

The SABC: Rotting from the top

 By [Rod Baker](#)

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Public Protector Thuli Madonsela released her report on the SABC yesterday. The report - 'When Governance and Ethics Fail' - paints a damning picture of abuse of power, mismanagement, waste and corruption, and outright dishonesty at the public broadcaster.

The Public Protector's report (see link to the full report at the foot of this article) is particularly damning of acting COO Hlaudi Motsoeneng. Madonsela found him to be a liar - he lied about having matric, an abuser of power, an abuser of his position, unqualified for the position, and vindictive, amongst other failings... In the case of Sello Thulo, for instance, Motsoeneng instructed the disciplinary committee to 'get that man out of the system' and Madonsela's report points to Motsoeneng targeting at least two of those who had testified against him in an earlier disciplinary hearing.

However, the Public Protector is equally damning of the SABC's HR department, successive boards, Dr Ben Ngubane, former minister of communications Dina Pule and others...

All in all, a very sorry picture of a massive organisation; Madonsela's comment says her findings are clearly indicative of "symptomatic of pathological corporate governance deficiencies at the SABC".



Hlaudi Motsoeneng lied about his qualifications.
(Image extracted from the SABC website)

Madonsela found, amongst others:

- The appointment of Hlaudi Motsoeneng (who does not even have matric) as the Acting COO was irregular.
- The former SABC Board's Chairperson, Dr Ben Ngubane acted irregularly when he ordered that the qualification requirements for the appointment to the position of COO be altered to remove academic qualifications as previously advertised. Madonsela says this move was clearly aimed at tailor making the advert to suit Motsoeneng's circumstances and this constitutes improper conduct maladministration and abuse or unjustifiable exercise of power.
- Motsoeneng's salary progression was irregular. He received salary appraisals three

times in one year, hiking his salary as Executive Manager Stakeholder Relations from R1.5m to R2.4m. His salary progression as the Acting Chief Operations Officer concomitantly rose irregularly from R122,961 to R211,172 (63% increase) in 12 months.

- It cannot be said that Motsoeneng did not abuse power and/or his position to unduly benefit himself, although on paper the decisions were made by other people.
- The approval of Motsoeneng's salary increments by the GCEO's and the Chairperson of the Board at the time, Dr Ben Ngubane was irregular.
- The SABC Human Resources Department failed to keep proper records regarding Motsoeneng's documentation and other Human resources matters dealt with in this report and this constitutes improper conduct and maladministration.
- The SABC Board's failure to exercise its fiduciary obligations in the appointment and appropriate remuneration for the Acting Chief Operations Officer for the SABC was improper and constitutes maladministration.
- Motsoeneng committed fraud by stating in his application form that he had completed matric.
- Motsoeneng was appointed to several posts at the SABC despite having no qualifications; this constitutes improper conduct and maladministration.
- Motsoeneng would have never been appointed in 1995 had he not lied about his qualifications and that he repeated that lie in 2003 when he applied for the post of Executive Producer: Current Affairs to which he accordingly should never have been appointed.
- The SABC management and Human Resources unit failed to exercise the necessary prudence to avoid the

misrepresentation and/or to act decisively when the misrepresentation was discovered. This constitutes improper conduct and maladministration.

- Madonsela says she is concerned that Motsoeneng's file disappeared amid denying ever falsifying his qualifications and that at one point he used the absence of evidence to support his contention that there was no evidence of his alleged fraudulent misrepresentation. An ancillary issue was whether it could be reasonably concluded that he had something to do with the disappearance of his human resources file and the changed qualification requirements for the COO post when it was advertised while he held the post on an acting capacity.
- Madonsela also found irregularities in the appointments of Sully Motsweni and Gugu Duda.
- The conduct of the SABC management, particularly Motsoeneng and the Board in the appointment of Duda as the CFO of the SABC, was in violation of the provisions of section 19.1.1 of the Articles of Association and Broadcasting Act and accordingly unlawful. The appointment was grossly irregular and actions involved constitute improper conduct, maladministration and abuse of power.
- Madonsela says that although she could not find conclusive evidence that Dina Pule (former communications minister) personally ordered that Duda's CV be handed over to the SABC and that the Board interview her against the law as alleged, there is sufficient evidence that suggests an invisible hand from her direction. The conduct of Pule as minister of communications was accordingly improper and constitutes maladministration.
- Motsoeneng purged senior staff members of the SABC resulting in unnecessary financial losses in CCMA, court and other settlements, which amounts to financial mismanagement
- Motsoeneng's own account show that he was involved in most of these terminations.
- Motsoeneng directly initiated the termination of the employment of a number of senior SABC staff, including, but not limited to Bernard Koma, Hosia Jiyane, Sello Thulo, Montlenyane Diphoko and Mapule Mbalathi and Ntswaki Ramaphosa who participated in Motsoeneng's disciplinary hearing held in Bloemfontein.
- Motsoeneng's actions in respect of these suspensions and terminations, where evidence clearly shows his irregular involvement, constitutes improper conduct, abuse of power and maladministration.
- Motsoeneng also directly initiated the termination of employment of Bernard Koma who was the lead witness in his disciplinary hearing.
- He did the same in the case of Montlenyane Diphoko - Motsoeneng directly initiated the termination of the employment of Diphoko who had testified against him in his disciplinary hearing.
- In the case of Sello Thulo, Motsoeneng directly initiated the termination of the employment of Thulo who had testified against him in his disciplinary hearing. Madonsela found that Motsoeneng instructed the disciplinary committee to 'get that man out of the system'.
- The allegations of maladministration, including financial mismanagement, at the level of the SABC management are also substantiated.
- The substantial amounts of money paid to SABC's employees as settlements contributed to the National Broadcaster's unprecedented salary bill escalation by R29m.
- Motsoeneng unilaterally increased salaries of a number of staffers including Sully Motsweni, Thobekile Khumalo, Hannes Du Buisson (who has subsequently [disputed the finding](#), claiming that he has not worked for the SABC for a number of years) and certain freelancers without following Part IV of the SABC Personnel Regulations. Motsoeneng's conduct in this regard was irregular and amounts to improper conduct and maladministration.
- Regarding the alleged systemic corporate governance failures at the SABC, the findings are symptomatic of pathological corporate governance deficiencies at the SABC
- The Executive Directors (principally the GCEO, COO and CFO) failed to provide the necessary support, information and guidance to help the Board discharge its fiduciary responsibilities effectively.
- Motsoeneng caused the Board to make irregular and unlawful decisions.
- The Board was dysfunctional and allowed Dr Ngubane to effectively perform the function of an Executive Chairperson by authorising numerous salary increments for Motsoeneng.
- Successive boards have allowed Motsoeneng to operate above the law.
- Former Minister Pule acted improperly in the manner in which she rejected the recommendation made by the Board for the appointment of the CFO and orchestrated the inclusion of Duda's CV. Her conduct accordingly constitutes a violation of the Executive Ethics Code and amounts to abuse of power.
- Themba Phiri, the Acting DDG of Department of Communication, acted unlawfully in submitting Duda's CV to Motsoeneng for her inclusion in the subsequent interview by the Board after the selection process had been concluded and

recommendations already submitted to the Minister for approval. His conduct was improper and constitutes maladministration.

- Motsoeneng acted unlawfully in accepting the CV from Phiri and ordering that Duda's CV be included and she be interviewed after the selection process had been concluded.

Madonsela calls for action

The Public protector says that appropriate remedial action needs to be taken on her findings of maladministration at the SABC and that:

- Note should be taken of the findings against the former Minister of Communications, Dina Pule in respect of her conduct with regard to the irregular appointment of Duda as the SABC's CFO and her improper conduct relating to the issuing of unlawful orders to the SABC Board and staff.
- Disciplinary proceedings need to be taken against Themba Phiri in respect of his conduct with regard to his role in the irregular appointment of Duda as the SABC CFO.
- Urgent steps should be taken to fill the long outstanding vacant position of the Chief Operations Officer with a suitably qualified permanent incumbent within 90 days of this report and to establish why GCEO's cannot function at the SABC and leave prematurely, causing operational and financial strains.
- The role and authority of the COO in relation to the GCEO should be defined to ensure that overlaps in authority are identified and eliminated.
- Finalisation of all pending disciplinary proceedings should be expedited against the suspended CFO, Duda within 60 days of this report.
- SABC Board must ensure that all monies are recovered which were irregularly spent through unlawful and improper actions from the appropriate persons.
- The SABC Board should take appropriate disciplinary action against the following:
 - Motsoeneng for his dishonesty relating to the misrepresentation of his qualifications, abuse of power and improper conduct in the appointments and salary increments of Sully Motsweni, and for his role in the purging of senior staff members resulting in numerous labour disputes and settlement awards against the SABC.
 - Lulama Mokhobo, the outgoing GCEO for her improper conduct in the approval of the salary increment of Motsoeneng.
- Ensure that any fruitless and wasteful expenditure that had been incurred because of irregular salary increments to Motsoeneng, Motsweni, Khumalo and the freelancers, is recovered from the appropriate persons.
- Ensure that in future there is strict and collective responsibility by the SABC Board members through working as a collective and not against each other, in compliance with the relevant legislation, policies and prescripts that govern the National Broadcaster; and
- Issue a public apology to P Ntombela-Nzimande, C Mampane and all its former employees who had suffered prejudice due to the SABC management and Board's maladministration involving failure to handle the administration of its affairs in accordance with the laws, corporate policies and principles of corporate governance.
- Review all their HR processes pertaining to creation of new posts, appointments and salary scales and progressions.

[Download Thuli Madonsela's full report: "When Governance and Ethics Fail"](#)



Public Protector Thuli Madonsela: Her findings are clearly indicative of "pathological corporate governance deficiencies at the SABC".



The SABC - rotting from the top.

MEDIA COVERAGE

Media coverage has, naturally, been extensive:

For more:

- Mail & Guardian: [Madonsela finds SABC's Motsoeneng unlawfully hiked salary...](#)
Successive SABC boards have allowed controversial acting chief operations officer Hlaudi Motsoeneng to operate above the law, says Thuli Madonsela.
- news24: [Madonsela's SABC report: Carrim must decide...](#) The public protector's report on SABC acting chief

operations officer (COO) Hlaudi Motsoeneng will be studied, the communications ministry said yesterday, following the report's release.

- BD Live: [Madonsela finds 'pathological deficiencies' in SABC governance...](#) Public Protector Thuli Madonsela's probe into maladministration in the SABC has found damning evidence of "pathological corporate governance deficiencies", with the national broadcaster losing millions through a systematic purging of senior staff and irregular salary hikes.
- Times live: [Rot at SABC exposed...](#) The corporation's acting chief operating officer, Hlaudi Motsoeneng, not only lied about his qualifications, but was embroiled in irregular appointments and enriched himself with three salary increases in one year - taking his pay from R1.5m to R2.4m... Political interference, maladministration, purging of staff, jobs for pals and self-enrichment all festered at the SABC, with the board turning a blind eye and, in some instances, [with] the chair's connivance.

• **Hlaudi Motsoeneng must be suspended immediately: Marian Shinn, DA Shadow Minister of Communications**

Public Protector Adv Thuli Madonsela's damning report on the state of the South African Broadcasting Corporation (SABC) released today is a clear illustration of how dysfunctional the SABC has become.

For the past two years the Public Protector has been investigating allegations of maladministration, systemic governance deficiencies, abuse of power and the irregular appointment of acting Chief Operating Officer, Hlaudi Motsoeneng - a man who was condemned for his "unlawful" behaviour in the provisional Public Protector's report leaked last year.

This report confirms that the SABC has been plagued by incompetence, routine corruption and cadre deployment for years. Furthermore, according to the Public Protector's report:

- The SABC lost millions in irregular handling of employment contracts.
- Motsoeneng has been allowed by successive boards to operate above the law, undermining the GCEO among others. And causing the staff, particularly Human Resources (HR) and Finance to engage in unlawful conduct.
- Motsoeneng fraudulently misrepresented his qualifications to the SABC.
- Allegations that Motsoeneng's salary progression was irregular were substantiated in that he received salary appraisals three times in one year as alleged, hiking his salary as executive manager [for] stakeholder relations from R1.5m to R2.4m.

We call on Minister of Communications Yunus Carrim, in his capacity as the shareholder's representative, to instruct the SABC Board to immediately suspend Motsoeneng and recruit, as soon as possible, suitably qualified and experienced Group CEO and COO, to head a crisis management team to stop the rot at the SABC.

Motsoeneng must be removed from the premises and forbidden access to any SABC staff during the process of determining his possible permanent removal from the corporation. He must also be forbidden to have contact with the SABC Board, with whom he has an unhealthy close and protective relationship.

Motsoeneng has an extensive record as an unscrupulous character within the broadcaster's administration. Motsoeneng used his political clout to collapse the last SABC Board when it voted to remove him from the Acting COO post. And it is unlikely that any of the current board would be serving if they were not indebted or in league with Motsoeneng.

The Public Protector's picture of Motsoeneng's character and behaviour clearly shows that his continued presence at



Marian Shinn: Motsoeneng has an extensive record as an unscrupulous character within the broadcaster's administration.

the corporation will continue to have a destructive effect on operations and personnel.

The report also recommends that:

- Parliament's Joint Committee on Ethics and Members' Interests to take note of the findings against former Communications Minister Dina Pule in respect of her conduct with regard to irregular appointment of Gugu Duda as SABC's CFO and her improper conduct relating to the issuing of unlawful orders to the SABC Board and staff.
- The current Minister of Communications, Yunus Carrim to institute disciplinary proceedings against Communications Department official Themba Phiri in respect of his conduct and role in the appointment of Duda as SABC CFO.
- All monies which were irregularly spent through unlawful and improper actions from the appropriate persons be recovered.
- Appropriate disciplinary action against Motsoeneng and former Group Chief Operating Officer, Lulama Mokhobo be taken.
- To ensure that any fruitless & wasteful expenditure incurred as the result of irregular salary increments to Motsoeneng, Motsweni, Leah Khumalo and freelancers is recovered from the appropriate persons.
- That in future there's strict & collective responsibility by the SABC Board members through working as a collective and not against each other, in compliance with the relevant legislation, policies and prescripts that govern the SABC.
- A review of all the SABC human resources processes pertaining to creation of new posts, appointments, salary scales and progressions.

I will write to the Chairperson of the Communications Portfolio Committee, Sikhumbuzo Kholwane, and request the SABC Board be summoned to Parliament to explain what action they will take on both the Public Protector's report and the PriceWaterhouseCoopers report released earlier this month.

In the meantime, we await Minister Carrim's report to the portfolio committee this week on the progress of the task team he appointed last year to probe the state of SABC.

It is of great concern that during the past year the financial state of the SABC again failed to meet the financial performance targets set out in the government guarantee, failed to improve revenue and sponsorship targets and received a disclaimer of opinion - the worst possible finding by the Auditor-General.

We once again urge Minister Carrim to take immediate steps to curb the crisis within the SABC. Currently its entire top executive management structure is filled with acting appointees and we once again urge Minister Carrim to consider options such as judicial management.

ABOUT ROD BAKER

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