africa (UNISA), Gauteng Cooperative Governance and Traditional Affairs (CoGTA), analysis of the relevant documentation and

consideration, as well as application of the relevant laws, regulatory framework and prescripts.

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

(a) What happened?

(b) What should have happened?

(c) Is there a discrepancy between what happened and what should have happened and does that deviation amount to maladministration, abuse of power, or other improper conduct?

(d) In the event of improper conduct or maladministration, what would it take to remedy the wrong and 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 a balance of probabilities.

5.2.4. In this case, the factual enquiry principally focused on the recruitment process followed by the functionaries of the CoT in the appointment of Mr Mosia to the position of Chief of Emergency.

5.2.5. 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

CoT in the execution of their duties in the appointment of Mr Mosia, to the position of Chief of Emergency.

5.2.6. The enquiry regarding the remedy or remedial action seeks to explore options for redressing the consequences of maladministration and improper conduct.

5.3. Key sources of information

5.3.1. Correspondence exchanged

5.3.1.1. Original complaint from the Complainant, dated 24 November 2023;

5.3.1.2. Notice in terms of Rule 23(1) of the Public Protector Rules from Public Protector to CoT, dated 14 November 2023;

5.3.1.3. Response letter from CoT to the Public Protector, dated 29 November 2023;

5.3.1.4. Notice in terms of section 7(4)(b) of the Public Protector Act from the Public Protector to UNISA, dated 29 April 2024;

5.3.1.5. Response letter from UNISA to the Public Protector, dated 02 May 2024;

5.3.1.6. Notice in terms of section 7(4)(b) of the Public Protector Act from the Public Protector to SAQA, dated 29 April 2024;

5.3.1.7. Response letter from SAQA to the Public Protector, dated 08 May 2024;

5.3.1.8. Notice in terms of Section 7(4)(b) of the Public Protector Act from the Public Protector to SALGA, dated 09 July 2024;

5.3.1.9. Response letter from SALGA to the Public Protector, dated 21 August 2024;

5.3.1.10. Notice in terms of Section 7(4)(b) of the Public Protector Act from the Public Protector to SAPS, dated 09 October 2024;

5.3.1.11. Response letter from SAPS to the Public Protector, dated 15 November 2024;

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- 5.3.1.12. Notice in terms of Section 7(4)(b) of the Public Protector Act from the Public Protector to SAESI, dated 12 March 2025;
 - 5.3.1.13. Response letter from SAESI to the Public Protector, dated 07 April 2025;
 - 5.3.1.14. Notice in terms of Rule 23(1) of the Public Protector Rules from the Public Protector to Mr Mosia, dated 13 March 2025;
 - 5.3.1.15. Affidavit from Mr Mosia to the Public Protector, dated 11 April 2025;
 - 5.3.1.16. Notice in terms of Section 7(4)(b) of the Public Protector Act from the Public Protector to CoGTA, dated 24 July 2025;
 - 5.3.1.17. Response letter from CoGTA to the Public Protector, dated 30 July 2025;
 - 5.3.1.18. Letter from the Public Protector to Mr Mosia, dated 01 September 2025;
 - 5.3.1.19. Supplementary affidavit from Mr Mosia to the Public Protector, dated 09 September 2025;
 - 5.3.1.20. Notice in terms of Rule 23(1) of the Public Protector Rules from the Public Protector to the Selection Panel Members, dated 23 September 2025; and
 - 5.3.1.21. Consolidated response letter from the Selection Panel to the Public Protector, dated 30 September 2025.

5.3.2. **Documents received**

- 5.3.2.1. Public Protector's Report No. 13 of 2020-21, dated 08 December 2020;
- 5.3.2.2. Request by CoT to Council to amend the organisational structure, dated 30 August 2018;
- 5.3.2.3. CoT's Organisational Structure, dated 30 August 2018;
- 5.3.2.4. CoT's Council Resolution, dated 11 April 2023;
- 5.3.2.5. Job advertisement, dated 14 May 2023;

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- 5.3.2.6. An undated Job Description for the position of the Chief of Emergency;
 - 5.3.2.7. Mr Mosia's Online Application Form, dated 05 June 2023;
 - 5.3.2.8. Mr Mosia's Handwritten Application Form, dated 17 July 2023;
 - 5.3.2.9. Mr Mosia's Curriculum Vitae;
 - 5.3.2.10. Minutes of the selection panel meeting, dated 07 July 2023;
 - 5.3.2.11. Mr Mosia's MIE Employment Report, dated 10 February 2023;
 - 5.3.2.12. Candidate C's MIE Employment Report, dated 18 July 2023;
 - 5.3.2.13. Mr Mosia's MIE: Personal Credential Verification Report, dated 05 March 2018;
 - 5.3.2.14. Candidate A's MIE: Personal Credential Verification Report, dated 08 February 2023;
 - 5.3.2.15. Candidate B's MIE: Personal Credential Verification Report, dated 01 August 2023;
 - 5.3.2.16. Candidate C's MIE: Personal Credential Verification Report, dated 18 July 2023;
 - 5.3.2.17. Mr Mosia's Reference Check, dated 09 February 2023;
 - 5.3.2.18. Candidate A's Reference Check, dated 09 February 2023;
 - 5.3.2.19. An undated Candidate B's Reference Check;
 - 5.3.2.20. An undated Candidate C's Reference Check;
 - 5.3.2.21. CoT's Screening Report, dated 09 October 2023;
 - 5.3.2.22. Panel Interview Minutes, dated 10 August 2023;
 - 5.3.2.23. Interviews Consolidated Scoresheet, dated 09 October 2023;
 - 5.3.2.24. Mr Mosia's Competency Assessment Report, dated 09 October 2023;
 - 5.3.2.25. Candidate B's Competency Assessment Report, dated 09 October 2023;
 - 5.3.2.26. Final panel interview, dated 24 August 2023;

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- 5.3.2.27. Council approval for the appointment of the Chief of Emergency Services, dated 28 September 2023;
 - 5.3.2.28. Offer of employment to Mr Mosia, dated 06 October 2023;
 - 5.3.2.29. Verification of Mr Mosia's Qualification, dated 03 May 2024;
 - 5.3.2.30. SALGBC Award for case number PMD 022401, dated 11 December 2024;
 - 5.3.2.31. Notice of Application in terms of section 144 of the LRA, read with Rule 31 and 32 of the Rules for Conduct of Proceedings before the SALGBC, dated 21 February 2025;
 - 5.3.2.32. Outcome of Mr Mosia's application for Variation with the SALGBC, dated 08 May 2025; and
 - 5.3.2.33. CoT Forensic Investigation Report, Ref: FS27/07/2018, dated 31 October 2018.

5.3.3. **Legislation and other prescripts**

- 5.3.3.1. Constitution of the Republic of South Africa, 1996;
- 5.3.3.2. Local Government: Municipal Systems Act, 2000;
- 5.3.3.3. Fire Brigade Services Act, 1987;
- 5.3.3.4. Regulations on Appointment and Conditions of Employment of Senior Managers, dated 17 January 2014, issued in terms of the Municipal Systems Act, 2000;
- 5.3.3.5. Annexure B of the 2014 Regulations;
- 5.3.3.6. Municipal Staff Regulations, 2021;
- 5.3.3.7. Annexure A of the 2021 Regulations;
- 5.3.3.8. Disaster Management Act, 2002;
- 5.3.3.9. National Qualification Framework Act, 2008, as amended; and
- 5.3.3.10. Labour Relations Act, 1995.

5.3.4. **Case Law**

5.3.4.1. Khumalo and Another v Member of the Executive Council for Education: KwaZulu Natal (CCT 10/13) [2013] ZACC 49; 2014 (3) BCLR 333 (CC); (2014) 35 ILJ 613 (CC); 2014 (5) SA 579 (CC) (18 December 2013); and

5.3.4.2. Economic Freedom Fighters v Speaker of the National Assembly and Others: Democratic Alliance v Speaker of the National Assembly and Others; 2016 (3) SA 580 (CC) (31 March 2016).

5.3.5. **Notice in terms of section 7(9) Notice of the Public Protector Act**

5.3.5.1. A notice in terms of Section 7(9) of the Public Protector Act (Notice) was issued on 23 February 2026 to Mr Jacob Mamabolo, the Member of Executive Council at Gauteng CoGTA, Dr Nasiphi Moya (Ms Moya), Executive Mayor of the CoT, Mr Mettler, Mr Dlamini, Mr Oppelt, Mr Morake, Mr Theunissen, Mr Ngcobo and Mr Mosia.

5.3.5.2. Section 7(9)(a) and (b) of the Public Protector Act provide that persons/parties implicated and/or affected by an investigation by the Public Protector, are to be allowed the opportunity to make representations in response thereto.

5.3.5.3. Responses to the Notice were received from the following parties:

- (a) Mr Mettler;
- (b) Mr Mosia; and
- (c) Mr Dlamini.

6. THE DETERMINATION OF THE ISSUE IN RELATION TO THE EVIDENCE OBTAINED DURING THE INVESTIGATION AND CONCLUSIONS MADE WITH REGARD TO THE APPLICABLE LAWS AND PRESCRIPT

6.1. Whether there were irregularities in the recruitment and selection process followed by the functionaries of the City of Tshwane Metropolitan Municipality and the Council in the recruitment process of the position of Chief of Emergency Services, if so, whether such conduct was improper as envisaged in section 182(1) of the Constitution and maladministration, as well as improper conduct as envisaged in section 6(4)(a)(i) and (ii) of the Public Protector Act.

Common cause

- 6.1.1. On 14 May 2023, the CoT advertised the post of Chief of Emergency in the Job Forum 2/2023 under reference number: EMSS123-2023, with a closing date of 06 June 2023.
- 6.1.2. The advertisement stated amongst others that the educational requirements for the position as bachelor's degree in Fire Technology or any other study field related to the position (own emphasis added).
- 6.1.3. On 04 June 2023, Mr Mosia applied for the aforesaid post on the CoT's online platform, and he was recommended for appointment for the position of Chief of Emergency.
- 6.1.4. On 09 October 2023, the CoT appointed Mr Mosia to the position of Chief of Emergency, and in a letter dated 10 October 2023, Mr Mosia accepted the offer of employment.

Issue in dispute

6.1.5. The issue for determination by the Public Protector is whether the appointment of Mr Mosia to the position of Chief of Emergency by the functionaries of the CoT and the Council was in accordance with the processes and approved procedures governing the appointment of senior managers in line with the provisions of section 56 of the Municipal Systems Act, the advertisement and related prescripts.

The Complainant's version

6.1.6. The Complainant contended that:

6.1.6.1. The position of Chief of Emergency required a bachelor's degree in Fire Technology or any other field of study related to the position, but the appointed candidate, Mr Mosia, only held a Bachelor of Administration, which is not relevant to the position;

6.1.6.2. According to the Fire Brigade Services Act, a person vested with Key Performance Areas (KPAs) of the Chief Fire Officer must have prescribed qualifications and experience and that by virtue of the position of Chief of Emergency being advertised with KPAs of the Chief Fire Officer, the appointed candidate should have the minimum prescribed qualification in terms of the Fire Brigade Service Act;

6.1.6.3. A prior report presented to the Council on 31 October 2019 identified challenges associated with the use of terms such as "*equivalent*" or "*career related*" qualifications in job advertisements, cautioning that these terms create confusion during the candidate shortlisting process. Notwithstanding this explicit warning, the CoT repeated the same terminology in the advertisement for the Chief of Emergency position. This report, which included recommendations for remedial

measures, was addressed to Mr Moeketsi Ntsimane, the former Head of Group Audit and Risk at the CoT; and

- 6.1.6.4. The report further highlighted that the advertisement for the Chief of Emergency position stipulated a requirement for a bachelor's degree or equivalent qualifications in fire and emergency services, encompassing KPAs. Nevertheless, the CoT issued an advertisement that was misleading and appeared to have been tailored to favour a specific individual, thereby rendering the process unfair.

Response from CoT

- 6.1.7. The Investigation Team issued a Notice in terms of Rule 23(1) of the Public Protector Rules, dated 14 November 2023, to the Acting Director in the Office of the City Manager: Mr Thivhulawi Nyambeni (Mr Nyambeni) raising the allegations, soliciting a response and supporting evidence.
- 6.1.8. A response was received from Ms Vuyo Zitumane (Ms Zitumane), the former Acting City Manager of the CoT in a letter dated 29 November 2023, stating amongst others that:
- 6.1.8.1. Section 3(1) of the Fire Brigade Services Act provides that *"A local authority may establish and maintain a service in accordance with the prescribed requirements"*;
- 6.1.8.2. Section 5(1) of the same Act provides that *"A controlling authority shall appoint a person who possesses the prescribed qualifications and experience, as chief fire office to be in charge of its service"*;
- 6.1.8.3. The Fire Brigade Services Act indicates whose responsibility it is to establish a service, as well as who will render support, but there is no set of qualifications

gazetted in the aforesaid Act or regulation for the position of Chief Fire Officer, which leaves it up to the individual local authority to decide upon;

- 6.1.8.4. The Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, 2014 (2014 Regulations) are also silent on the specific qualifications or skills set for the position of Chief Fire Officer or Chief of Emergency;
- 6.1.8.5. In terms of CoT's organisational structure, the Emergency Services Department does not focus solely on fire brigade services, but on all of the following functions:
- (a) Fire Brigade Services;
 - (b) Business Operations and Disaster Management Centre;
 - (c) Management and Administrative Support;
 - (d) Social Operations;
 - (e) Emergency Communication Centre;
 - (f) Logistical Support;
 - (g) Financial Management; and
 - (h) Emergency Medical Treatment (this function was recently moved to provincial government).
- 6.1.8.6. The advertisement for the post of Chief of Emergency was approved by the CoT Council and the CoGTA, and advertised with the following main appointment requirements, in line with the approved job description of the position:
- (a) A bachelor's degree in Fire Technology or any other study-field related to the position;

- (b) Registration with a relevant professional body will be an added advantage;
and
- (c) 12 years' experience in the emergency services and/or fire brigade services environment, of which at least five years must be at senior management level.

6.1.8.7. Mr Mosia is in possession of the following qualifications:

- (a) Bachelor of Administration obtained in 2002;
- (b) Advanced University Diploma in Disaster Management obtained in 2007 at an NQF Level 8;
- (c) Postgraduate Certificate in Management Studies;
- (d) Associate Diploma in Fire Technology;
- (e) Graduate Diploma in Fire Technology; and
- (f) Various other career-related courses.

6.1.8.8. Mr Mosia is in possession of various qualifications in the field of fire technology, administration and disaster management. The latter has an advanced diploma on NQF level 8, which is equivalent to an honours degree; and

6.1.8.9. Mr Mosia occupied the position of Divisional Chief: Fire and Rescue Operations in the CoT from May 2018 until his promotion to the position of Chief of Emergency in October 2023, and he has thirty six (36) years of experience in emergency services environment. He is also a member of SAESI, a fire and emergency professional. The interview panel was therefore satisfied that Mr Mosia meets the appointment requirements as advertised;

6.1.8.10. The recruitment and selection process for the position of Chief of Emergency was conducted as follows:

Advertisement

- (a) The position of Chief of Emergency was re-advertised in a national newspaper in Job Forum 2/2023 with reference number: EMSS1232023, from 14 May 2023 to 06 June 2023, with the following appointment requirements:
- (i) A bachelor's degree in Fire Technology or any other study field related to the position;
 - (ii) Registration with a relevant professional body will be an added advantage; and
 - (iii) 12 years' experience in the emergency services and/or fire brigade services environment, of which at least five years must be at senior management level;
 - (iv) Proven experience in successful institution transformation in the public or private sector;
 - (v) Advanced knowledge and understanding of relevant policy and legislation;
 - (vi) Advanced understanding of institutional governance systems and performance management;
 - (vii) Advanced understanding of Council operations and delegation of powers;
 - (viii) Good governance skills;
 - (ix) Understanding of the establishment and functionality of audit and risk management;
 - (x) Budget and financial management skills;
 - (xi) Ability to make high-risk decisions of a long term and strategic nature;
 - (xii) Compliance with the PFMA unit standards as prescribed by Regulation 493 of 15 June 2007 as published in Government Gazette 29967 of 15 June 2007;

- (xiii) No criminal record (excluding previous convictions related to political activities under the previous dispensation) and the applicant must undergo security vetting; (xiv) Undergo a competency assessment; and (xv) Computer literacy.

Applications and shortlisting

- (a) A total of twenty three (23) applications were received for the position of Chief of Emergency and the selection panel met on 07 July 2023, to compile a shortlist consisting of the following four (04) candidates:

- (i) Candidate A;
- (ii) Candidate B;
- (iii) Candidate C; and
- (iv) Mr Mosia.

Selection panel

- (a) Officials indicated below were identified to oversee the selection process for the position in question and were present for the shortlisting meeting on 07 July 2023 and interviews on 10 August 2023:

Name	Designation	Shortlisting and Interview position
Mr Mettler	City Manager	Chairperson
Mr Theunissen	MMC: Community Safety and Emergency Services	Not indicated
Cllr R Morake	Councillor	Not indicated
Mr S Dlamini	Not indicated	Independent panel member

Name	Designation	Shortlisting and Interview position
Mr R Oppelt (7 July 2023)	Group Human Capital Management	Assisting with administrative process
Mr Ngcobo (10 August 2023)	Group Human Capital Management	Assisting with administrative process

Interviews

- (a) The same structured questions were asked of each interviewed candidate and there was a clear rating scale and scoring sheet per applicant;
- (b) After the conclusion of all interviews on 10 August 2023, the total scores given by panel members to each candidate were calculated and candidates were ranked from highest to lowest scorer; and
- (c) The panel members recommended that the two (02) highest scoring candidates, Mr Mosia and Candidate B, be sent for competency assessment.

Decision of selection panel

- (a) Mr Mosia and Candidate B underwent the competency assessment on 15 and 16 August 2023. The interview panel members recommended that the highest scoring candidate be appointed if found competent in the competency assessment. As such, Mr Mosia was found competent and based on the interview scores, competency assessment report, reference checks and other vetting documents, he was recommended for appointment to the Council.

Approval of appointment

- (a) The recommendation of the panel members to appoint Mr Mosia to the position of Chief of Emergency, with Candidate B as a backup candidate, was approved by the Council on 28 September 2023.

Finalisation of appointment

- (a) Mr Mosia accepted the final offer made to him and assumed duty at the CoT as the Chief of Emergency with effect from 01 October 2023; and
- (b) In accordance with the 2014 Regulations, a detailed report with supporting documentation detailing the process of appointment was submitted to the Member of Executive Committee (MEC) of CoGTA in October 2023 and the response from the aforesaid MEC was positive.

Previous process

- (a) The position of Chief of Emergency was previously advertised in Job Forum 6/2022 with the closing date of 02 January 2023. The shortlisting for the position was done, but the recruitment process could not be concluded due to the resignation of the Executive Mayor and the subsequent dissolution of the Mayoral Committee; and
- (b) After the appointment of the new Executive Mayor and the Mayoral Committee members, a decision was taken to re-start the recruitment process for all positions in terms of section 56 of the Local Government: Municipal Systems Act, 2000 (Municipal Systems Act).

Documents received from the CoT

6.1.9. In support of her response dated 29 November 2023, Ms Zitumane provided the Investigation Team with the following documentation:

Request for approval of the proposed City of Tshwane Macro Organisational Structure

6.1.9.1. A document titled “*Request approval from Council for the amendment to the approved Macro Organisational Structure to manage Consequences of the Development of the Microstructure*” (Council Approval for Organisational Structure), with an approved date stamped as 30 August 2018, which indicates amongst others that:

- (a) The purpose of the report was, amongst others, to request the Council approval on the amendments to the approved Macro Organisational Structure to manage consequences of the Micro Organisational Structure;
- (b) Request approval to implement the macro-organisational structure accordingly upon approval;
- (c) The CoT adopted the new Macro Organisational Structure on 24 November 2016 to reposition the strategic focus of the CoT in the new five (05) year administration term. Among some of the macro design drivers was to ensure that the structure is lean at the top to allow for greater efficiencies in decision making.
- (d) Resolved that the proposed amendments to the approved Micro Organisation Structure be approved; and

- (e) Resolved that the proposed macro-organisational structure be implemented upon approval.

City of Tshwane Macro Organisational Structure

- 6.1.9.2. A document titled “*City of Tshwane Macro Organisational Structure*” (Organisational Structure), with an approved date stamped as 30 August 2018, states amongst others that the position of Chief of Emergency is in the Department of Community Safety, Emergency Services and reporting directly to the City Manager.

Group Human Capital Management Department; Advertisement and selection of vacant senior management positions, from the Mayoral Committee, 11 April 2023

- 6.1.9.3. A document titled “*Group Human Capital Management Department; Advertisement and selection of vacant senior management positions, from the Mayoral Committee*” (Request to Advertise) dated 11 April 2023, states amongst others that:
- (a) The purpose of the aforesaid document was to seek approval from the Council to re-advertise the seven (07) vacant senior management positions that are directly accountable to the City Manager, as permanent, in line with section 57(7) Municipal Systems Act, including the position of Chief of Emergency Services;
- (b) The 07 positions were previously advertised in December 2022 in the CoT’s Job Forum 6/2022 and the recruitment process progressed to the shortlisting stage. Due to the political change in the CoT which directly impacted on the composition of the selection panel, the entire recruitment process had to be

restarted from the beginning in order to comply with clause 16(3) of the 2014 Regulations;

- (c) In line with the approved cost containment measures, it is proposed that the sourcing of applications and response handling for the senior management positions should be handled in-house by the Group Human Capital Management Department;
- (d) Councillor Ald AM Maluleka, GK Ratikwane and MF Monama resolved that, in the re-advertisement of the 07 positions in question, a notice be taken of the Regulations and the Municipal System Act;
- (e) Approval be granted to re-advertise the 07 vacant senior management positions in a national newspaper through the CoT's centralized buying approach for period of at least 23 calendar days as required by the Regulations, on a permanent basis;
- (f) Approval be granted to source applications and keep records of all applications for the 07 senior management positions by utilizing inhouse resources provided by the Group Human Capital Management of the CoT; and
- (g) It was further resolved that approval be granted to authorise a selection panel to execute the recruitment process for the appointment of suitable candidates in the 07 vacant senior management positions indicated above. The selection panel was resolved to consist of the following functionaries:
 - (i) The City Manager, who will be the chairperson, or his/her delegate;

-
- (ii) The Executive Mayor or his nominee;
 - (iii) The member of the mayoral committee who is the portfolio head of the relevant portfolio;
 - (iv) At least one other person, who is not a councillor or staff member of the CoT, and who has expertise or experience in the area of the position (to be appointed by the City Manager); and
 - (v) The Group Head: Group Human Capital Management or their nominee (for provision of secretarial or advisory services only).

Job description

- 6.1.9.4. A document titled “*Job Description*” (Chief of Emergency’s Job Description) stating amongst others that:
- (a) The Chief of Emergency position is located in the office of the City Manager under the Community Safety, in the Department of Emergency Services;
 - (b) The Immediate superior is the City Manager;
 - (c) Educational qualifications requirement is a 03-year career related tertiary qualification; and
 - (d) The incumbent *has no criminal record (excluding previous conviction relating to political activities in the previous dispensation) and such a person shall undergo security vetting.*

Advertisement

6.1.9.5. A document titled “*Internal/external Job Forum*” (Advertisement) dated 14 May 2023, wherein the position of Chief of Emergency was advertised with reference number: EMSS123-2023, with a closing date of 06 June 2023. The requirements for the position of Chief of Emergency were as follows:

- (a) A bachelor’s degree in Fire Technology or any other study field related to the position;
- (b) Registration with a relevant professional body will be an added advantage;
- (c) 12 years’ experience in the emergency services and/or fire brigade services environment, of which at least five years must be at senior management level;
- (d) Proven experience in successful institution transformation in the public or private sector;
- (e) Advanced knowledge and understanding of relevant policy and legislation;
- (f) Advanced understanding of institutional governance systems and performance management;
- (g) Advanced understanding of Council operations and delegation of powers;
- (h) Good governance skills;
- (i) Understanding of the establishment and functionality of audit and risk management;
- (j) Budget and financial management skills;
- (k) Ability to make high-risk decisions of a long term and strategic nature;

- (l) Compliance with the PFMA unit standards as prescribed by Regulation 493 of 15 June 2007 as published in Government Gazette 29967 of 15 June 2007;
- (m) No criminal record (excluding previous convictions related to political activities under the previous dispensation) and the applicant must undergo security vetting;
- (n) Undergo a competency assessment; and
- (o) Computer literacy.

6.1.9.6. The advertisement stated that the primary function of the position is to ensure the overall optimisation of the emergency services value chain through effective strategic planning, direction and alignment of functional management frameworks and operational service delivery. The Chief of Emergency Services reports to the City Manager, and is responsible and accountable for the following Key Performance Areas:

- (a) Manage and oversee the establishment, stabilisation, consolidation and sustainable of the Emergency Services Department in such a manner that a culture of performance, service delivery excellence and sustainability is pursued in terms of the following:
 - (i) Fire brigade services;
 - (ii) Emergency medical treatment;
 - (iii) Business operations;
 - (iv) Disaster management centre;
 - (v) Management and administrative support;

- (vi) Special operations;
- (vii) Emergency communication centre;
- (viii) Logistical support; and
- (ix) Financial management.

Mr Mosia's online Application Form

6.1.9.7. A document titled “*EMSS123-2023 (I)/Chief of Emergency Services, Mr Moshema Mosia*” (Mr Mosia’s online application form), indicating that the date of his online application as 04 June 2023. The aforesaid application further indicates the description of Mr Mosia’s qualifications amongst others as follows:

- (a) Bachelor of Administration Degree NQF 7;
- (b) Advanced University Diploma in Disaster Management NQF 7;
- (c) Post Graduate Certificate: Management Studies;
- (d) Certificate: Municipal Finance Management NQF6;
- (e) Graduate Diploma in Fire Technology; and
- (f) Associate Diploma in Fire Technology NQF 6.

Mr Mosia's handwritten Application Form

6.1.9.8. A document titled “*City of Tshwane Application for Employment*” dated 17 July 2023, wherein Mr Mosia indicated his highest tertiary qualification obtained as a “*B. Admin Degree*” at an NQF level 7, obtained from UNISA in 2002.

Curriculum Vitae

6.1.9.9. A document titled “*Curriculum Vitae*” (CV) stating amongst others that Mr Mosia’s qualifications are as follows:

Name of qualification	Institution	Year completed
Graduate Diploma in Fire Technology	SAESI	1996
Associate Diploma in Fire Technology	SAESI	1997
Bachelor of Administration Degree	UNISA	2002
Advanced University Diploma in Disaster Management	UFS	2007
National Certificate in Municipal Finance Management	Local Government Sector Education and Training Authority	2016
Post Graduate Certificate – Management Studies	University of Cumbria (UK)	2020

Minutes of the shortlisting meeting

6.1.9.10. A document titled “Minutes: Selection panel meeting – shortlisting for the *position of Chief of Emergency Services, held at Tshwane House on 30 June 2023 and Tshwane Metropolitan Police Headquarters on 7 July 2023*” (Minutes of the shortlisting meeting) dated 07 July 2023, states amongst others as follows:

(a) On 30 June 2023, the shortlisting panel comprised of the following members:

No	Name	Designation	Panel position
1.	Mr Mettler	City Manager	Chairperson

No	Name	Designation	Panel position
2.	Mr Ald G Theunissen	MMC: Community Safety and Emergency Services	Panel member
3.	Mr S Dlamini	Not indicated	Independent panel member
4.	Mr Ngcobo	Acting Group Head: Group Humana Capital Management	Not indicated

- (b) On 30 June 2023, the shortlisting process was postponed to a future date due to the absence of one of the panel members, Cllr Morake whose whereabouts on the date of the meeting was unknown and not reported to the Chairperson of the meeting;
- (c) On 07 July 2023, the shortlisting meeting relating to the position of Chief of Emergency was convened. The shortlisting panel comprised of the following members:

No	Name	Designation	Panel position
1.	Mr Mettler	City Manager	Chairperson
2.	Mr Theunissen	MMC: Community Safety and Emergency Services	Panel member
3.	Mr Dlamini	Not indicated	Independent panel member
4.	Cllr R Morake	Councilor	Panel member
5.	Mr R Oppelt	Acting Group Head: Group Human Capital Management	Panel member (Observer)
6.	Ms HA Zaayman	Group Human Capital Management: recruitment and Selection	Assist with Administration

No	Name	Designation	Panel position
7.	Ms EA Scholtz	Group Human Capital Management: recruitment and Selection	Assist with Administration

- (d) A total of 23 applications were received for the aforesaid position and the Chairperson of the meeting recommended that the panel should consider shortlisting five (05) to six (06) candidates;
- (e) The Chairperson indicated that the list included all applications in alphabetical order, irrespective of whether the applicants complied with the appointment requirements or not, and that the panel will go through the list to select candidates for shortlisting;
- (f) Panel members were informed that they could also request a specific candidate's printed application if they needed more information;
- (g) Panel members were referred to the job advertisement for the relevant appointment requirements and competences needed for the position;
- (h) Panel members went through the list of all applications received, discussing each candidate's suitability in terms of qualifications and experience. A long list was looked at, but the panel narrowed it down by focusing on candidates who were registered with SAESI, combined with experience in local government; and
- (i) Panel members agreed that Candidate A, Candidate B, Candidate C and Mr Mosia be shortlisted for the position of Chief of Emergency Services.

MIE: Personal Credential Verification Report – Employment verification

- 6.1.9.11. A document titled “*Mr Mosia’s MIE Employment Report*” captured on 10 February 2023, states that he was employed by the Fire Protection Association of South Africa from August 2017 to April 2018, and that he resigned from the position.
- 6.1.9.12. A document titled “*MIE: Personal Credential Verification Report, reference No: 16199079*” (Candidate C’s MIE Employment Report) captured on 18 July 2023, states that he was employed by Life Healthcare from August 2019 to April 2023, and he resigned from the position.

MIE: Personal Credential Verification Report – Qualification verification

- 6.1.9.13. A document titled “*MIE: Personal Credential Verification Report, Ref No: 9628162*” (Mr Mosia’s MIE Qualification Verification Report) captured on 05 March 2018 confirmed that Mr Mosia obtained a Bachelor of Administration from UNISA, on 18 September 2002.
- 6.1.9.14. A document titled “*MIE: Personal Credential Verification Report, Ref No: 15468524*” (Candidate A’s MIE Qualification Verification Report) captured on 08 February 2023, confirmed that Candidate A obtained a Bachelor of Technology in Fire Technology from the Tshwane University of Technology, on 03 September 2009.
- 6.1.9.15. A document titled “*MIE: Personal Credential Verification Report, Ref No: 16261976*” (Candidate B’s MIE Qualification Verification Report) captured on 01 August 2023, confirmed that Candidate B obtained a Bachelor of Technology in Fire Technology from the Tshwane University of Technology, on 04 September 2004.

6.1.9.16. A document titled “*MIE: Personal Credential Verification Report, Ref No: 16198919*” (Candidate C’s MIE Qualification Verification Report) captured on 18 July 2023, confirming that Candidate C obtained a Master of Business Administration from Regenesys Business School, in 2019.

Reference Check – Mr Mosia

6.1.9.17. A document titled *Reference Check* dated 09 February 2023, wherein Mr Mosia’s referee, Dr J Leibbrandt, the City Manager at Drakenstein Municipality states amongst others that:

- (a) Mr Mosia was the Executive Director: Public Safety in Ekurhuleni and reported to him, when he was the Deputy City Manager: Operations from 2008 to 2010;
- (b) Mr Mosia was the Head of Emergency Services, and he was always amongst the top performers;
- (c) Mr Mosia is a punctual and well-disciplined manager and leader who leads by example, results driven and is trustworthy;
- (d) Mr Mosia’s most important contributions are hardworking, disciplined, consistent in terms of standards and leadership, honest and very capable;
- (e) Mr Mosia will be an asset to any organisation or company, and he is highly recommended; and
- (f) He recommends him for the position in question as he is competent, hard working, loyal, trustworthy and bright.

Reference Check – Candidate A

6.1.9.18. A document titled *Reference Check* dated 09 February 2023, states amongst others that candidate A was being considered for a senior management position at the CoT.

6.1.9.19. An undated document titled *Reference Check* states amongst others that Candidate A was being considered for an unspecified Group Head position at the CoT.

Reference Check – Candidate B

6.1.9.20. Two undated documents titled *Reference Check* state, amongst others, that Candidate B was being considered for an unspecified position of Group Head at the CoT.

Reference Check – Candidate C

6.1.9.21. Two undated documents titled *Reference Check* state, amongst others, that Candidate C was being considered for the Group Head position at the CoT.

Minutes of the interview meeting

6.1.9.22. A document titled “*Minutes of the meeting of the interview panel for the post of Chief of Emergency Services dated 10 August 2023*” (Minutes of the Interview Meeting), signed by Mr Metler on 29 August 2023, states amongst others that:

(a) On 10 August 2023, the interview panel comprised of the following members:

No	Name	Designation	Panel position
1.	Mr Mettler	City Manager	Chairperson
2.	Mr Theunissen	MMC: Community Safety and Emergency Services	Panel member
3.	Mr Dlamini	Not indicated	Independent panel member
4.	Cllr Morake	Councilor	Panel member
5.	Mr Ngcobo	Acting Group Head: Group Humana Capital Management	Not indicated

- (b) On 10 August 2023, the Chairperson mentioned that all shortlisted candidates confirmed their attendance and panel members were present so that the final interviews could be conducted;
- (c) After conclusion of interviews, the total of scores given by panel members for each panel members were calculated, after which candidates were ranked from highest to lowest scoring candidate;
- (d) The individuals and total scores by the interview panel are as follows:

Name of candidate	Names of the panel members and the individual scores				Total Score
	Mr Mettler	G Theunissen	R Morake	S Dlamini	
Mr Mosia	28	29	29	20	106
Candidate B	19	17	25	22	83
Candidate C	21	20	20	14	75
Candidate A	16	16	19	14	65

- (e) Panel members recommended that the two (02) highest scoring candidates, being Mr Mosia and Candidate B, be sent for competency assessments and that the highest scoring candidate be appointed if found competent;
- (f) Mr Mosia underwent the competency assessment on 15 and 16 August 2023 and his results were as follows:

Competency Proficiency Matrix	Achievement Level
Leading Competences	
Strategic Direction and Leadership	Competent
People Management	Competent
Program and Project Management	Basic
Financial Management	Competent
Change Leadership	Basic
Governance Leadership	Competent
Core Competences	
Moral Competence	Competent
Planning and Organising	Basic
Analysis and Innovation	Competent
Knowledge and Information Management	Basic
Communication	Competent
Results and Quality Focus	Competent
Overall Achievement Level	Competent

- (g) Candidate B underwent the competency assessment on 15 and 16 August 2023 and his results were as follows:

Competency Proficiency Matrix	Achievement Level
Leading Competences	
Strategic Direction and Leadership	Basic
People Management	Competent
Program and Project Management	Basic
Financial Management	Competent
Change Leadership	Basic
Governance Leadership	Competent
Core Competences	
Moral Competence	Competent
Planning and Organising	Basic
Analysis and Innovation	Basic
Knowledge and Information Management	Basic
Communication	Competent
Results and Quality Focus	Competent
Overall Achievement Level	Competent

- (h) The results of the competency assessment were communicated to the panel members on 24 August 2023, and the recommendations of the panel were implemented;
- (i) The panel recommended Mr Mosia for appointment to the position of Chief of Emergency, based on interview scores, competency assessment results, reference checks and other vetting documents; and
- (j) Should Mr Mosia decline the offer of employment, the offer be extended to Candidate B.

Final panel interview

6.1.9.23. A document titled “*Final panel interview, dated 10 August 2023*”, approved by the City Manager on 24 August 2023, states, amongst others, that the recommended candidate for the position of Chief of Emergency is Mr Mosia and the *backup* candidate is Candidate B.

Appointment in the position of Chief of Emergency Services, from the Special Mayoral Committee: 1 September 2023

6.1.9.24. A document titled “*Appointment in the position of Chief of Emergency Services, from the Special Mayoral Committee: 1 September 2023*” (Special Mayoral Committee Report) dated 28 September 2023, stating amongst others as follows:

- (a) The purpose of the report is to obtain approval from Council, for the appointment of an incumbent, in the position of Chief of Emergency, in accordance with the 2014 Regulations;
- (b) The Council resolved amongst others that:
 - (i) Approval be granted for the appointment of Mr Mosia in the position of Chief of Emergency;
 - (ii) Should Mr Mosia decline the offer of employment be extended to Candidate B; and
 - (iii) Council granted approval for Group Human Capital Management to inform all interviewed candidates, including applicants who were unsuccessful, of the outcome of the interviews.

Screening Report

6.1.9.25. A document titled “*Screening Report for Chief of Emergency Services*” (Screening Report) with a date stamp of 09 October 2023, signed by the Mr Mettler on an unspecified date, indicates amongst others that the following screening was conducted for the shortlisted candidates:

Name	Type of Verification			
	Confirmation of previous employment	Reference Checks	Declaration and media	Qualifications and registration verification
Candidate A	Candidate only had one employer since 1998, Madibeng Local Municipality and is still employed there.	Two reference checks done.	Formal declaration was made on application form of no disciplinary action and will be confirmed at interviews.	B-Tech in Fire Technology
Candidate B	Employment in various roles since October 1999; Current designation: Executive Committee Tracking Specialist, Director.	Two reference checks done.	Formal declaration was made on application form of no disciplinary action and will be confirmed at interviews.	B-Tech in Fire Technology
Candidate C	Previously employed Healthcare Employee Health Solutions, Regional Business at Manager Gauteng	Two reference checks done.	will be confirmed at interviews.	Masters in Business Administration

Name	Type of Verification			
	Confirmation of previous employment	Reference Checks	Declaration and media	Qualifications and registration verification
	(08/2019 to 04/2023) Resigned.			
Mr Mosia	Fire Protection Association of South Africa – Technical Specialist (08/2017 to April 2018 – Resigned.	One reference check done.	Formal declaration was made on application form of no disciplinary action and will be confirmed at interviews.	Bachelor of Administration

Revised offer of employment as Chief of Emergency

6.1.9.26. A document titled “*Revised offer of employment as Chief of Emergency Services*” (Offer of Employment) dated 06 October 2023, and signed by Mr Mettler on 09 October 2023, states that Mr Mosia has been appointed to the position of Chief of Emergency to Mr Mosia with effect from 01 October 2023 or as soon as possible. Mr Mosia accepted the offer of employment on 10 October 2023.

Response from UNISA

6.1.10. The Investigation Team issued a notice in terms of section 7(4)(b) of the Public Protector Act, dated 29 April 2024 to Professor Moloko Sepota (Professor Sepota), the Registrar of UNISA, requesting verification of Mr Mosia’s qualification in

Bachelor of Administration degree, and whether it is considered a relevant equivalent qualification to that of bachelor's degree in Fire Technology.

6.1.11. A response was received from Professor KS Boya (Prof Boya), Chair of Department: Business Management in a letter dated 30 April 2024, stating amongst others as follows:

6.1.11.1. The qualifications, Bachelor of Administration and Fire Technology are two (02) separate qualifications with different unit standards. Thus, competency mapping can still be done to determine the relevancy of the competencies in a position; and

6.1.11.2. The qualifications Bachelor of Administration is rather more relevant to enable a public servant to discharge their duties with requisite administrative skills and management. An employee may still acquire additional skills relevant to the position.

Response from SAQA

6.1.12. The Investigation Team issued a letter dated 29 April 2024, to Ms Nadia Starr (Ms Starr), the Chief Executive Officer of SAQA, requesting verification of Mr Mosia's qualification in Advanced University Diploma in Disaster Management.

6.1.13. A response was received from Ms Starr in a letter dated 08 May 2024, stating amongst others that:

6.1.13.1. Mr Mosia achieved the Advanced University Diploma in Disaster Management registered at NQF level 8 from UFS in 2007;

- 6.1.13.2. The Advanced University Diploma in Disaster Management (SAQA ID 94674) from UFS is registered on NQF level 8 with 120 credits and it is a one-year full time post graduate qualification. The minimum entry requirement for this qualification is a bachelor's degree;
- 6.1.13.3. The Advanced University Diploma in Disaster Management may be considered as a qualification in another study field related to the position; and
- 6.1.13.4. The achievement at NQF level 8 exceeds the stated minimum requirements in the advert.
- 6.1.14. In support of her response dated 08 May 2024, Ms Starr provided the Investigation Team with the following documentation:

Verification of South African Qualifications – Moshema Petrus Mosia

- 6.1.14.1. A document titled “*Verification of South African Qualifications – Moshema Petrus Mosia*” (SAQA Verification) dated 03 May 2024, states amongst others as follows:

- (a) The verification results for Mr Mosia's qualifications are as follows:

Qualification	Institution	Year	Found
Advanced University Diploma in Disaster Management	University of Free State	2007	Achieved

- (b) The minimum admission requirements to the Advanced University Diploma in Disaster Management is an appropriate bachelor's degree or an appropriate Advance Diploma.

Response from SALGA

- 6.1.15. The Investigation Team issued a notice in terms of section 7(4)(b) of the Public Protector Act, to Mr Lance Joel (Mr Joel), the Acting Chief Executive Officer at SALGA dated 09 July 2024, requesting information and documentation relating to the following:
- 6.1.15.1. An explanation on the relations and/or difference between the advertised position of Chief of Emergency and that of Chief Fire Officer;
 - 6.1.15.2. The prescribed qualifications for the position of Chief Fire Officer as provided for on section 5(1) of Fire Brigade Services Act;
 - 6.1.15.3. Whether the Advanced University Diploma in Disaster Management is considered to be a study filed related to the position of Chief of Emergency and Chief Fire Officer; and
 - 6.1.15.4. Whether there are other qualifications and/or field of study considered to be relevant for appointment to the positions of Chief of Emergency and Chief Fire Officer.
- 6.1.16. A response was received from Mr Joel in a letter dated 21 August 2024, stating amongst others that:
- 6.1.16.1. Due consideration was given to the 2014 Regulations and the Local Government: Municipal Staff Regulations, promulgated on 20 September 2021 (2021 Regulations), read with the Municipal Systems Act, together with its regulations, provide for, amongst others, a framework for local public administration and human resource management development, including the appointment of senior

managers and staff within local government. They are, however, silent on the exact and specific qualifications or skills set for the positions of Chief Fire Officer or Chief of Emergency, which is under scrutiny for the purpose of the matter under investigation;

- 6.1.16.2. It is evident that the Head of the Department position on the organograms of the metropolitan municipalities is titled Chief of Emergency. The organograms of municipalities are approved by the Municipal Council, in terms of the Municipal Systems Act. In the instance of the CoT, the position is referred to as the Head of the Emergency Services Department, which includes the functions of Disaster Management and Fire Brigade Services;
- 6.1.16.3. In terms of the Disaster Management function, which is regulated by the Disaster Management Act, 2002 (Disaster Management Act), there is a further requirement outlined in section 45(1) that a municipal council must subject to the applicable provisions of the Municipal Systems Act appoint a person as head of its municipal disaster management centre. The CoT has therefore taken the liberty to connect or link these legislative obligations to the appointment of a person in the position of Chief of Emergency, in line with its approved organogram;
- 6.1.16.4. In terms of the Fire Brigade Services functions, which are regulated by the Fire Brigade Services Act, the legislative provision in section 5 provides that a controlling authority shall appoint a person who possesses the prescribed qualifications and experience, as Chief Fire Officer to be in charge of its service. Similar to the Disaster Management function, the CoT has taken the liberty to connect or link this legislative obligation to the appointment of a candidate in the position of Chief of Emergency, in line with its approved organogram;

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- 6.1.16.5. The information at the disposal of SALGA confirms that in the instance of the appointment of the Chief of Emergency for the CoT, such appointee will act as both the Chief Fire Officer, as required by the Fire Brigade Services Act, and the Head of the Municipal Disaster Management Centre, as required by the Disaster Management Act;
- 6.1.16.6. Section 5 of the Fire Brigade Services Act refers to *prescribed qualifications and experience*. In the context of local government, the relevant competencies, qualifications, experience, and knowledge required for Senior Managers are prescribed in Annexures A and B of the 2014 Regulations; and
- 6.1.16.7. The development of job descriptions remains a discretion of municipalities, but subject to the provisions and guidance in the Municipal Systems Act, and the related regulations referred to herein; and
- 6.1.16.8. SALGA is unable to pronounce on the correctness or otherwise of qualifications. It may be appropriate to seek guidance from CoGTA, who are the champions of the implementation of Disaster Management Act.

Response from SAPS

- 6.1.17. The Investigation Team issued a notice in terms of section 7(4)(b) of the Public Protector Act, dated 09 October 2024 to Lieutenant General Fannie Masemola (Lt Gen Masemola), the National Commissioner of SAPS requesting information and documentation relating to Mr Mosia's criminal record.
- 6.1.18. A response was received from Lt Gen Masemola in a letter dated 15 November 2024, stating amongst others that based on the investigations conducted, Mr Mosia was never charged or convicted of any crime.

Response from SAESI

- 6.1.19. The Investigation Team issued a notice in terms of section 7(4)(b) of the Public Protector Act, dated 12 March 2025 to Ms Zelda Buitendag (Ms Buitendag), the Chief Executive Officer of SAESI requesting information and documentation relating to the following:
- 6.1.19.1. Whether Mr Mosia's qualification of Graduate Diploma in Fire Technology was obtained from SAESI;
 - 6.1.19.2. The highest NQF level qualifications provided by SAESI; and
 - 6.1.19.3. Whether SAESI provides qualifications that are SAQA accredited.
- 6.1.20. A response was received from Mr Caleb Mckellar (Mr Mckellar) of Barter McKellar Attorneys on behalf of SAESI, in a letter dated 07 April 2025, stating amongst others that:
- 6.1.20.1. SAESI is an accredited entity for the International Fire Services Accreditation Congress (IFSAC) to certify National Fire Protection Association (NFPA) aligned Proficiency Based Training Programs within Southern Africa that forms the benchmark against all entry level fire related qualifications registered by SAQA;
 - 6.1.20.2. SAESI is represented on the Fire Brigade Board (FBB) according to the Fire Brigade Services Act, and it is the sole non-statutory professional body representing the firefighting industry;
 - 6.1.20.3. South Africa's NQF originated in the early 1990s as part of *far-reaching post-apartheid* education and training reforms. It gained traction through policy

instruments such as the 1994 National Training Strategy and the Reconstruction and Development Programme, both of which envisioned a unified, outcomes-based system encompassing all forms of learning;

- 6.1.20.4. These reform efforts culminated in the enactment of the South African SAQA, 1995, which was signed into law on 4 October 1995;
- 6.1.20.5. The SAQA Act, jointly sponsored by the Ministers of Education and Labour, established the SAQA and vested in it the mandate to develop and oversee a comprehensive, integrated qualifications framework;
- 6.1.20.6. In essence, the SAQA Act provided the legislative foundation “*for the development and implementation of a National Qualifications Framework*”;
- 6.1.20.7. This legislative milestone marked the formal introduction of the NQF into South African education and training. Seen as a significant innovation of the newly democratic government, the NQF was intended to integrate “*all learning, including basic, secondary and higher education and ... industrial training under a single framework of outcomes-based standards and qualifications*”;
- 6.1.20.8. Early policy documents, most notably the White Paper on Education and Training (1995), emphasized the imperative of a consolidated NQF to address historical inequalities and unify the country’s education and training systems;
- 6.1.20.9. SAQA was formally constituted in 1996 and convened its first Board meeting in August of that year. By 1998, SAQA had officially established an eight-level NQF (with Level 1 as the foundational level and Level 8 as the most advanced), thereby operationalising the framework envisioned in the 1995 Act;

6.1.20.10. SAESI confirms that the Graduate Diploma in Fire Technology was obtained by Mr Mosia from SAESI, and was awarded to him in June 1996;

6.1.20.11. In 1996, none of the qualifications offered by SAESI were accredited by SAQA, and the processes and structures necessary for SAQA to register firefighting or fire technology qualifications were not yet in place;

6.1.20.12. The earliest firefighting qualification was only registered on the NQF in or around 2003. As such, the qualification SAESI conferred in 1996 was never NQF registered, nor could it have been, given that the framework and the accompanying accreditation mechanisms were incomplete at that time. However, it remained a valid, industry recognised qualification within the firefighting services landscape of the day. The Diploma's NQF equivalent qualification, is detailed in the below table:

Institute	National Equivalency	Technicon
Junior Fireman Certificate	Standard Nine	Not Applicable
Fireman Certificate	Matric	Not Applicable
Senior Fireman Certificate	Matric plus one-year study	First Year
Graduate Diploma	Matric plus two-year study	Second Year
Associate Diploma	Matric plus three-year study	National diploma

6.1.20.13. The above table was compiled by the Technikon Pretoria to compare the courses offered by SAESI and the Technikon Pretoria at the time, pre NQF qualifications. The Graduate Diploma, at the time was the equivalent of a matric plus two years of study; and

6.1.20.14. SAESI is the only Professional Body in the Firefighting industry registered with SAQA and holds one designation Firefighter Practitioner SA - FFP(SA).

Response from Mr Mosia

- 6.1.21. On 13 March 2025, the Investigation Team issued a notice in terms of section 7(4)(b) of the Public Protector Act to Mr Mosia, providing him with an opportunity to make representation regarding the allegations levelled against his appointment by CoT.
- 6.1.22. On 11 April 2025, Mr Mosia submitted an affidavit stating amongst others that:
- 6.1.22.1. He was appointed as Divisional Head: Fire and Rescue Operations Division by the CoT in May 2018, after spending close to nineteen (19) years in senior roles, and thirty seven (37) years cumulatively, in various capacities, in the City of Ekurhuleni Metropolitan Municipality (CoE) including Chief Fire Officer, Executive Director: Community Safety and HOD: Disaster and Emergency Services. During the 19 years he spent in the CoE, at least twice, he was appointed as a section 56 employee or a senior manager by the municipal council;
- 6.1.22.2. He occupied the position of a Divisional Head: Fire and Rescue for approximately 05 years, within which he acted periodically as a Chief of Emergency for roughly 18 months, appointed by the CoT. When the position of Chief of Emergency was advertised in June 2023, he applied and was appointed on 01 October 2023. In November 2023, the municipal council delegated him the roles of the Head of Disaster Management Centre in accordance with the Disaster Management Act and Chief of Fire Services in accordance with the Fire Brigade Services Act;
- 6.1.22.3. The Complainant misconceives the position of Chief of Emergency to be the same as Chief Fire Officer. This is incorrect, as the approved structure of the CoT only has the position of Chief of Emergency and not the Chief Fire Officer;

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- 6.1.22.4. The Complainant also misconceives the function of fire and rescue services to be a centralised function. This is incorrect, as this function is decentralised to 02 different divisions which are the Business Operations and Fire and Rescue Operations, which are headed by Divisional Heads that reports to the Chief of Emergency;
- 6.1.22.5. The Complainant further misconceives the delegated powers of the Chief of Emergency in relation to fire and rescue services function in terms of Fire Brigade Services Act, which requires him to perform the managerial role and those of his Divisional Heads, which requires them to perform the operational roles;
- 6.1.22.6. The Complainant disregards the fact that the Chief Emergency is a senior manager position as provided for in the 2014 Regulations, whereas the Chief Fire Officer is an operational manager position as provided for by the 2021 Regulations, which clearly states in sub-regulation 3(a) that it does not apply to the appointment of senior managers;
- 6.1.22.7. The Complainant also disregards the fact that the requirements and competencies for the appointment of the Chief of Emergency as a senior manager position are stated in Annexure A and B of the 2014 Regulations, whereas the requirements and competencies for the appointment of the Chief Fire Officer as the operational manager position are stated in Annexure A of the 2021 Regulations;
- 6.1.22.8. The Complainant further disregards the fact that the recruitment and appointment of the Chief of Emergency must be compliant with the requirements of Regulations 8 and 9 of the 2014 Regulations, whereas recruitment and appointment of Chief Fire Officer must be compliant with the requirements of Regulations 12 and 13 of the 2021 Regulations;

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- 6.1.22.9. The decision by the CoT to recruit and appoint the Chief of Emergency was per the requirements of the 2014 Regulations duly authorised by section 56 of the Municipal Systems Act and not as per the requirements of the 2021 Regulations;
- 6.1.22.10. Consequently, the complaint is tainted by errors of fact and law, and should be dismissed;
- 6.1.22.11. Section 56 of the Municipal Systems Act governs or regulates the appointment of senior managers, and a senior manager is a council appointed official, that must in terms of section 56(1)(b), at least have the skills, expertise, competencies and qualifications as prescribed;
- 6.1.22.12. Section 120 of the Municipal Systems Act provides that the Minister may make regulations or issue guidelines concerning the matter listed in various sections of the Act, including, amongst others, sections 56 and 72;
- 6.1.22.13. The appointment impugned by the Complainant is made in terms of section 56 of the Municipal Systems Act. This section of the Act governs the appointment of the municipal manager and managers directly accountable to the municipal manager. It is common ground that the position of a Chief of Emergency is a section 56 appointment;
- 6.1.22.14. Chapter 3 of these Regulations deals with the recruitment, selection and appointment of senior managers. The Regulations define '*senior manager*' as a municipal manager or acting municipal manager, appointed in terms of section 54A of the Municipal System Act, and included a manager directly accountable to a municipal manager appointed in terms of section 56 of the same Act;

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- 6.1.22.15. Regulation 17 states that before making an appointment, a municipal council must satisfy itself that the candidate meets the relevant competency requirements, as set out in Annexures A and B. These regulations must be read in conjunction with the Local Government: Municipal Regulations on Minimum Competency Levels, 2007 and 2018 (Regulations on Minimum Competency Levels), issued in terms of the Municipal Finance Management Act, 2003 (MFMA);
- 6.1.22.16. Paragraph 2.2 of Annexure A of the 2014 Regulations (Annexure A) provides that a person appointed as a senior manager must have the competencies as set out in this framework and the focus must also be placed on the following key factors:
- (a) Critical leading competencies that drive the strategic intent and direction of local government;
 - (b) Core competencies which senior managers are expected to possess, and which drive the execution of the leading competencies; and
 - (c) The eight Batho Pele principles.
- 6.1.22.17. Paragraph 2.3 of Annexure A provides that the competency framework consists of six leading competencies which comprise of twenty (20) driving competencies that communicate what is expected for effective performance in local government;
- 6.1.22.18. Paragraph 2.4 of Annexure A provides that the competency framework further involves six (6) core competencies that act as drivers to ensure that the leading competencies are executed at an optimal level;
- 6.1.22.19. Paragraph 2.5 of Annexure A provides that there is no hierarchical connotation to the structure, and all competencies are essential to the role of a senior manager to

influence high performance. All competencies must therefore be considered as measurable and critical in assessing the level of a senior manager's performance;

6.1.22.20. Paragraph 2.6 Annexure A provides that the competency framework is underscored by four (4) achievement levels that act as benchmark and minimum requirements for other human capital interventions, which are, recruitment and selection, learning and development, succession planning, and promotion;

6.1.22.21. Section 5 of this Fire Brigade Services Act provides that the controlling authority must appoint someone, who possesses the prescribed qualifications and experience as Chief Fire Officer. The qualifications and experience contemplated by this Act are prescribed in the 2021 Regulations and not the senior managers appointment regulations; and

6.1.22.22. In terms of section 6 of the Fire Brigade Services Act, a controlling authority may appoint any person who possesses the prescribed qualifications and experience, as a member of the service and the powers of this member, including the Chief Fire Officer, are provided for in section 8 of the aforesaid Act. These powers include amongst other the following:

- (a) Close any road or street;
- (b) Enter or break and enter any premises;
- (c) Damage, destroy or pull down any property; and
- (d) Forcibly remove or cause to be removed from the scene any person who is in danger or who obstructs that member in the performance of his duties.

6.1.22.23. Mr Mosia responded as follows regarding the allegations that he was appointed as the Chief of Emergency without required qualifications, in particular the bachelor's

degree in Fire Technology or any other study field related to the position and the position was advertised with functional competencies and/or KPAs of a Chief Fire Officer, as well as performing the functions and duties of this position despite not possessing the relevant qualification and not meeting the requirements:

- 6.1.22.24. An employee of the CoT approached the bargaining council for unfair labour practice owing to his non-shortlisting for the position in question and his (Mr Mosia's) short-listing despite not having the relevant qualification. The employee was successful as the arbitrator found that the failure to have shortlisted him for the reason provided constituted an unfair labour practice;
- 6.1.22.25. Although no relief was sought against him in this matter, certain adverse remarks regarding his suitability for appointment as the Chief of Emergency were made and for this reason, an application to vary this award to exercise the adverse remarks has been made and is pending at that forum;
- 6.1.23. Regarding the allegations that he misrepresented the 02 SAESI diplomas he possesses, Graduate Diploma and the Associate Diploma in Fire Technology as amounting to NQF level 6 notwithstanding that they are not so certified by SAQA, Mr Mosia stated that:
- 6.1.23.1. The allegations that he does not meet the requirements for the position of Chief of Emergency is a deliberate conflation of the aforesaid position and that of Chief Fire Officer. There is no such position in the CoT. The Council, in the exercise of its statutory power, has assigned and/or delegated the responsibilities of not only the Chief Fire Officer, but also of the Head of the Disaster Management Centre (HOC) to the Chief of Emergency in terms of section 51 and 59 of the Municipal Systems Act;

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- 6.1.23.2. The position of the Chief of Emergency was established by the CoT in 2018, exercising its powers in terms of section 51 and 66 of the Municipal Systems Act;
- 6.1.23.3. The position of Chief of Emergency ought not to have been advertised with a requirement of a Bachelor of Fire Technology, or at least not solely, because the position is not of Chief Fire Officer, but a senior manager as defined. As far as the regulations for the appointment of senior managers is concerned, a Bachelor of Fire is merely an equivalent qualification. The advertisement of this position with some requirements from the 2021 Regulations is even more surprising, because the report to Council seeking approval to advertise the vacant senior manager's position made no reference to the 2021 Regulations as being applicable to those positions;
- 6.1.23.4. He met the requirements of the position as he possesses a bachelor's degree in administration. The higher education qualification requirements for a senior manager are a bachelor's degree in social sciences/ public administration or law or equivalent alternatively a relevant bachelor's degree or equivalent. The Complainant describes this qualification, as a corporate qualification ostensibly to prove and/or suggest that it is not relevant to the position. The position is not of a Chief Fire Officer, but a senior manager position as contemplated by section 56 of the Municipal Systems Act and the accompanying regulations;
- 6.1.23.5. His qualification is relevant to the position on account of the modules and/or subjects he studied in the qualification, which are eminently relevant to the position of a senior manager in local government. He majored in public administration, economics and sub-majored in business management and accounting, and disputed that it was not relevant to a position of an executive or senior manager in local government;

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- 6.1.23.6. The requirements of the Chief Fire Officer position as per 2021 Regulations, do not apply to the senior management position and are merely guidelines. The competency requirements in the 2021 Regulations explicitly points to this, which means that the CoT ought to formally adopt the requirements it believes should specifically apply to it, taking into account its capabilities and/or standards or whatever consideration. There is no indication that the CoT has formally adopted any parts of these guidelines. Moreover, there is no suggestion at all in the report seeking Council approval to advertise the vacant Chief of Emergency position, that the 2021 Regulations are applicable;
- 6.1.23.7. This is important because, the qualifications requirements for the Chief Fire Officer or even the Deputy, as per competency guidelines in these 2021 regulations, is preferably a Diploma or Bachelor of Fire Technology with relevant managerial experience. Therefore, based on the 2021 Regulations, which do not apply to senior managers as aforesaid, he meets the tertiary qualification requirements without even considering his degree and postgraduate diploma in disaster management as he possesses an Associate Diploma in Fire Technology;
- 6.1.23.8. It is also common cause that he possesses a Post-Graduate Diploma in Disaster Management, which is an NQF level 8 qualification which was erroneously referred to as NQF Level 7 in the CV. During the verification of qualifications, the University of the Free State confirmed that it is a postgraduate diploma at NQF Level 8. Therefore, not only does he meet the qualification requirements, but he exceed them as the post-graduate diploma is a level up on the NQF;
- 6.1.23.9. The Postgraduate Diploma in Disaster Management is also a relevant study field to the position as per the stated requirements in the advertisement. One of the fallacies in the complaint is that the Bachelor of Fire Technology is the only relevant qualification and that there is no other qualification that is either relevant or higher

than this in South Africa. The conflation of the position of a Chief of Emergency and Chief Fire Officer is again apparent in this complaint;

- 6.1.23.10. The problem is that the position of the Chief of Emergency is for some reason treated by the Complainant as a position of a Chief Fire Officer, which it is not. The Post Graduate Diploma is relevant to the position of the Chief of Emergency, because the position is responsible for disaster management as well, and the Council has also delegated responsibilities of a HOC to the Chief of Emergency. The HOC is also a statutory appointment similar to Chief Fire Officer;
- 6.1.23.11. The Local Government: Municipal Regulations on Minimum Competency Levels, 2007 (2007 Minimum Competency Levels) which were included in the 2014 senior managers appointment regulations were amended in 2018 by a government notice issued by the Minister of Finance in concurrence with the Minister of CoGTA. In terms of these amended regulations, the competency requirements for a senior appointment are a postgraduate diploma or a relevant qualification registered on the national qualification's framework at NQF level 8 with a minimum of 120 credits in a field relevant for the senior management position. Although the Chief of Emergency position was not advertised in accordance with the Municipal Amendment Regulations on the 2018 Minimum Competency Levels, he still meets the requirements of these regulations;
- 6.1.23.12. The position of a Chief of Emergency is a senior management position into which various related disciplines in the departmental and/or municipal structure reports. As can be seen in the advert, the following functions report to the Chief of Emergency:
- (a) Fire brigade services;
 - (b) Emergency medical treatment;

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- (c) Business operations;
 - (d) Disaster management centre;
 - (e) Management and administrative support;
 - (f) Special operations;
 - (g) Emergency communication centre;
 - (h) Logistical support; and
 - (i) Financial management.

6.1.23.13. It is evident that the position of a Chief of Emergency is not a position of a Chief Fire Officer, *and the Fire Brigade Services is*, but just one core function that reports to the Chief of Emergency (sic);

6.1.23.14. The position of Chief of Emergency is a senior management position to which several other functional competencies apply, and not only the competencies of Chief Fire Officer. The Complainant rests on a false premise that there is some hierarchy to competencies;

6.1.23.15. He is unable to account as to why only the functional competencies of fire services are reflected in the advertisement, when it is common ground that the functional competencies of disaster management, at the very least, ought to also have been reflected, which competencies are the following in terms of the 2021 Regulations, if they were indeed applicable to senior managers:

- (a) Disaster (Risk) Management;
- (b) Disaster Risk Prevention and Reduction;

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- (c) Disaster Mitigation;
 - (d) Disaster Preparedness and Response;
 - (e) Disaster Recovery and Rehabilitation;
 - (f) Disaster Operations and Emergency Communication and control;
 - (g) Emergency Operations Management;
 - (h) Disaster Risk Assessment profiling;
 - (i) Disaster Risk Education, training and public awareness;
 - (j) Disaster information Management and Communication;
 - (k) Problem Solving; and
 - (l) Discipline Specific.

6.1.23.16. These functional competencies and the ones of a Chief Fire Officer should not be reflected in the advertisement, as the Chief of Emergency is a senior manager position whose primary goal is to manage and oversee the various functions in the CoT and the appointment is made in terms of the senior manager appointment regulations. The competency requirements applicable to senior managers are reflected in the senior manager competency regulations;

6.1.23.17. The advertisement does reflect the competencies although a few are missing. However, this is done, impermissibly, alongside the competencies from the 2021 Regulations which do not apply to senior managers, let alone that such an inclusion was selective, omitting wholly the disaster management competency framework applicable to the position of a Chief of Emergency. The Public Protector's investigation would be incomplete absent an explanation from the CoT as to what

the basis or rationale for doing this notwithstanding that the position is a senior management one and that different regulations apply;

- 6.1.23.18. He underwent a competency assessment as required by the regulations for the appointment of senior managers was found competent to be appointed as a Chief of Emergency. The municipal council, having satisfied itself that there was compliance with Annexure A and B of the applicable regulations for the appointment of senior managers, approved his appointment;
- 6.1.23.19. He meets the higher education and competency requirements for appointment as a Chief of Emergency, and he also meets the requirements of the two (02) statutory positions reporting to the Chief of Emergency as well;
- 6.1.23.20. The Graduate Diploma and Associate Diploma in Fire Technology from SAESI were not the basis for his appointment in terms of the higher education qualification requirements for appointment as a senior manager. The Associate Diploma and its placement in the NQF is equivalent to NQF level 6;
- 6.1.23.21. The pre-1994 education and qualification framework was segregated and *messy*, but during this era the primary education evaluation body, the Centre for the Evaluation of Qualifications (CEEQ), resided within the Human Science Research Council (HSRC). SAESI registered six (06) levels of Fire Technology Qualifications in 1985, and these qualifications were adopted as prescribed qualifications upon the enactment of the Fire Brigade Services Act, 1987;
- 6.1.23.22. Therefore, the reference by the FBSA to a *'controlling authority shall appoint a person who possesses the prescribed qualifications'*, as regards to the Chief Fire Officer, it is these qualifications that were being referred (SAESI 06 levels of Fire Technology Qualifications);

6.1.23.23. The allegation that he purported to mislead the employer is without merit because during verification of qualifications, the CoT enquired about the SAESI qualifications, long before the appointment and the explanation was provided to the CoT. Therefore, it cannot be said that there was ever an intention on his part to deceive the CoT;

6.1.23.24. There is no position of a Chief Fire Officer in the CoT just as there is no Head of the Disaster Management Centre, a similarly legislated position, but with a considerably much wider *province*. Both these statutory roles are lawfully delegated by the municipal council to the Chief of Emergency, which is a senior management position with the responsibility to manage and oversee a considerably much wider orbit of functions. These functions are not centralised but are decentralized to 02 divisions that reports to the Chief of Emergency for management and coordination; and

6.1.23.25. The allegations in the complaint are erroneously made, meritless and baseless because all prescribed processes in the regulations and legislation were complied with.

6.1.24. In support of his response, Mr Mosia provided the Investigation Team with the following documentation:

SALGBC Award

6.1.24.1. A document titled "*SALGBC Award*," dated 11 December 2024, with case number PMD 022401. IMATU on behalf of Solomon Khale (Mr Khale) is listed as the applicant, the CoT as the first respondent and Mr Mosia second respondent. Ms MG Rabyanyana (Ms Rabyanyana), the SALGBC Panelist stated amongst others that:

- (a) In the absence of any evidence that rebuts the applicant's testimony, she is inclined to agree with the applicant that Mr Mosia's qualifications do not constitute study fields related to the position, and she finds the applicant's version to be probable; and
- (b) Mr Mosisa's bachelor's degrees are not related to Fire Technology which is required for the functionary and competency of the position. Similarly, if a diploma was a requirement, the advertisement should have been specific. Therefore, she rejects the CoT's contention for lack of merit.

Notice of Application in terms of section 144 of the LRA, read with Rule 31 and 32 of the Rules for Conduct of Proceedings before the SALGBC

6.1.24.2. A document titled "Notice of Application in terms of section 144 of the LRA, read with Rule 31 and 32 of the Rules for Conduct of Proceedings before the SALGBC" (Application for Variation), dated 21 February 2025, with case number PMD 022401. IMATU on behalf of Mr Khale is listed as the applicant, the CoT as the first respondent and Mr Mosia second respondent, stating amongst others that Mr Mosia intends to apply for orders in the following terms:

- (a) Condoning the late filing of the application;
- (b) Any reference to the successful appointment of him, be deleted;
- (c) Any reference to the suitability, qualifications and meeting of the criteria set out in the advertisement of the relevant post, with reference to him, be deleted;

- (d) Any reference whether the 2nd respondent should not have been appointed in the relevant position, be deleted; and
- (e) Contain a statement that all evidence presented by the applicant relating to his qualifications and interpretation of the advertisement, be declared as inadmissible.

Response from CoGTA

- 6.1.25. The Investigation Team issued a notice in terms of section 7(4)(b) of the Public Protector Act, dated 24 July 2025, to Dr Darion Barclay (Dr Barclay), the Head of Department of CoGTA requesting information and documentation relating to the following:
 - 6.1.25.1. Information and documentation on whether the prescribed qualification for Chief Fire Officer as per section 5(1) of the Fire Brigade Act is defined in any applicable legislation;
 - 6.1.25.2. Information and documentation on whether a Diploma or Degree in Fire Technology as per Annexure A of the Municipal Staff Regulations is the only relevant qualification for the position of Chief Fire Officer; and
 - 6.1.25.3. Information and documentation on which tertiary qualification(s) is relevant to the position of Chief of Emergency and if Bachelor of Administration, as well as Advanced University Diploma in Disaster Management are some of the relevant tertiary qualifications for this position of Chief of Emergency.
- 6.1.26. A response was received from Dr Barclay in a letter dated 30 July 2025, stating amongst others that:

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- 6.1.26.1. The prescribed qualifications for the position of Chief Fire Officer are set out in the 2021 Regulations, specifically in the Local Government: Competency Framework for Mainstream Occupations and Career Streams (Competency Framework);
- 6.1.26.2. This framework details the qualifications and competencies mapped to key functional clusters in local government. The requirements for the positions of Deputy Chief Fire Officer and Chief Fire Officer in terms of the aforesaid Competency Framework are as follows:
- (a) A relevant tertiary qualification, preferably a Diploma or bachelor's degree in Fire Technology, as well as relevant managerial experience; and
 - (b) Computer literacy in Microsoft Office.
- 6.1.26.3. The advertisement placed by the CoT for the position in question outlines the educational requirements as bachelor's degree in Fire Technology or any other study field related to the position;
- 6.1.26.4. According to the report submitted by the CoT relating to the appointment of the Chief of Emergency, the appointed candidate has the following educational qualifications:
- (a) Bachelor's degree in public administration;
 - (b) Advanced Diploma in Disaster Management;
 - (c) Post Graduate Certificate in Management Studies;
 - (d) Diploma in Fire Technology; and
 - (e) Certificate in Local Government: Municipal Finance Management.

6.1.26.5. It is within the purview of the CoT to determine the alignment of the qualification with the KPAs as stipulated in the advertisement for the position.

Mr Mosia's Supplementary Affidavit

6.1.27. The Investigation Team sent an email dated 29 August 2025 to Mr Mosia, requesting him to provide the outcome of his application for variation with SALGBC lodged on 21 February 2025. In an email dated 30 August 2025, Mr Mosia requested to submit a supplementary affidavit to the Investigation Team.

6.1.28. On 09 September 2025, a supplementary affidavit was received from Mr Mosia, stating amongst others that:

6.1.28.1. There are two (02) ongoing matters which are directly related to this matter under investigation. The third one which was concluded, was not directly related to his appointment as the Chief of Emergency but indirectly related to his appointment;

6.1.28.2. On 21 January 2024, Public Service and Commercial Union (PSCU) published allegations about his qualification on their newsletter which is a public document. He, through his legal representative, wrote to the PSCU demanding that the union substantiate their allegations and withdraw or face litigation and the union ignored the correspondence from his legal representative;

6.1.28.3. On 25 January 2025, his legal representative launched a case of defamation in the High Court under Case No:2024-008013. Though the sheriff of the court served the PSCU with this application, once again, they ignored the application. As a result, the default judgement is pending before the High Court in this regard;

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- 6.1.28.4. On 11 June 2024, Mr Khale lodged an unfair labour practice dispute at the SALGBC for not being shortlisted for the position of Chief of Emergency;
- 6.1.28.5. Although he was cited as the Second Respondent on the case as the successful candidate, Mr Khale did not seek any relief from him. He instead sought compensation and protected promotion from the employer as the relief;
- 6.1.28.6. The Commissioner on this case found that the CoT committed an unfair labour practice for failing to shortlist Mr Khale. The Commissioner awarded Mr Khale 2 months of his basic salary as compensation, which the CoT paid;
- 6.1.28.7. In the ruling, the Commissioner at the SALGBC made unsavoury remarks about his qualifications based on hearsay and not on evidence presented before her;
- 6.1.28.8. These remarks led to the application he lodged on 21 February 2025, for the variation of the aforesaid remarks. His application was late, and the Commissioner refused the condonation applied for and it was not heard on the merits;
- 6.1.28.9. When he was contemplating taking the above ruling on review at the Labour Court, another applicant (the Applicant) who came out second at the end of the recruitment process in the position of the Chief of Emergency, lodged a dispute at the SALGBC wherein the relief sought was for his (Mr Mosia's) appointment to be terminated and he be appointed retrospectively as the Chief of Emergency. The Applicant relied on the remarks of the Commissioner in Case Number: PMD 022401 as indicated above in his application;
- 6.1.28.10. He and CoT opposed the above application. The application was out of time, and the Commissioner refused the Applicant's condonation application. The

Commissioner found that the Applicant cannot rely on another applicant's ruling to determine his case;

6.1.28.11. On 11 August 2025, the Applicant approached the Labour Court to seek a review of the above ruling by the SALGBC. He as well as the CoT, filed notices of intention to oppose the above application at the Labour Court;

6.1.28.12. The above discussion constitutes the concluded and ongoing matters which directly and indirectly relate to the matter before the Public Protector for investigation. One indirect matter being about unfair labour practice at an appropriate forum (SALGBC). The second matter was also on an unfair labour practice, and it was before the SALGBC, and now before the Labour Court;

6.1.28.13. The last matter is on the defamation of character, which is before the High Court, as the appropriate forum for such matters; and

6.1.28.14. It is his understanding that the matter before the Public Protector relates to the conduct of the CoT during the process of appointing the Chief of Emergency in line with Section 182(1) of the Constitution. The Public Protector is not investigating an unfair labour practice as alleged, in at least the 02 cases referred to in this affidavit, which were referred to the SALGBC, with one proceeding to the Labour Court.

Further documents received from Mr Mosia

6.1.29. In support of his response, Mr Mosia provided the Investigation Team with, amongst others a document titled "*In the South African Local Government Bargaining Council held at Centurion, Case number: PMD 022401*" (Outcome of the Application for Variation), dated 08 May 2025. The Outcome of the Application for Variation states *inter alia* that the application for the condonation of filing a

variation ruling late, is refused, and the SALGBC lacks jurisdiction to determine the variation application.

Response from the Selection Panel Members

- 6.1.30. On 23 September 2025, the Investigation Team issued notices in terms of Rule 23(1) of the Public Protector Rules to the members of the Selection Panel, including Mr Mettler, Mr Theunissen, Mr Dlamini, Councilor Morake, Mr Oppelt, Mr Ngcobo, Mr Zaayman and Ms Scholtz.
- 6.1.31. In a letter dated 30 October 2025, signed by Mr Mettler, a collective response was received from the Selection Panel, stating amongst others that the CoT has on various occasions responded to the allegations in the letters received by the Selection Panel members and the previous responses are still relevant.
- 6.1.32. The Public Protector notes the Selection Panel members response includes the same submissions as per the CoT's response dated 29 November 2023 and will therefore not be repeated here.
- 6.1.33. The following is the additional response submitted by the Selection Panel members that was not included in the CoT's submissions referred to above:
- 6.1.33.1. The report to the Council dated 31 October 2019, is outdated and not relevant to this appointment. The position of Chief of Emergency was advertised in Job Forum 2/2023 in May 2023, with the following appointment requirement: "A *bachelor's degree in Fire Technology or any other study field related to the position*". The terms "*equivalent*" and "*career related*" were not used;

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- 6.1.33.2. The Chief of Emergency is the Head of the Department position on the organogram of the CoT as approved by Council. This Department is responsible for the following, amongst others:
- (a) Disaster Management; and
 - (b) Fire Brigade Services function.
- 6.1.33.3. On 30 November 2023, the CoT's Council appointed the Chief of Emergency as both the Chief Fire Officer and the Head of the Municipal Disaster Management Centre. The Advanced University Diploma in Disaster Management directly corresponds to the position of Chief of Emergency as the incumbent is responsible for both Disaster Management and Fire Brigade Services;
- 6.1.33.4. The findings in the Public Protector Report No: 13 of 2020/21 ISBN NO: 9781-990942-79-2 relates to the appointment of the previous Chief of Emergency incumbent, Mr Govender, and has no relevance to the appointment of Mr Mosia;
- 6.1.33.5. Mr M Mosia has, amongst his other qualifications, a SAESI Associate Diploma in Fire Technology. The qualification may not appear on the NQF system because it is a qualification that came before the SAQA system when the HSRC which was replaced by SAQA, was still the authority responsible for qualifications in South Africa. The HSRC evaluated this qualification as Matric plus three years, which is how qualifications were evaluated at that time;
- 6.1.33.6. When SAQA took over, there was an alignment made on SAESI qualifications with the qualifications of Technikon Pretoria that were registered on the NQF system at the time. That alignment was done between SAQA, Technikon Pretoria and the HSRC. The Associate Diploma in Fire Technology of SAESI was evaluated and aligned to be equivalent to the National Diploma in Fire Technology, the latter of

which is registered at an NQF Level 6, Matric plus three years. This is in line with the job description for the position of Chief of Emergency that prescribes a three-year tertiary career-related qualification;

6.1.33.7. The fact that the Associate Diploma in Fire Technology was phased out does not make it any less valid. Mr Mosia had an *“illicit activity”* reflected against him due to a traffic fine, but it was expunged through the relevant legal channels. The following is a summary of the work experience and qualifications derived from Mr Mosia’s application for the position of Chief of Emergency:

Designation at the time of application:	List of qualifications and membership:	Work experience:
Divisional Chief: Fire and Rescue Operations at CoT	<ul style="list-style-type: none"> • Advanced University Diploma in Disaster Management • Bachelor of Administration • Postgraduate Certificate in Management Studies • Graduate Diploma in Fire Technology • Associate Diploma in Fire Technology • Various career-related courses • SAESI membership 	<ul style="list-style-type: none"> • City of Tshwane, Divisional Chief: Fire and Rescue Operations (05/2018 to date) • Fire Protection Association of Southern Africa, Technical Specialist/Facilitator (08/2017 – 04/2018) • City of Ekurhuleni, Acting Deputy City Manager: Operations (09/2010 – 01/2012) • City of Ekurhuleni, Head of Department: Disaster & Emergency Management Services (03/2012 – 02/2017) • City of Ekurhuleni, Executive Director Community Safety Department (01/2006 - 2011) • City of Ekurhuleni, Director Emergency services (Chief Fire Officer) (01/2003 - 2006) • City of Ekurhuleni, Deputy Interim Coordinator-Emergency Services (07/2001 – 03/2003) • Greater Germiston City Council, Assistant Chief Fire Officer (07/1998 - 12/2000) • Qwaqwa Government, Firefighter, Station Officer and Acting Assistant Chief Fire Officer (01/1987 – 06/1998)

Information obtained from the Public Protector’s previous investigation

6.1.34. The Investigation Team obtained the CoT Forensic Investigation Report with reference number: FS27/07/2018 (Forensic Investigation Report), dated 31 October 2018, referred to by the Complainant and the Selection Panel members.

The Forensic Investigation Report formed part of the evidence submitted by CoT during the Public Protector’s investigation into allegations of maladministration, improper or suspected improper conduct in the appointment of Mr Pravin Devalingam Govender (Report Number: 13 of 2020/21).

- 6.1.35. The Forensic Investigation Report made the following factual analysis and findings:
- 6.1.35.1. The term “*equivalent qualification*” was not defined, it was therefore up to the people responsible for selection to determine what it referred to. If there was a framework for determining what the required qualifications were, then this impasse would have been avoided;
 - 6.1.35.2. SAESI has the responsibility and obligation to have their courses evaluated and graded by SAQA. This has not been done, and it is having an impact on the industry;
 - 6.1.35.3. In this case the city is facing compliance challenges with clause 9 of Regulation 21, in that the incumbent was expected to have a bachelor’s degree or equivalent;
 - 6.1.35.4. The citation (on the CV) of the qualification as NQF 7 and “*Advance Diploma*” was incorrect. We see this as an attempt by Mr Govender to elevate his qualifications and make them fit the purpose. This elevation may have influenced his selection notwithstanding required verification;
 - 6.1.35.5. The Human Capital management and appointed Consultancy failed to validate and verify qualifications requirements as it affect “*equivalent*”. Mr Govender and Ms de Beer fell through shortlisting and only Mr Govender made it through appointment process and was appointed; with SAESI qualifications;

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- 6.1.35.6. Mr Govender's qualifications are not accredited/evaluated by SAQA, therefore his Associate Diploma is questionable within the mainstream equivalent to NQF 7 or bachelor's degree, which impacts on qualification of this position and grey areas created by equivalent, when these are not SAQA evaluated;
- 6.1.35.7. Many fire-fighting professionals hold SAESI qualifications, this is having a direct impact on recruitment processes as qualifications are based on NQF levels;
- 6.1.35.8. The issue under investigation came about due to a combination of matters, including the following:

“

- (a) *When the advertisement went out, it was vague on the qualification requirements, particularly on "equivalent qualification", this means any person who deemed their qualifications as equivalent could have applied;*
- (b) *When the applications were received, there was no guidance to the process of how to determine which qualification were "equivalent";*
- (c) *The SAQA grading was not followed, however the citation on both the CV and the application form that the qualification was NQF 7 may have provided the shortlisting panel with some assurance that the qualifications were suitable;*
- (d) SAESI failed to comply with SAQA requirements at the detriment of its members; and
- (e) *Prior to finalising the appointment, the city failed to test the NQF level of the qualifications in the fire and emergency industry and what is regarded as equivalent”.*

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- 6.1.36. The Forensic Investigation Report made *inter alia* the following recommendations:
- 6.1.36.1. Since the recruitment of Mr Govender his qualification is non-compliant with SAQA requirements on qualifications, the City Manager should obtain legal advice on how to remedy the situation, given the implications of regulations to which they affect; this taking into account the requirements of the Fire Services Brigade Act prescribed qualifications of Chief of Fire in line with the Act (own emphasis added);
 - 6.1.36.2. The City Manager should direct enquiries to FBB to advice COT on prescribed qualifications for Chief of Fire as legislated by Fire Brigade Services Act as amended; including FBB confirming/validating the stated assertion by SAESI (a member of Fire Brigade Board);
 - 6.1.36.3. The FBB must affirm and direct advice on whether or not the stated claim that 99.9% of Chief of Fire professionals are appointed as fit for purpose based on Associated Diploma or Graduate Diploma, in the country stands;
 - 6.1.36.4. Provide the prescribed qualifications of fire brigades and the expected level that Chief of Fire must meet, this should assist seeking pragmatic resolution of the matter and ensure that the CoT has not erred in legislatively appointing the Chief of Fire contrary to the prescribed requirements of the Fire Brigade Act;
 - 6.1.36.5. The “grey areas” brought about “*equivalent*” is a material factor in assisting that the City Manager clarifies:
 - (a) Whether the intention of equivalent and its primary focus and weight, was in keeping with NQF requirements; or

(b) Whether the intention of equivalent and its primary focus and weight was on Industry requirements (prescribed qualifications (fire services act/fire brigade board) as defined by KPA's in the advert.

6.1.36.6. If the intention is (a) above; Mr Govender does not have a bachelor's degree nor his associate diploma not equivalent as defined in the NQF framework;

6.1.36.7. If the intention is (b) above, Mr Govender, albeit without a bachelor's degree would have met the "equivalent" requirements as the industry predates NQF and its professional qualifications meets the industry prescribed requirements overseen by the FBB. Noting SAESI assertion that 99.9% of Chief of Fire had been appointed using same/similar qualifications (SAESI) and had operated in senior management at same level appointed using same qualifications;

6.1.36.8. The Investigations refers the above through the City Manager and Legal to *address matters tabled in 10.1 and 10.2 above and communicate as relevant in reaching a resolution given impact affecting all fire brigade appointed using professional qualifications of SAESI¹*;

6.1.36.9. Further direct enquiries to SAESI, SAQA, and the FBB as relevant, taking into account comparison done by HSRC in 1983, responding to Technikon Pretoria. Given the Impact of the assertion by SAESI that 99.9% of Chief of Fire were appointed using same qualifications requires clarity;

6.1.36.10. Equally, the recruitment procedures should be amended to consider industry-specific qualifications and a framework for determining suitability of various qualifications be established. SAQA requirements and compliance should be considered, this should include a statement on the advertisement that applicants

¹ Paragraphs 10.1 and 10.2 of the Forensic Investigation Report, herein referred to in paragraphs 6.1.29.2 and 6.1.29.3.

and prescribed bodies should have tabled their professional qualifications to be within the NQF; and

6.1.36.11. In future, the required qualifications should be clearly defined as the words “*relevant*” or “*equivalent*” are subjected to many interpretations.

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

6.1.37. A Notice in terms of Section 7(9)(a) of the Public Protector Act, 1994 (section 7(9) Notice) dated 17 February 2026, was issued to Dr Moya, Mr Mettler, Mr Mamabolo, Mr Dlamini, Mr Oppelt, Mr Morake, Mr Theunissen, Mr Ngcobo and Mr Mosia.

Mr Mettler’s response to the section 7(9) Notice

6.1.38. Mr Mettler responded to the section 7(9) Notice in a letter dated, 06 March 2026, and stated, *inter alia*, that:

6.1.38.1. Before the section 56 vacancies were advertised, the Office of the City Manager requested an independent review by COGTA to ensure that the process was fair and compliant with all relevant legal prescripts, including but not limited to the minimum competency requirements. This advertisement was confirmed by COGTA to be compliant in all material respects;

6.1.38.2. The CoT did an assessment after receiving the notice and discovered that the Group Human Capital Department had failed to advise Council about the implementation of the Forensic Investigation Report. Consequence Management will be implemented, and the Job Profile for the Chief of Emergency will be revised to accommodate the recommendations in the section 7(9) Notice;

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- 6.1.38.3. The Staffing Policy of the CoT delegates the authority for the screening of qualifications, reference checks and confirmation of previous employment to the Executive Director: Strategic Human Resources now titled the Group Head: Group Human Capital Management. The panel relied on this department to diligently execute this duty in terms of the policy. The CoT commits to implement consequence management accordingly for this dereliction of duty;
- 6.1.38.4. The City Manager relied on the screening report provided by the CoT's Group Human Capital Management Department who has the delegated responsibility to perform the screening role for all the CoT's personnel appointments. The CoT commits to implement consequence management accordingly for the dereliction of duty;
- 6.1.38.5. The selection panel relied on the affirmation in the COGTA report which confirmed, that except for the proposed term of appointment, which was amended accordingly, the position was fully compliant in all material respects with the legislated requirements; and
- 6.1.38.6. To ensure that the CoT was compliant with all legal prescripts, the Office of the City Manager requested an independent and authoritative review of the process by COGTA to confirm that the process would be fair and compliant with all relevant legal prescripts. This was subsequently affirmed by COGTA.
- 6.1.39. In support of his response dated 06 March 2026, Mr Mettler provided the Investigation Team with the following document:

Assessment of draft advertisement of senior manager positions

6.1.40. An undated document titled “*Assessment of draft advertisement of senior manager positions in the City of Tshwane Metropolitan Municipality to be published on 14 May 2023 with the closing date of 06 June 2023*” (Assessment of Advertisement of Senior Manager Positions), received from CoGTA states amongst others that:

- (a) CoGTA assessed the draft advertisement for the senior manager positions in the CoT to be published in the CoT’s Job Forum of 2/2023 of May 2023 with the closing date of 06 June 2023;
- (b) The assessment was conducted in line with Regulation 10(3) of the 2014 Regulations;
- (c) The assessment was, *inter alia*, as per the table below, wherein “Yes” indicates where the CoT complied with Regulation 10(3) of the 2014 Regulations and “No” where the aforesaid Regulation was not complied with:

Positions: Job Forum (06/2022)	Chief of Emergency Services
Job Title	Yes
Term of Appointment	No
Place to be stationed Annual total remuneration package	Yes
Competency requirements of the post including minimum qualifications and experience required	Yes
Core Functions	Yes
Need for signing of employment contract, performance agreement and disclosure of financial interest	Yes
Need to undergo security vetting	Yes

Positions: Job Forum (06/2022)	Chief of Emergency Services
Contact person	Yes
Address where applications must be sent or delivered	Yes
Closing date which must be a minimum of 14 days from the date the advertisement appeared on the newspaper and not more than 30 days after such date	Yes
Application form	Yes
Minimum competency level	Yes

Mr Dlamini's response to the section 7(9) Notice

6.1.41. Mr Dlamini responded to the section 7(9) Notice in a letter a letter dated, 09 March 2026, referring the Investigation Team to the response and attachments received from Mr Mettler. He further stated that any further information which may be required in this regard should be requested from the Office of the CoT's City Manager.

Mr Mosia's response to the section 7(9) Notice

6.1.42. Mr Mosia responded to the section 7(9) Notice in a letter dated, 11 March 2026, stating amongst others that:

6.1.42.1. The findings of the report insofar as they pertain to him are, without reservation, accepted. The findings align with his stance that he is suitably qualified and possess the necessary competencies, experience, and knowledge for appointment as a senior manager in local government;

6.1.42.2. He is concerned that he may have been subjected to open-ended and procedurally unfair investigation. The Complainant was permitted to supplement his complaint,

however, he (Mr Mosia) was not afforded an opportunity to address the additional allegations arising from the aforesaid supplementation;

- 6.1.42.3. The Complainant first lodged a complaint on 24 October 2023, within weeks after his appointment. On 06 June 2024, the Complainant made a further allegation that he had a criminal record that he (Mr Mosia) had not disclosed to the CoT;
- 6.1.42.4. On or around 13 March 2025, he received notification from the Public Protector regarding the complaint and was requested to submit a response. He provided his response on 11 April 2025. Notwithstanding that the Public Protector had known for approximately nine (09) months of the criminal record allegation, he was not notified in the aforesaid notification or at any other point subsequently. The section 7(9) notice marks the first occasion on which he became aware of the additional allegation in question;
- 6.1.42.5. In 2018, he attached to his application for the Divisional Chief: Fire and Rescue Operations, a Top Security Clearance issued by the State Security Agency, which was valid for the period 2015 to 2020. Therefore, his record was clean, at least for any date preceding the issuance of the clearance and he did not commit any offence after that period. He declared that he had no criminal record, and he was shocked to learn that he had a criminal record;
- 6.1.42.6. If the criminal record was found, and was found to be material, an investigation on this aspect, having not been afforded an opportunity to respond to the allegation, would have compromised the lawfulness of the investigation;
- 6.1.42.7. He found it odd that a complaint which was originally centred on his lack of a Bachelor of Fire or a related qualification was allowed to be broadened to examine additional elements of his background. The complaint was not about his general

suitability for appointment as the Chief of Emergency but about his lack of qualification for the position;

6.1.42.8. His response indicated that two legislated roles are embedded and/or report into the position of a Chief of Emergency, these being the Chief of Fire and Head of the Disaster Management Centre and nothing in the section 7(9) Notice appears to gainsay this submission;

6.1.42.9. The Findings and the Remedial Actions outlined in the section 7(9) Notice continue to prioritise the role of Chief of Fire, while failing to confer comparable status and recognition to the Head of the Disaster Management Centre, as these two positions are both legislated. The alignment referenced in the section 7(9) Notice must be with both section 5 of the Fire Brigade Act and section 45 of the Disaster Management Act; and

6.1.42.10. The outcome of the investigation is accepted, and he wishes to thank the Public Protector for conducting the investigation in fair, objective and professional manner.

6.1.43. In support of his response dated 11 March 2026, Mr Mosia provided the Investigation Team with the following document:

Security Clearance Certificate

6.1.43.1. A document titled “*Security Clearance Certificate*” (Clearance Certificate) dated 31 July 2015, indicates that a Clearance Certificate at the level of Top Secret was issued to Mr Mosia.

6.1.44. Mr Jacob Mamabolo, Dr Moya, Mr Oppelt, Mr Morake, Mr Theunissen and Mr Ngcobo did not respond to the section 7(9) Notice.

Applicable law

Constitution of the Republic of South Africa, 1996

6.1.45. Section 195 of the Constitution provides that:

“

(1) *Public Administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:*

(a) *A high standard of professional ethics must be promoted and maintained.*

...

(f) *Public administration must be accountable.*

(g) *Transparency must be fostered by providing the public with timely, accessible and accurate information.*

(h) *Good human-resource management and career-development practices, to maximise human potential, must be cultivated.*

...

(2) *The above principles apply to—*

(a) *administration in every sphere of government;*

(b) *organs of state; and*

(c) *public enterprises.”*

Local Government: Municipal Systems Act, 2000

- 6.1.46. Section 50(1) of the Municipal System Act provides that local public administration is governed by the democratic values and principles embodied in section 195(1) of the Constitution.
- 6.1.47. Section 56(1)(a)(i) of the MSA provides that a municipal council, after consultation with the municipal manager, must appoint (i) a manager directly accountable to the municipal manager; or (ii) an acting manager directly accountable to the municipal manager under circumstances and for a period as prescribed.
- 6.1.48. Section 56(1)(b) provides that a person appointed in terms of paragraph (a) must at least have the relevant skills, expertise, competencies and qualifications as prescribed.
- 6.1.49. Section 56(2) provides that a decision to appoint a person to a post referred to in subsection (1)(a), and any contract concluded between the municipality and that person in consequence of the decision, is null and void if (a) the person appointed does not have the prescribed skills, expertise, competencies or qualifications; or (b) the appointment was otherwise made in contravention of this Act, unless the Minister, in terms of subsection (6), has waived any of the requirements listed in subsection (1)(b).
- 6.1.50. Section 56(3) provides that if a post referred to in subsection (1)(a) becomes vacant, the municipal council must (a) advertise the post nationally to attract a pool of candidates nationwide; and (b) select from the pool of candidates a suitable person who complies with the prescribed requirements for appointment to the post.

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- 6.1.51. Section 56(4) provides that the municipal council must re-advertise the post if there is no suitable candidate who complies with the prescribed requirements.
- 6.1.52. Section 56(5) provides that if a person is appointed to a post referred to in subsection (1)(a) in contravention of this Act, the MEC for local government must, within 14 days of becoming aware of such appointment, take appropriate steps to enforce compliance by the municipality with this Act, which steps may include an application to a court for a declaratory order on the validity of the appointment or any other legal action against the municipality.
- 6.1.53. Section 56(6) provides that a municipality may, in special circumstances and on good cause shown, apply in writing to the Minister to waive any of the requirements listed in subsection (1)(b) if it is unable to attract suitable candidates.
- 6.1.54. Section 56(7) provides that a person appointed in a permanent capacity as a manager directly accountable to the municipal manager when this section takes effect, must be regarded as having been appointed in accordance with this section.
- 6.1.55. Section 56(8) provides that a person appointed as an acting manager directly accountable to the municipal manager when this section takes effect, must be regarded as having been appointed in accordance with this section only for the period of the acting appointment.
- 6.1.56. Section 67(1)(a) provides that a municipality, in accordance with the Employment Equity Act, 1998, must develop and adopt appropriate systems and procedures to ensure fair, efficient, effective and transparent personnel administration, including the recruitment, selection and appointment of persons as staff members.

Fire Brigade Services Act, 1987

- 6.1.57. Section 1(xi) provides that *“In this Act, unless the context indicates otherwise-
“prescribe” or “prescribed” means prescribe or prescribed by regulation under
section 15; (xii)”*.
- 6.1.58. Section 5(1) of the Fire Brigade Services Act provides that *“A controlling authority
shall appoint a person who possesses the prescribed qualifications and
experience, as chief fire officer to be in charge of its service”*.

Regulations on Appointment and Conditions of Employment of Senior Managers, dated 17 January 2014, issued in terms of the Municipal Systems Act, 2000

- 6.1.59. Regulation 4(6) of the 2014 Regulations provides that the Municipal Manager must, within 14 days of finalising the staff establishment, submit the staff establishment, a detailed report, and recommendations on the staff establishment to the municipal council for approval.
- 6.1.60. Regulation 4(7) provides that the report contemplated in sub-regulation (6) must outline the process followed in developing the staff establishment, which must include, amongst others, the job description, duties, functions, competency requirements and responsibilities according to which one or more posts of the same grade are established, including the grading or relative size and value of a job.
- 6.1.61. Regulation 5(1)(2)(a) and (b) provides that when creating or filling a post of senior manager, the Municipal Council must have due regards to the Staff Establishment, report and recommendation contemplated in Regulation 4(6) and (7) of these

Regulations. The municipal council must confirm that the municipality requires the post to meet its strategic objectives and ensure that a job description has been developed for the post.

- 6.1.62. Regulation 7(1) provides that when the post of senior manager becomes vacant, or is due to become vacant, the Mayor, in the case of a Municipal Manager, or the Municipal Manager, in the case of a manager directly accountable to the Municipal Manager, must, upon receipt of official notification that the post of a senior manager will become vacant, obtain approval from the Municipal Council for the filling of such post in its next council meeting or as soon as it is reasonable to do so.
- 6.1.63. Regulation 8(1)(a) of the Regulations on Appointment of Senior Managers provides that no person may be appointed as a senior manager on a fixed term contract, on a permanent basis or on probation, to any post on the approved staff establishment of a municipality, unless he or she is a South African citizen or permanent resident.
- 6.1.64. Regulation 8(1)(b) provides that no person may be appointed as a senior manager on a fixed term contract, on a permanent basis or on probation, to any post on the approved staff establishment of a municipality, unless he or she possesses the relevant competencies, qualifications, experience, and knowledge set out in Annexure A and B to these regulations.
- 6.1.65. Regulation 9(1) provides a person appointed as senior manager in terms of this regulation must have the competencies as set out in Annexure A.
- 6.1.66. Regulation 9(2) provides that a person appointed as senior manager in terms of these regulations must comply with the minimum requirements for higher education, work experience and knowledge as set out in Annexure B.

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- 6.1.67. Regulation 13(2) provides that the shortlisting must be finalised within 30 days of the closing date of the advertisement.
- 6.1.68. Regulation 14 provides that:
- (1) Screening of the shortlisted candidates must take place within 21 days of the finalisation of the shortlisting by–
 - (a) Conducting the necessary reference checks;
 - (b) Conducting a candidate's current or previous employer;
 - (c) Determining the validity of a candidate's qualifications; and
 - (d) Verifying whether a candidate has been dismissed previously for misconduct or poor performance by another employer.
- 6.1.69. A written report on the outcome of the screening process must be compiled by the Mayor, in the case of the Municipal Manager, or the Municipal Manager, in the case of the manager directly accountable to the Municipal Manager, before the interviews take place.
- 6.1.70. Regulation 15(1) provides that the selection panel must conduct the interviews within 21 days of screening the candidates.
- 6.1.71. Regulation 16(1) provides that the candidates recommended for appointment to the post of a senior manager must undergo a competency assessment.
- 6.1.72. Regulation 17(1) provides that before making a decision on an appointment, a Municipal Council must satisfy itself that the candidate meet the relevant competency for the post as set out in Annexure A and B of these Regulations, screening of the candidate has been conducted in terms of Regulation 14, and the

candidate does not appear on the record of staff members dismissed for misconduct as set out in Schedule 2 to these Regulations.

Annexure B of the 2014 Regulations

6.1.73. Paragraph 8 of Annexure B provides the higher education qualification for all other senior managers except for the Municipal Manager, Development and Town Planning Manager, Public Work and Basic Services / Technical Services Manager, Chief Financial Officer, Community Services Manager and Corporate Support Services Manager as follows:

Education	
Higher Education Qualification	A relevant bachelors' degree or equivalent
Work related experience and knowledge	
Years of experience	Five (05) years
Type of experience	<ul style="list-style-type: none"> • Good knowledge and interpretation of policy and legislation; • Good knowledge of performance management system; • Good governance; and • Good knowledge of supply chain management regulations and the Preferential Procurement Policy Framework Act, 2000.
Added advantage	Registration with a relevant professional body

Municipal Staff Regulations, 2021

- 6.1.74. Regulation 2(3)(a) of the 2021 Regulations provides that unless otherwise specified in these Regulations, these Regulations do not apply to all senior managers.

Annexure A of the 2021 Regulations

- 6.1.75. Annexure A of the 2021 Regulations under the category of Fire and Rescue Competency Framework provides the qualification for the position of Chief Fire Officer as a *“Relevant tertiary qualification, preferably a Diploma in Fire Technology as well as relevant managerial experience”*.

Disaster Management Act, 2002

- 6.1.76. Section 45(1) of the Disaster Management Act provides that a municipal council must subject to the applicable provisions of the Local Government: Municipal Systems Act, 2000, appoint a person as head of its municipal disaster management centre.

National Qualification Framework Act, 2008, as amended

- 6.1.77. Section 32A(1)(a) of the National Qualification Framework Act, 2008, as amended (NQF Act), states that all organs of state, employers, education institutions, skills development providers and QCs must authenticate, prior to appointment or registration, if the qualification or part-qualification which is presented to them for the purposes of appointment, study or for any other related purpose, is registered on the national learners' records database.

Case Law

Khumalo and Another v Member of the Executive Council for Education KwaZulu-Natal

6.1.78. The appointment of candidates without appropriate qualifications was dealt with by the court in the matter of *Khumalo and Another v Member of the Executive Council for Education KwaZulu-Natal*^[1] (*Khumalo case*), the Constitutional Court denoted, *inter alia*, that:

(62) *Section 11(2) must be read in the context of the state’s obligations under section 195(1)(i) of the Constitution and the right to fair labour practices under section 23 of the Constitution. Section 195(1)(i) stresses the importance of ensuring that appointment processes in the public sector are based on ability, objectivity, and fairness. Fairness in employment practices and labour relations requires the state to be even-handed and transparent not only to those whom it employs, but so too to those who may wish to apply for employment at a state institution. It would not be fair if the state were to employ persons who do not meet the very requirements that the state itself sets. It is neither fair nor in compliance with the dictates of transparency and accountability for the state to mislead applicants and the public about the criteria it intends to use to fill a post. The formulation and application of requirements for a particular post is a minimum prerequisite for ensuring the objectivity of the appointment process. Persons who do not meet the requirements for a post in the public sector ought not to be appointed.”*

Analysis

- 6.1.79. The evidence before the Public Protector reveals that the Council, acting in line with the provisions of Regulation 7(1) of the 2014 Regulations, approved the advertisement for the position of Chief of Emergency on 26 April 2023. The position was subsequently advertised by the CoT on 14 May 2023, with a closing date of 06 June 2023.
- 6.1.80. The evidence further indicates that the educational requirements for the position of Chief of Emergency, as advertised, was a bachelor's degree in Fire Technology or any other study field related to the position. When Mr Mosia submitted his CV and application form in applying for the vacant position, he recorded his qualifications as having obtained an Advanced University Diploma in Disaster Management, Bachelor of Administration degree, Associate Diploma in Fire Technology and Graduate Diploma in Fire Technology, as well as a Post Graduate Certificate in Management Studies. In his application form, Mr Mosia recorded a Bachelor of Administration degree as his highest qualification.
- 6.1.81. Mr Mettler, in his capacity as the City Manager and Chairperson of the Selection Panel, as well as members of the Selection Panel, submitted that Mr Mosia qualified for the position based on his qualifications, including amongst others Advanced University Diploma in Disaster Management, Associate Diploma in Fire Technology and Graduate Diploma in Fire Technology and Post Graduate Certificate in Management Studies.
- 6.1.82. The MIE verification form indicates that Mr Mosia's Bachelor of Administration degree, was the only qualification that was verified on 05 March 2018, when he was initially employed in the CoT to a position of Divisional Chief: Fire and Rescue Operations. However, there is no evidence before the Public Protector indicating

that any of the other qualifications obtained by Mr Mosia were verified during the recruitment and selection process for the position of the Chief of Emergency. Therefore, it is evident that the members of the Selection Panel and Council relied only on the Bachelor of Administration Degree in recommending and appointing Mr Mosia.

- 6.1.83. The evidence further indicates that contrary to the provisions of Regulation 14(1) of the 2014 Regulations, which requires verifications to be conducted within 21 days of the finalisation of the shortlisting, the Selection Panel members relied on the MIE verification of employment of Mr Mosia that was conducted on 10 February 2023. This verification occurred three months prior to the advertisement of the Chief of Emergency position.
- 6.1.84. There is also no evidence that any criminal record checks were conducted for Mr Mosia during the recruitment and selection process, even though the job description and the advertisement stated that the person to be appointed should not have a criminal record.
- 6.1.85. Contrary to the provisions of Regulation 14(2) of the 2014 Regulations which requires the screening report to be compiled by the Municipal Manager before the interview takes place, the screening report dated 09 October 2023, was compiled two months after the interviews were conducted, whilst the interviews were conducted on 10 August 2023.
- 6.1.86. Mr Mettler's submission to the section 7(9) Notice that the selection panel and the Municipal Manager bore no responsibility for screening failures cannot be sustained. Regulation 14 of the 2014 Regulations places the legal obligation for ensuring that all screening and verification processes are completed before interviews squarely on the Municipal Manager, and the evidence shows that the

required checks, including the criminal record verification, were either not conducted or were conducted using outdated information. The Municipal Manager's reliance on Human Capital for administrative assistance does not absolve him of this statutory responsibility. Therefore, while certain aspects of Mr Mettler's submissions align with and confirm the deficiencies identified, his remaining assertions do not meaningfully refute the irregularities established during the investigation.

- 6.1.87. Mr Mosia's concerns in his response to the section 7(9) notice about not being informed earlier of the allegation relating to his criminal record do not alter the fact that he bore no legal burden to prove such allegation. The Public Protector exercises its statutory power to independently obtain information from authoritative sources. In this instance, the Public Protector approached SAPS, who confirmed that Mr Mosia has no criminal convictions. The verification therefore followed the correct legal process, and there was no procedural impropriety or unfairness towards him.
- 6.1.88. Mr Mosia further submitted that the allegation concerning a criminal record broadened or fell outside the approved scope of the investigation. This submission is misguided. Section 7(1)(b)(i) of the Public Protector Act provides that the Public Protector has the discretion to determine the format and the procedure to be followed in conducting any investigation. This investigation focused on the recruitment and selection process followed by the CoT in appointing him to the position of Chief of Emergency Services. Within this scope, the Public Protector was obliged to assess whether the Municipality complied with the applicable legal prescripts governing senior manager appointments particularly the 2014 Regulations issued under the Municipal Systems Act. The job description and advertisement for the position also expressly required that the appointee must have no criminal record.

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- 6.1.89. Therefore, verifying whether CoT complied with this requirement fell squarely within the investigation scope. The relevance of the allegation was not whether the allegation itself was true, but whether CoT fulfilled its statutory obligation to check and confirm this information. Evidence showed that CoT did not conduct the required checks, which formed part of the irregularities identified in the report. Therefore, the Public Protector's consideration of this issue did not expand the scope of the investigation, it directly addressed compliance with mandatory recruitment procedures.
- 6.1.90. Mr Mosia and Candidate B underwent the competency assessment on 15 and 16 August 2023. Subsequently, Mr Mosia was recommended for appointment as he was the highest scoring candidate and found competent on the assessment. The Council approved Mr Mosia's appointment on 28 September 2023. Mr Metler signed the offer of employment on 09 October 2023, and Mr Mosia accepted the offer of employment on 10 October 2023.
- 6.1.91. Evidence before the Public Protector indicates that the CoT assigned the legislative obligation of both the Chief Fire Officer, as required by the Fire Brigade Services Act, and the Head of the Municipal Disaster Management Centre, as required by the Disaster Management Act to the Chief of Emergency. In terms of section 5 of the Fire Brigade Services Act, the controlling authority shall appoint a person who possesses the prescribed qualifications and experience, as Chief Fire Officer to be in charge of its service. However, the Public Protector has noted that Annexures A and B of the 2014 Regulations does not contain the prescribed competencies, qualifications, experience, and knowledge required for a section 56 Manager position of Chief of Emergency Services.
- 6.1.92. The only reference to prescribed qualifications for the Chief Fire Officer is contained in the 2021 Regulations, which states that the preferable qualification is

a degree or Diploma in Fire Technology, or relevant qualification. However, Regulation 2(3)(a) of the 2021 Regulations stipulates that unless otherwise specified therein, **these Regulations do not apply to all senior managers** (own emphasis). Consequently, Annexure A of the 2021 Regulations, which outlines qualifications and competency requirements for the Chief Fire Officer, does not govern the appointment of the Chief of Emergency Services, classified as a senior manager under section 56 of the Municipal Systems Act.

- 6.1.93. Annexure B of the 2014 Regulations does not prescribe competencies, qualifications, experience, and knowledge required specifically for the position of Chief of Emergency, therefore, this post falls under the category of “*Other Senior Managers*” as detailed in paragraph 8 of Annexure B of the 2014 Regulations.
- 6.1.94. Paragraph 8 of Annexure B of the 2014 Regulations requires a relevant bachelor’s degree or equivalent qualification for such senior management position. Given that the Chief of Emergency is a section 56 senior management position, Mr Mosia’s Bachelor of Administration satisfies the qualification requirement. This relevance has been corroborated by UNISA, which affirmed that the Bachelor of Administration is **more relevant to enable a public servant to discharge their duties with requisite administrative skills and management** (own emphasis).
- 6.1.95. According to the provisions of section 56 of the Municipal Systems Act and Regulations 8(1)(b), 9(1), and 9(2) of the 2014 Regulations, the appointment in question, being a senior management position, extends beyond mere educational qualifications. It requires the appointee to demonstrate the relevant competencies, experience, and knowledge as stipulated in Annexures A and B of the aforesaid Regulations. In this regard, Mr Mosia possesses 36 years of pertinent experience in fire-related fields across various municipalities, including the CoT. Additionally,

the results of his competency assessment confirm that he has the requisite knowledge and skills for the position, having been found competent.

- 6.1.96. Even though the Council approved the advertisement, in compliance with Regulation 7(1) of the 2014 Regulations, the use of the words any other study field related to the position in the advertisement, broadened the study fields and qualification criterion, allowing for tertiary qualification in any study field related to the position, undermining the prescribed standard outlined in paragraph 8 of Annexure B of the 2014 Regulations, which mandates a relevant Bachelor's Degree or equivalent qualification.
- 6.1.97. The word equivalent in the Oxford Dictionary means "*equal in value, amount, function, meaning,*" implying a qualification comparable in level and duration to a bachelor's degree, typically obtained over a minimum of three years.
- 6.1.98. Contrary to the provisions of paragraph 8 of Annexure B of the 2014 Regulations and the developed Job Description, the approved advertisement's words, any other study field related to the position, suggests that any qualifications related to the position are broadly acceptable, regardless of the level or duration. This broad phrasing expands the eligibility criteria, allowing candidates with diverse educational backgrounds linked to the position's KPAs to qualify, which dilutes the requirement for specialised expertise and potentially permits consideration of candidates with less relevant qualifications, thereby undermining the intended level of competency for the position.
- 6.1.99. Consequently, the advertisement's language, particularly the phrase "*any other study field related to the position,*" is ambiguous. The CoT was advised in its Forensic Investigation Report, to avoid terms such as "*relevant*" or "*equivalent*" due to their susceptibility to multiple interpretations. The overall intentions of the

aforesaid Forensic Investigation Report regarding the application of terms “*relevant*” or “*equivalent*” was to address the ambiguity evident in the advertisement for the Chief of Emergency position, with the primary objective of ensuring that the CoT’s job advertisements employ clear and precise language.

- 6.1.100. Similarly, the inclusion of “*any other study field related to the position*” in the advertisement imposes a subjective discretion on members of the Selection Panel to interpret the qualification requirements. The Forensic Investigation Report emphasised the need for clear and precise job advertisement language to minimise ambiguity and ensure objective recruitment, thereby promoting procedural fairness and regulatory compliance in the recruitment process.
- 6.1.101. The ambiguity in the advertisement may further deter prospective candidates who wanted to apply for the position, but did not submit their applications merely because of the uncertainty on whether they met the qualification requirements, thereby rendering the recruitment and selection process inherently subjective, and inconsistent with the provisions of sections 50(1) and 67(1)(a) of the Municipal System Act, as well as section 195(1)(i) of the Constitution which requires personnel management practices to be based on amongst others objectivity and fairness.
- 6.1.102. The Constitutional Court, in *Khumalo and Another v Member of the Executive Council for Education: KwaZulu-Natal*, affirmed that public sector appointments must be based on ability, objectivity, and fairness, with transparency obligations extending to all applicants. Therefore, ambiguous criteria breach accountability, objectivity, and fairness principles, undermining the integrity of the selection process.

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- 6.1.103. The ambiguity in the Chief of Emergency advertisement, prompted complaints to the Public Protector on similar recruitment irregularities, both in relation to previous investigations and the currently advertised Chief of Emergency position. These issues have also given rise to various disputes, including decided and pending matters before the SALGBC, Labour Court, and High Court. Therefore, these cases highlight systemic issues in the CoT's hiring processes.
- 6.1.104. The Public Protector notes Mr Mettler's assertions in his response to the section (9) notice that the advertisement for the Chief of Emergency position had been independently reviewed by COGTA and confirmed to be compliant with the legislative prescripts applicable to senior manager advertisements. While the assessment by COGTA conducted in terms of Regulation 10(3) of the 2014 Regulations, did confirm formal compliance with the procedural requirements for advertising, this confirmation did not extend to the substantive clarity of the qualification requirements, particularly the ambiguous phrasing "*bachelor's degree in Fire Technology or any other study field related to the position*", which had previously been identified in the CoT's own Forensic Investigation Report as a risk factor capable of undermining fairness and objectivity. Accordingly, the COGTA review cannot be relied upon to negate the ambiguity in the advertisement or to cure deficiencies falling outside the limited scope of Regulation 10(3).
- 6.1.105. The Public Protector further acknowledges Mr Mettler's concession that the Group Human Capital Management Department failed to advise Council on the implementation of the 2018 Forensic Report and that consequence management will follow.
- 6.1.106. The Public Protector has noted that there are pending disputes before the Labour Court and High Court. The matter before the Labour Court relates to unfair labour practice and a case for defamation of character is before the High Court.

6.1.107. The investigation by the Public Protector does not deal with unfair labour practice which is regulated by the Labour Relations Act. The Public Protector's investigation relates to alleged maladministration and improper conduct during the recruitment and selection process that led to the appointment of Mr Mosia as the Chief of Emergency, as regulated by section 182(1) of the Constitution and section 6(4) of the Public Protector Act.

Conclusion

6.1.108. Based on the information and evidence, the Public Protector concludes that the advertisement approved by Council for the Chief of Emergency position was not in line with the principles of fairness and objectivity as prescribed in sections 50(1), 67(1)(a) of the Municipal Systems Act and section 195(1)(i) of the Constitution, as it was ambiguous and compromised the objectivity and fairness of the recruitment process.

6.1.109. The Public Protector further concludes that even though Mr Mosia met the requirements for the position of the Chief of Emergency, as advertised, the members of the Selection Panel did not comply with the 2014 Regulations during the recruitment and selection process for the appointment of the Chief of Emergency.

7. FINDINGS

Having regard to the evidence, the regulatory framework determining the standard that the functionaries of CoT should have complied with, the Public Protector makes the following findings:

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- 7.1. **Whether there were irregularities in the recruitment and selection process followed by the functionaries of the City of Tshwane Metropolitan Municipality and the Council in the recruitment for the appointment to the position of Chief of Emergency Services, if so, whether such conduct was improper as envisaged in section 182(1) of the Constitution and maladministration, as well as improper conduct as envisaged in section 6(4)(a)(i) and (ii) of the Public Protector Act.**
- 7.1.1. The allegation that there were irregularities in the recruitment and selection process followed by the functionaries of the City of Tshwane Metropolitan Municipality and the Council in the recruitment process of the position of Chief of Emergency Services, **is substantiated.**
- 7.1.2. The CoT and its Council failed to ensure the advertisement for the position of Chief of Emergency was clear and unambiguous prior to granting approval for its publication. This omission compromised the objectivity, transparency, and fairness required in the recruitment process, and therefore in violation of sections 50(1) and 67(1) of the Municipal Systems Act and contrary to the provisions of section 195(1)(i) of the Constitution.
- 7.1.3. The CoT failed to implement the Forensic Investigation Report and take steps to ensure that prescribed qualifications for the Chief of Emergency, who is assigned functions of Chief Fire Officer are prescribed in the 2014 Regulations and aligned to section 5 of the Fire Brigade Act.
- 7.1.4. The Selection Panel further failed to conduct the screening verification of candidates for qualification, reference checks and previous employment contrary to the provisions of Regulation 14 of the 2014 Regulations.

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- 7.1.5. Mr Mettler, as the Municipal Manager and Chairperson of the Selection Panel failed to complete the report on the outcome of the screening process before the interviews took place, contrary to Regulation 14(2) of the 2014 Regulation.
- 7.1.6. The Selection Panel failed to comply with mandatory requirements of the 2014 Regulations during the recruitment and selection process for the position Chief of Emergency.
- 7.1.7. Mr Mosia possesses the relevant qualification for the position of Chief of Emergency and met the relevant competencies, experience, and knowledge set out in Annexure A and B of the 2014 Regulations.
- 7.1.8. Accordingly, the conduct of the functionaries and the council of the CoT constitute improper conduct as envisaged in sections 182(1)(a) of the Constitution and maladministration and improper conduct as envisaged in section 6(4)(a)(i) and (ii) 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 *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 CoT should have complied with, the Public Protector takes the following remedial action in terms of section 182(1)(c) of the Constitution:

The Member of the Executive Council for COGTA

- 8.3.1. Take Cognisance of the report and ensure the implementation of the remedial action.

The Executive Mayor

- 8.3.2. Within **ninety (90) calendar days** from the date of receipt of this report, in terms of section 56(3)(f) of the Municipal Structures Act, 1998, table the final report before the Municipal Council for deliberation and ensure that future advertisements for appointments made in terms of section 56 of the Municipal Systems Act are clear in terms of qualification requirements and free from ambiguity, before approval is obtained in terms of Regulation 7 of the 2014 Regulations to fill the position.

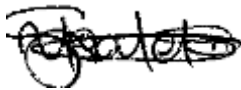
The Municipal Manager

- 8.3.3. Within **sixty (60) calendar days** from the date of receipt of this report, in line with Regulation 12(4)(a) of the 2014 Regulations and as the Chairperson of the Selection Panel for the appointment of senior managers directly accountable to the Municipal Manager, implement internal controls and measures to ensure that future appointments are made in full compliance with section 56 of the Municipal Systems Act, the 2014 Regulations and in line with the job descriptions and advertisements.
- 8.3.4. Within **sixty (60) calendar days** from the date of receipt of this report take steps in consultation with COGTA to ensure that prescribed qualifications for the Chief of Emergency, who is assigned functions of Chief of Fire and Disaster Management

are as prescribed in the 2014 Regulations and aligned to section 5 of the Fire Brigade Act and section 45 of the Disaster Management Act.

9. MONITORING

- 9.1. The Executive Mayor and Municipal Manager to submit an action plan to the Public Protector within **thirty (30) calendar days** from the date of receipt of this report on the implementation of the remedial action referred to in paragraph 8 above.
- 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 MARCH 2026

Assisted by: Ms Ponatshogo Mogaladi
Executive Manager: Investigations Branch