

RealTime Transcriptions

TRANSCRIPTION OF THE

COMMISSION OF INQUIRY

SOUTH AFRICAN REVENUE SERVICE

BEFORE COMMISSIONER

THE HONOURABLE MR JUSTICE NUGENT (RETIRED)

ASSISTED BY

PROF M KATZ
MR V KAHLA
MS M MASILO

HELD ON

DAY 18

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PAGES 3056 - 3214

HELD AT

The Auditorium, 2nd Floor Lifton House, Brooklyn Bridge, 570 Fehrsen Street,
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Page 3056

1 [PROCEEDINGS ON 16 OCTOBER 2018]
 2 [09:05] COMMISSIONER: You ready?
 3 MS HOBDEN: Morning, Judge. We call Mr
 4 Andre Scheepers.
 5 COMMISSIONER: Morning, Mr Scheepers.
 6 MR SCHEEPERS: Good morning, Judge.
 7 COMMISSIONER: Thank you very much for
 8 coming to assist us. I know you didn't have to but we're
 9 much obliged to you. Will you affirm that the evidence you
 10 give will be the truth, the whole truth and nothing but the
 11 truth. If so will you just say I do.
 12 MR SCHEEPERS: I do.
 13 EVIDENCE OF MR SCHEEPERS
 14 COMMISSIONER: Thank you.
 15 MS HOBDEN: Thank you, Judge. Mr
 16 Scheepers, could you tell us when you joined SARS and in
 17 what capacity?
 18 MR SCHEEPERS: 1st of September 2000. At
 19 that time I was an IT contractor or consultant.
 20 MS HOBDEN: And do you still work at
 21 SARS?
 22 MR SCHEEPERS: No.
 23 MS HOBDEN: What position did you hold
 24 before you left?
 25 MR SCHEEPERS: Just before I left I was

Page 3057

1 the executive service infrastructure and operations.
 2 MS HOBDEN: And just prior to that during
 3 the modernisation period?
 4 MR SCHEEPERS: I was appointed in 2007 as
 5 the head of the technical support area at that point in
 6 time we consolidated all of the technical support functions
 7 into one department and I headed up that department. In
 8 2010 I moved to the position of service infrastructure and
 9 operations heading up that division. I'm sorry I need to
 10 correct myself. Just before I left, that was after the
 11 restructure I was then the executive of infrastructure
 12 services, I think it was called.
 13 MS HOBDEN: And is there a particular
 14 reason you left SARS?
 15 MR SCHEEPERS: I was not, I didn't have
 16 the job satisfaction I had up until 2014, 15 I was not
 17 happy with the way that I was treated during that time and
 18 the reorganisation of the business and more particularly my
 19 area made it impossible for me to perform my tasks. I was
 20 time for me to move on.
 21 MS HOBDEN: Can you explain the role of
 22 your division, which was service infrastructure and
 23 operations as part of the modernisation programme?
 24 MR SCHEEPERS: The IT operations, if I
 25 can just call it IT operations in short, runs the operation

Page 3058

1 of all of your IT and technology components and systems on
 2 a daily basis and that is what we did. In terms of the
 3 organisation programme I had to keep the SARS IT business
 4 running and in a sense this was a service provider function
 5 to the business where you not only keep the back end
 6 systems running, you also provide the service to the end
 7 user, the desk top and the telephone that's on the desk.
 8 In terms of the modernisations programme we had to enable
 9 the modernisations programme from a technology perspective.
 10 We had to put the building blocks in place that was needed,
 11 required by the modernisation programme during this time it
 12 was an ongoing responsibility of mine to maintain and
 13 refresh the hardware in that landscape. During this time
 14 we often looked for opportunities to bring in efficiencies,
 15 to bring in cost savings, to rationalise and consolidate in
 16 order to free up resources to fund those technology
 17 investments that had to be made for the modernisation
 18 programme.
 19 MS HOBDEN: And can you explain the role
 20 of IT Service Management within this mandate?
 21 MR SCHEEPERS: IT Service Management is a
 22 set of disciplines. Very common in the IT industry, this
 23 is, there is an IT service management framework called ITIL
 24 which is aligned to the, I think it's the ISO2000
 25 International standard and this guides you in how you

Page 3059

1 should manage IT incidents, problems, changes, releases,
 2 how you should accept your, manage your hardware asset and
 3 software, software asset registry and the disciplines
 4 around that. So the IT service management discipline in
 5 SARS is not different to what you will find in any other IT
 6 division.
 7 MS HOBDEN: Am I right to say it is a
 8 form of governance for IT processes?
 9 MR SCHEEPERS: Definitely, yes.
 10 MS HOBDEN: We heard evidence yesterday
 11 about releases that the modernisation and technology
 12 division would conduct on a weekly basis. Can you explain
 13 the role of service infrastructure and operations in that
 14 process?
 15 MR SCHEEPERS: The IT service management
 16 department which was reporting to me, they were responsible
 17 for management of these releases. When you manage a
 18 release you make sure when it comes into the environment it
 19 has followed the system development lifecycle process. You
 20 make sure that it complied to all of the gates that you
 21 have in place in that process. You look for dependencies
 22 between that system release and the others that may be in
 23 the pipeline in order for you to management the, and
 24 coordinate those dependencies and then you want to bring
 25 that release into your production landscape with the least

Page 3060

1 impact to the business.

2 MS HOBDEN: Was it a way of management

3 risk for SARS?

4 MR SCHEEPERS: Yes, of course.

5 MS HOBDEN: What could go wrong if those

6 processes weren't followed?

7 MR SCHEEPERS: You would have chaos.

8 MS HOBDEN: Related to that is the issue

9 of change management, could you explain how change

10 authorisation board worked and how change management worked

11 at that stage?

12 MR SCHEEPERS: Change management is very

13 similar, although change management is more associated with

14 technology changes and infrastructure changes. This is

15 where you commission a new piece of technology, you make a

16 change to the configuration of an existing piece of

17 technology but it is separate from the software system

18 release which I explained just now. The change, sorry -

19 MS HOBDEN: No, continue.

20 MR SCHEEPERS: The change advisory board

21 okay was responsible for managing the changes that came

22 through this process and again very similar to release

23 management you have to understand your dependencies, you

24 have to look at the requirements of that process to make

25 sure that in order for you to management the impact and the

Page 3061

1 risk you've ticked all of the boxes in that, during that

2 process and then of course you manage your dependencies and

3 you coordinate the change so that you have the least amount

4 of impact to the business.

5 MS HOBDEN: Sure and you mentioned

6 business and I'd just like to clarify the risk you talk

7 about, would that be risk to business and risk to SARS's

8 fulfilling its mandate?

9 MR SCHEEPERS: Yes, of course. We

10 measured system availability at the business service level

11 and we always achieved a very high level of system

12 availability and obviously poor change and release

13 management would definitely impact on that, have an impact

14 on this and that is how I was measured.

15 MS HOBDEN: So one of your primary roles

16 in your position during that time was to ensure the

17 stability of SARS infrastructure and systems to prevent any

18 downtime and to ensure availability is that right?

19 MR SCHEEPERS: That's 100% correct.

20 MS HOBDEN: And that would be regardless

21 of the pace of change or the pace of new release of the

22 changes in the environment?

23 MR SCHEEPERS: Yes.

24 MS HOBDEN: And did you management that?

25 MR SCHEEPERS: I can, I can give you some

Page 3062

1 statistics for the year 2014/15. Sorry I had the wrong

2 paper with me.

3 COMMISSIONER: Take your time, there's no

4 hurry.

5 MR SCHEEPERS: It's fine. I will give

6 you the numbers from memory. During the year 2014/15 the

7 availability measure was 99.85%. This was measured across

8 the entire system landscape and as I previously mentioned

9 it was measured at the business service level. So a single

10 component being unavailable does not mean business service

11 is not available because we built redundancy and resilience

12 into the system landscape. During that year we had roughly

13 9 000 infrastructure changes. The success rate was 99.4%

14 and if I remember correctly we had a number of, 1 300

15 software releases. 250 of these were full releases. The

16 rest were production fixes and maintenance fixes. Again

17 success rate of 99.67%. The number of changes and releases

18 that was problematic and had to be rolled back you could

19 count on your two hands.

20 MS HOBDEN: So amidst these huge numbers

21 of changes and releases happening during this period and

22 the stability and availability of the SARS IT systems what

23 is the impact for that on taxpayers?

24 MR SCHEEPERS: Sorry just repeat that

25 question.

Page 3063

1 MS HOBDEN: What is the impact of the

2 high success rate and availability of the SARS systems

3 during this time for taxpayers?

4 MR SCHEEPERS: Well if you think about it

5 any outage to your business service has a direct impact on

6 the taxpayer, the person who goes to the branch office, the

7 person who wants to file on line on E-filing, the trader or

8 the cargo carrier that goes to the border, if those systems

9 are down those business, services are not available. You

10 have people standing in queues, you have people who cannot

11 transact with SARS.

12 MS HOBDEN: Those people cannot comply?

13 MR SCHEEPERS: Exactly.

14 MS HOBDEN: Moving onto some of the

15 infrastructure aspects of your area. There were two areas

16 that dealt with infrastructure, distributed infrastructure

17 support and IT infrastructure facilities. Can you just

18 explain what those two areas were?

19 MR SCHEEPERS: There were more than just

20 the two. The, that division consisted of in the end,

21 before it was restructured 12 departments. This was

22 networks, you had the core hosting services. Among those

23 were distributed infrastructure support. This was mainly

24 the support of your server and desktop infrastructure

25 throughout the country. They were also responsible for

Page 3064

1 rolling out software to the landscape. Now we're not
 2 talking about the software releases that we spoke about
 3 earlier on, this is software to the desktop, patches,
 4 vulnerability fixes, etcetera. IT facilities they looked
 5 after our data centres. Now SARS had at that point in time
 6 the main data centre in Brooklyn, there were four contact
 7 centres which was fairly large regional data centres. In
 8 total there were 16 regional data centres and every single
 9 SARS site whether it was a branch office, a customs office
 10 or a border post or port of entry had a, at least a server
 11 room with some technology components implemented or
 12 installed in it. Now the responsibility of that team was
 13 to look after those facilities. This is the support of the
 14 power infrastructure, the cooling infrastructure and
 15 environmental management of that facility.

16 MS HOBDEN: Moving onto the day to day
 17 functioning of you and your team during the modernisation
 18 period how did you manage the many projects undertaken in
 19 your area?

20 MR SCHEEPERS: With difficulty. No we
 21 had a, we had a very strong and capable team to being with.
 22 But I also had a dedicated infrastructure project
 23 management team and this was separate from the project
 24 management office in SARS and the reason for that is
 25 because in an environment the size of SARS, the size of the

Page 3065

1 SARS landscape you will have infrastructure projects on a
 2 continuous basis. It's, if you stop then you're falling
 3 behind.

4 MS HOBDEN: And that, and that required
 5 dedicated project management specialities within your area?

6 MR SCHEEPERS: Yes. You need people,
 7 number 1 familiar with the technology landscape and number
 8 2 with the appropriate background for, to manage those
 9 projects.

10 MS HOBDEN: And what governance
 11 committees did you attend during that time?

12 MR SCHEEPERS: Well apart from the
 13 committees I had in my own area, like release advisory
 14 board, the change advisory board, then we had an
 15 infrastructure management Steerco. There was the IT Manco
 16 which met on a weekly basis. Do you want me to elaborate
 17 on what these committees did?

18 MS HOBDEN: Yes, that would be helpful.

19 MR SCHEEPERS: So the IT Manco met on a
 20 weekly basis. This is where we would talk about the
 21 technology landscape, where we take technology decisions
 22 where we would table changes in technology, any major
 23 events in the technology landscape. This is where the
 24 debate would happen when it comes to technology and changes
 25 to the technology landscape. Then we had the weekly

Page 3066

1 project management or programme management implementation
 2 Steerco, that was the Thursday Megawatt Park meeting. In
 3 the IT Manco the attendees were mostly people from the IT
 4 departments. In the project management Steerco on a
 5 Thursday it was representatives from, of the project
 6 management offices IT, the process enablement team, some of
 7 the software partners and vendors that we dealt with on a
 8 continuous basis, who developed and maintained these
 9 systems for us and then we had the, there was a weekly
 10 OPSCO in the modernisation area and this was a business
 11 committee. I was not a member of that committee but I was
 12 invited to attend it from time to time as it was required.
 13 This was attended by the group execs of each one of the
 14 business areas and there was also a representative from the
 15 LBC.

16 MS HOBDEN: And what kind of cases would
 17 you invited to attend the OPSCO meeting that was primarily
 18 for business GEs?

19 MR SCHEEPERS: This was where there was a
 20 major event or a major change in the infrastructure area
 21 that I was responsible for that would have a significant
 22 impact on the business.

23 MS HOBDEN: And in the meetings we call
 24 the Megawatt Park meetings, you've mentioned people from
 25 various areas in SARS, what kinds of people from business

Page 3067

1 areas would attend those meetings regularly?

2 [09:25] MR SCHEEPERS: There were some of the
 3 group execs, well the group Execs were standing invitees to
 4 that meeting. From the program management office there
 5 were program managers assigned to each one of the business
 6 areas and they would represent that business area at the
 7 meeting. And obviously look after their interest and give
 8 feedback to the business area as appropriate.

9 MS HOBDEN: What do you mean by the GEs
 10 from business had a standing invite to that meeting?

11 MR SCHEEPERS: The group execs
 12 responsible for the systems that we were modernising,
 13 touching at that point in time would have an invite to the
 14 meeting.

15 MS HOBDEN: So they could attend –

16 MR SCHEEPERS: Who were working on the
 17 customs area, the customs NG would be an invitee to the
 18 meeting.

19 MS HOBDEN: So they could attend any
 20 meeting they wished to.

21 MR SCHEEPERS: Yes.

22 MS HOBDEN: And particularly where
 23 something relevant to them was being discussed. Can you
 24 explain in the Manco meetings the kind of debate and
 25 decision making process?

Page 3068

1 MR SCHEEPERS: Well we debated major
 2 infrastructure, well any major changes, not only
 3 infrastructure, technology changes, any decision that
 4 required that level of oversight had to be tabled there.
 5 When it came to procurement activities in the IT space you
 6 would need to present your business case at that meeting
 7 whether you had the budget for it or not. If it was – and
 8 I'm not talking about buying a PC or a laptop, I'm talking
 9 about significant procurement activities. You would table
 10 it at that meeting and you had to submit a business case
 11 and this business case would address all of the appropriate
 12 considerations and that is where the debate would happen.
 13 Is it the right technology, did we test the market, did we
 14 look into the market for other alternatives, is it cost
 15 effective. Can it be done more cost – is there a way to do
 16 it more cost effectively, etcetera. And I can assure it
 17 was not rubber stamping process, you had to go there, you
 18 had to present your business case and it was not always
 19 approved. Sometimes you had to go back and go and satisfy
 20 the questions given to you by the committee and come back
 21 and present again. And that was just the start of the
 22 process. From there once you had the IT Manco approval
 23 obviously then you had to follow the normal procurement
 24 process where you had a procurement vehicle, an existing
 25 contract to use, you would go that route as appropriate.

Page 3069

1 If not, you would go the procurement route if you had to go
 2 by tender or go through a procurement process to do this
 3 that is the route that you would go. But the IT Manco
 4 decision was not the last, most of these procurements ended
 5 going to either the Exco procurement sub-committee which
 6 was chaired by the CFO and if the value exceeded a certain
 7 amount it had to go to Exco.
 8 MS HOBDEN: And were there any general
 9 principles that the Manco applied in deciding which
 10 procurements – well in informing the procurement decisions?
 11 MR SCHEEPERS: I'm not sure I understand.
 12 MS HOBDEN: Were there any overarching
 13 principles that would consistently be applied in deciding
 14 where to spend the money that had been allocated to
 15 modernisation or were they done on a case by case basis.
 16 MR SCHEEPERS: No, no, all right, no, no
 17 that's a very good question. We had a, in my view and I'm
 18 sure the others will agree, we had a true north and the
 19 true north was aligned with a mandate of SARS, collect
 20 revenue and facilitate trade through the country's borders.
 21 Now in order or priority what would attract priority in
 22 these decisions would be a change, a technology change or a
 23 system change required by legislation, those happened, they
 24 even happen today. They will happen every year. Then
 25 there would be, will it generate more revenue for SARS or

Page 3070

1 will it improve on the service to the taxpayer or the
 2 trader. Those were the priorities, anything other than
 3 that was making its activities like the renewal of license
 4 agreements or refresh of hardware which I was responsible
 5 for that. But that was maintaining a stable platform.
 6 MS HOBDEN: We heard yesterday that at
 7 the Manco meetings there were representatives from finance,
 8 can you tell us about how that influenced you and the
 9 business cases you brought to that meeting and how it
 10 worked?
 11 MR SCHEEPERS: Yes we had representatives
 12 of finance in that IT Manco meeting. Perhaps I should just
 13 take a step back and take you through the different
 14 procurement channels we had at that point in time. So for
 15 the technology procurement and renewal of license
 16 agreements that I spoke about previously we had an IT
 17 procurement function within the IT finance area which was
 18 headed up by John Cruickshank. They helped us to
 19 facilitate the process, they also managed our budget. So
 20 they helped us to facilitate the process in the sense that
 21 they would help us package the procurement before it went
 22 onto central procurement. Then you also had strategic
 23 sourcing in the program management office, they dealt with
 24 the more complex, the larger enterprise license type
 25 agreements and tenders for the technology area. And then

Page 3071

1 you had the strategic area in the modernisation office that
 2 dealt with the contracts specific to the modernisation
 3 program. Now coming back to the IT Manco, the business
 4 cases that I had to submit for the ongoing procurement, the
 5 business as usual type activities those business cases made
 6 a turn at the IT office before it was tabled there, they
 7 had to confirm was there budget available, is there a
 8 contract in place, yes or no. They would look at the
 9 previous year's spend, they would ask the question why are
 10 we paying more for the same thing, how did the exchange
 11 rate change from the previous year to the year that we are
 12 in now. And those questions would be asked before we
 13 tabled the business case at IT Manco. At the IT Manco we
 14 than had the answers to say we know there is a contract, we
 15 checked the spend against the previous year. We do have
 16 budget or we do not have budget, etcetera. So then you
 17 will be prepared by the time that you presented it and at
 18 that point in time the decision was taken on priority,
 19 technology and from there on it would then go into the
 20 procurement process.
 21 MS HOBDEN: So from what I understand
 22 there was oversight from finance in terms of budget and
 23 procurement processes before the business case even arrived
 24 at Manco and then thereafter it was debated according to
 25 the principles that you had which was what kind of project

Page 3072

1 is this. And what is its ultimate outcome.

2 MR SCHEEPERS: That is correct.

3 MS HOBDEN: So within these committees

4 and these processes how did you balance the need for

5 agility and efficiency and the rapid pace of progress and

6 modernisation with checks and balances for governance to

7 ensure that things were done ethically and properly?

8 MR SCHEEPERS: Well I think the

9 procurement framework that I described helped us to

10 facilitate that. We had in the modernisation office, we

11 had the procurement contracts with the software vendors

12 needed by the modernisation program. We had a number of

13 tenders in the IT operations area, long running, three to

14 five in some cases up to seven years which meant that you

15 had existing contracts in place. And then for procurement

16 of IT infrastructure we had a number of existing contracts

17 that allowed for a certain amount of procurement of that

18 specific technology. Up to – it was valid for a period of

19 time and in later years procurement also placed a cap on

20 the value of that contract. Earlier on that was not the

21 case, but in the later years, I can't remember when it

22 changed, there was definitely a period attached to the

23 contract and a value that you could not exceed.

24 MS HOBDEN: Could you give us an example

25 of one of those contracts that had been put in place and

Page 3073

1 that allowed you to utilise and draw down from, when

2 necessary, over a period of time? You don't have to give

3 us the names of the service providers, but just –

4 MR SCHEEPERS: In the – I'll use the

5 tower contracts as one example. If you think about the

6 commissioning of a data line to a new office or an

7 additional line to an existing office. We would go to our

8 data carrier and it was simply a process of going through

9 the process of getting the capacity established, placing

10 the order and having the line installed with our network

11 provider who looked after, managed network services. The

12 contract allowed for us to procure network equipment, that

13 was the supplier of network equipment. When it comes to

14 the desktop and the server environment we made use of the

15 SETA transversal contracts. Now this is where SETA would

16 go out to the market every couple of years, they would

17 issue a tender for the procurement of desktop and survey

18 and other technology components. And they would create a

19 panel, a panel of providers and this contract would then be

20 made available to any government department. The process

21 that you'll need to go through is your CFO or your chief

22 procurement officer would write to SETA requesting to

23 become a member of this panel and to make use of this

24 contract. And then it was a matter of getting quotes from

25 the different suppliers on that panel and placing the order

Page 3074

1 with who you think would give you the most cost effective

2 procurement and in the time required to do so.

3 MS HOBDEN: So as I understand the

4 procurement framework in place meant that it was not

5 necessary to have a new business case and a new procurement

6 process every time you needed certain kinds of hardware or

7 software, that was something you used regularly because you

8 had a contract in place already.

9 MR SCHEEPERS: Well we did submit

10 business cases because we're talking about large sums of

11 money. So even the procurement of desktops, we bought

12 these things in numbers of 1000s. So it's a significant

13 amount of money and at that point in time the IT Manco had

14 to look at that procurement and weigh it up against other

15 priorities to say why would we spend this amount of money

16 right now at this point in time on this area of the

17 business. What is the state of this technology, can we

18 replace it later this year? Can we reduce the number and

19 replace some of it next year? So there was definitely a

20 business case submitted, but we didn't have to go through a

21 tender process every time you wanted to buy something new.

22 MS HOBDEN: Okay I understand. So what

23 you're saying is that it was not - a procurement vehicle in

24 place did not mean carte blanche to draw down, you can buy

25 as many computers as you wanted to. Specific business

Page 3075

1 cases had to be made to Manco.

2 MR SCHEEPERS: We had to jump through

3 hoops.

4 MS HOBDEN: So there was oversight.

5 MR SCHEEPERS: Most definitely.

6 MS HOBDEN: If we move onto

7 infrastructure maintenance and support which was part of

8 your portfolio, can you explain what is meant by a hardware

9 lifecycle?

10 MR SCHEEPERS: So technology hardware has

11 a lifespan and this lifespan is determined by a technology

12 provider or as we talk about it in the industry as the OEM,

13 you must have heard of that, that's the Original Equipment

14 Manufacturer. And this is where they would say will

15 support this model of hardware for a period of a number of

16 years and they then commit to carry spares for that

17 specific piece of equipment for that period. And they also

18 commit to maintaining the software or the firmware required

19 by that piece of technology for that amount of time.

20 Now you can keep the hardware beyond that period,

21 but your risk increases, your risk of failure increases.

22 And spares availability will become a problem and the

23 maintenance of that software or firmware it will no longer

24 be maintained beyond that period. The risk here is a

25 security risk, if you had a vulnerability that affected

Page 3076

1 that technology component there wouldn't be a patch or a
 2 fix for it.
 3 So it's important to maintain your hardware
 4 estate. Now when you talk about – you asked about the
 5 lifecycle, we had a hardware rolling refresh and because
 6 the landscape is so big, you're talking about 1000s of
 7 servers and 1000s of network devices. And when I was still
 8 at SARS at that point in time there was 12 000 desktops and
 9 5000 laptops. Now to replace those devices first of all
 10 you need the money to do so, but you also need the capacity
 11 to roll it out, there's a cost to it. And there is a cost
 12 in resource time and obviously you have to do this against
 13 your other priorities and against your business stability,
 14 your system stability that we spoke about earlier. It's
 15 not a trivial task and it's important to keep it up because
 16 when you fall behind don't think that the money that you
 17 didn't spend this year and the 1000 devices that you had to
 18 replace this year you can catch up next year. It is very
 19 difficult, very hard and over a number of years it becomes
 20 impossible.
 21 MS HOBDEN: You mentioned one of the
 22 important reasons for hardware refresh on a regular basis
 23 was to prevent security vulnerabilities. Are there any
 24 budgetary and expense factors that also make it important
 25 to do this task?

Page 3077

1 MR SCHEEPERS: Well obviously the way
 2 that SARS deals with hardware assets, these assets come
 3 onto the books of SARS, it is an equipment lease like you
 4 would sometimes find in the private sector. So you have to
 5 lay out the capital in one go. Now the way that SARS
 6 budget for this expense, in having a rolling refresh you
 7 smooth that expenditure curve. You don't have these huge
 8 spikes that you would not get the budget for to begin with
 9 and having a rolling refresh you ensure that you have the
 10 budget available in order to maintain it.
 11 MS HOBDEN: You can plan ahead.
 12 MR SCHEEPERS: You can plan ahead yes.
 13 [09:45] MS HOBDEN: Just to clarify, is it more
 14 expensive for the OEM to maintain its support hardware that
 15 is outside of its usual lifecycle?
 16 MR SCHEEPERS: For the OEM?
 17 MS HOBDEN: Well, I mean for you to get
 18 the support you need to maintain that hardware.
 19 MR SCHEEPERS: It will become more
 20 expensive because it means that, look there are mitigating
 21 strategies that you can use to manage the risk. You can go
 22 any buy all the spares that are available and keep it in
 23 your store. It's not the best approach but it is an
 24 approach. You will reach a point in time where spares are
 25 not available or hard to come by and then it's not just the

Page 3078

1 price point that you need to consider it is the impact of
 2 that component that is down and if you can't repair it or
 3 replace it, it's going to be down for an extended period.
 4 Now I spoke about the resilience earlier when I
 5 said fortunately we built a lot of resilience into the SARS
 6 infrastructure landscape but that can also carry you only
 7 so far. If you now remove your resilience you have one
 8 parachute left. If that thing fails and you do not have
 9 spares available or it cannot be repaired you will be in
 10 trouble.
 11 MS HOBDEN: So aging infrastructure or
 12 infrastructure that has not been regularly refreshed
 13 reduces the overall system's resilience?
 14 MR SCHEEPERS: It will reduce your
 15 resilience over time. It will have an impact on your
 16 stability and it will impact you with the availability of
 17 systems. Coming back to what does that mean for the SARS
 18 business, again we're talking about the taxpayer visiting
 19 the branch office, the trader going through the border
 20 post, the person who wants to file with E-filing online.
 21 MS HOBDEN: And can you tell us about
 22 software renewals?
 23 MR SCHEEPERS: Software license
 24 renewals, this – maintaining the software license so you
 25 get different types of software agreements. You get a

Page 3079

1 perpetual license where you buy the license and you own it,
 2 it's yours, or you can get a subscription licence. This is
 3 where you need to renew on an annual basis. When you stop
 4 – when you do not maintain your subscription you have to
 5 stop using it. They switch it off. In the case of a
 6 perpetual license you will maintain it in order to qualify
 7 for – will be entitled for future upgrades, fixes, bug
 8 fixes to the software and again if there are security
 9 vulnerabilities you want to have a maintained license in
 10 order to be able to get those patches and security fixes
 11 when they become available should the need arise.
 12 MS HOBDEN: So just moving on to a
 13 separate an relatively discrete topic which will be dealt
 14 with a bit later in the week but could you explain why
 15 during modernisation period SARS was primarily using
 16 bespoke applications for its IT systems rather than off the
 17 shelf solutions and why that approach was taken.
 18 MR SCHEEPERS: It's a question for my
 19 friend in architecture – strategy and architecture, but I
 20 will give you my view. I don't think there's a right or
 21 wrong answer when you talk about commercial and
 22 commercially off the shelf packages versus custom
 23 development and I'll tell you why I say that. First let's
 24 understand what we're talking about. If you're talking
 25 about people tend to think that commercially off the shelf

Page 3080

1 available software is a packaged solution that you order,
 2 you take off the shrink-wrapped, you install it and it's
 3 ready to use. Now that may be the case for smaller and
 4 isolated components but it will definitely not be the case
 5 for a tax system or a customs system, especially not in the
 6 case of a business like SARS. I mean, think about it, how
 7 many tax authorities are there world-wide and how many of
 8 them are in South Africa and how many of these packages are
 9 – were built specific to your business?
 10 So what I'm trying to say is if you go the off
 11 the shelf route there's going to be some customisation that
 12 you would need to do and I think what you need to decide up
 13 front coming back to was it a good decision or not, you
 14 need to understand when you make that decision whichever
 15 way you go, whether you go off the shelf or whether you go
 16 custom development there is going to be – you are building
 17 that platform and there is going to be ongoing maintenance
 18 cost. There is going to be – firstly you're going to have
 19 to configure or customise the software for your business
 20 because it wouldn't come off the shelf specific to your
 21 business, especially not when you talk about a tax agency.
 22 So you, firstly you're going to have to customise and then
 23 you're going to have to maintain.
 24 And earlier on when we spoke about software
 25 releases I explained to you that we had changes to the

Page 3081

1 system required by legislation. Those happened on an
 2 annual basis. Now whether it's off the shelf of custom
 3 developed you're going to need to make those changes to the
 4 system. They do not happen by themselves. For me, my view
 5 is that other considerations should play a role.
 6 Availability of skills, the support that you have available
 7 to you, support that you have in country, ongoing costs,
 8 the ongoing maintenance requirement of the platform, but
 9 whichever way you go you're going to have to deal with
 10 those complexities either way.
 11 MS HOBDEN: And is it something decided
 12 – that should be decided on a case by case basis or that
 13 one can decide at a higher level?
 14 MR SCHEEPERS: I don't think in an
 15 organisation like SARS it can be decided at a higher level.
 16 Certainly in smaller organisations or organisations that –
 17 where you have off the shelf solutions built specifically
 18 for a specific industry, those decisions are probably
 19 easier to take. In the case of SARS it's a very complex
 20 system landscape and I would say that it needs to be done
 21 on a case by case basis depending on which area of the
 22 system landscape you talk about. You asked about whether
 23 this was the right decision for SARS at the time or the
 24 decision that SARS took was the right decision at the time.
 25 I was not involved in that decision at that point in time.

Page 3082

1 What is my view? Do I think it was a good decision? Yes,
 2 I do.
 3 I believe that we built a very resilient platform
 4 that met the business requirements. It was at least when I
 5 – up until the time that I left it was maintainable. We
 6 made the changes required by the business. We made the
 7 changes required by legislation and we did so on an ongoing
 8 basis. We had the skills locally available to us who could
 9 do this and I think the other consideration that I forgot
 10 to mention apart from skills and ongoing maintenance, the
 11 other thing that you do need to consider when you're making
 12 these decisions is the integration to your other systems.
 13 That's something that's often under-estimated and it will
 14 play a big role. It will play a big role in terms of
 15 complexity and it will cost a lot of money, so again I
 16 don't know of an off the shelf solution that answers all
 17 these difficulties.
 18 MS HOBDEN: So you've given us a picture
 19 of the successes and the progress state of your area during
 20 this time. Was there room for improvement? Were there any
 21 areas where there were challenges or things weren't working
 22 well?
 23 MR SCHEEPERS: There's always room for
 24 improvement. If I can for one minute pat myself on the
 25 back – or not myself, the team that we had in place at that

Page 3083

1 point in time or during that period continuous improvement
 2 was something that was top of the agenda for all of us. We
 3 wanted to do better all the time. At the end of 2014 was
 4 there fulfilment? Of course, yes. But again you need to
 5 measure or you need to consider that against other
 6 priorities or consider it against your other priorities and
 7 what would make the most significant change to your
 8 business.
 9 MS HOBDEN: And those areas where there
 10 was room for improvement, did that relate to initiatives to
 11 increase revenue collection or did that relate to internal
 12 governance with how the division was working or both?
 13 MR SCHEEPERS: In my view and I know
 14 that everybody does not hold this view, I do not think that
 15 we had a governance problem. The room for improvement, the
 16 areas of where there was room for improvement, there were
 17 ongoing initiatives in my area. There were ongoing
 18 initiatives in the security operations area. There were
 19 ongoing initiatives in the IT facilities area in order to
 20 increase the stability and the resilience of those
 21 facilities. In the security operations area that was to
 22 broaden the coverage of the security technology, to add
 23 layers – add more layers of security. In the other areas
 24 hosting services, server management area, desktop
 25 management areas we would look for improvements in the

Page 3084

1 efficiency of our own processes and we would always look
 2 for areas where you could bring about cost savings, bring
 3 your operational costs down. So to answer your question,
 4 yes, but we did work on it. It was a business as usual
 5 activity for us.

6 MS HOBDEN: And during that time were
 7 you aware of anyone or any particular business area that
 8 was unhappy with the work of the modernisation and
 9 technology team or the way in which that work was done?

10 MR SCHEEPERS: I can't remember the
 11 timing of it. By the time that the organisation started
 12 changing I know that the HR department was not entirely
 13 happy with the support they were getting and more
 14 specifically with the central application that was
 15 developed for them. The reason behind it is not known to
 16 me. That was the one concern I know about. The other one
 17 was in a specific department in the finance area which you
 18 were kicked off a project. I can't remember the detail of
 19 it but again they were not happy with the support provided
 20 by our team, by the technology team. It was a project that
 21 they initiated with an external supplier so in my view the
 22 external supplier should have provided that support but I
 23 did hear that they were not comfortable with the level of
 24 support they were getting from us.

25 Other than that we talk about the business of

Page 3085

1 SARS, the customs and revenue areas I never heard a
 2 complaint. There were those – you spoke about the way that
 3 things were implemented. I did hear from time to time that
 4 people were not comfortable with the pace. People felt
 5 threatened because the automation that we were bringing
 6 into business process would threaten people's jobs. I
 7 think those are reasonable concerns that you would have in
 8 any organisation. The amount of change, the pace of change
 9 that we went through at that point – during that period,
 10 ja.

11 MS HOBDEN: When you talk about those
 12 two areas, the HR and Finance, the two examples where they
 13 were unhappy with the support provided as you put it, was
 14 it that they were unhappy with the quality of the work or
 15 that they were unhappy that their projects were not being
 16 prioritised? What was the nature of their discontent?

17 MR SCHEEPERS: In the case of HR I can't
 18 comment. I do not know what the objection was to that
 19 specific system or what other concerns they had. In the
 20 case of finance this project needed the support of my SAP
 21 basis team and we did support them but it was one of the
 22 many things that we were busy with so I was not in a
 23 position to dedicate support to that specific project.

24 This team also had other projects that they had to work on.

25 MS HOBDEN: Okay.

Page 3086

1 MR SCHEEPERS: Now whether that level of
 2 support that was provided to them was sufficient or not I
 3 cannot comment. I was not approached directly. The
 4 concerns I heard was second-hand. It was passed on to me.

5 MS HOBDEN: Moving on to December 2014
 6 we've heard evidence that a moratorium was placed on all
 7 modernisation projects. Were you consulted or informed
 8 before the moratorium was imposed?

9 MR SCHEEPERS: No. No.

10 MS HOBDEN: Did you know it was coming?

11 MR SCHEEPERS: No.

12 MS HOBDEN: And what were the reasons as
 13 you understood them at the time for that moratorium?

14 MR SCHEEPERS: I do not know.

15 MS HOBDEN: What was the impact of the
 16 announcement of that moratorium on you and your team?

17 MR SCHEEPERS: Well, it came as a bit of
 18 a shock to us especially since in my view I think the
 19 modernisation program up until that point in time made
 20 significant changes to the efficiency of SARS and it was
 21 well-recognised, widely recognised so for it then – for it
 22 to be brought to a grinding halt against that background
 23 it's not only a surprise, you ask yourself why. That's
 24 confusing. I did not understand it. To our staff
 25 obviously a change as significant as this is unsettling

Page 3087

1 because you wonder what's going on and what is about to
 2 happen so yes, no, it had a significant impact I think to
 3 all of us.

4 MS HOBDEN: And when did you first hear
 5 about Bain and Gartner's engagement with SARS?

6 MR SCHEEPERS: I would think it was
 7 early 2015, start of 2015.

8 MS HOBDEN: And what did you understand
 9 that Gartner in particular was there to do?

10 MR SCHEEPERS: I did not know.

11 MS HOBDEN: Did you see the terms of
 12 reference for Gartner?

13 MR SCHEEPERS: No.

14 MS HOBDEN: And during that time were
 15 you consulted by Gartner?

16 MR SCHEEPERS: I was consulted by
 17 Gartner. There were a number of engagements. I did not
 18 see the terms of reference. The engagements that I had
 19 with Gartner was very specific to their very topics. How
 20 all of that fit into the bigger picture was not clear to
 21 me.

22 MS HOBDEN: And thereafter were you
 23 consulted about the implementation or the new
 24 organisational structure?

25 MR SCHEEPERS: No.

Page 3088

1 MS HOBDEN: Did you raise any concerns –
 2 MR SCHEEPERS: Well, let me correct
 3 that. I was consulted after the fact by both Bain and
 4 Gartner. In the case of Bain I was never consulted by Bain
 5 during the review of the operating model and organisational
 6 structure. I was only consulted after it was made – or
 7 after it was published.
 8 [10:05] At that point in time I met with people who I
 9 consider to be too junior for the task in the engagement
 10 that I had with them, and now I'm talking specifically
 11 about Bain, and I gave in the engagement that I had with
 12 them they were not in a position to answer my question,
 13 questions. So I had very specific questions because it was
 14 a very complex technology area that they were now changing.
 15 So I had very specific questions to them and they
 16 were not in a position to answer those. Objections and
 17 recommendations I made pertaining to that structure was not
 18 to be entertained so to me it was FYI, for your
 19 information. It was not an engagement. It was consulting
 20 with me. It was informing me. In the case of Gartner at
 21 one stage I got the feeling that Gartner was as much in the
 22 dark as what we were when it came to the organisational
 23 structure.
 24 That was just a feeling that I got. It was
 25 within my engagements with Gartner. When the structure was

Page 3089

1 revealed to us, specifically the IT structure because at
 2 first I remember the first time I saw the structure the IT
 3 leg was still under construction. That's what it said on
 4 the slide, under construction, work in progress. When it
 5 was finally revealed to us, the IT structure, my
 6 engagements with Gartner, I, again the objections that I
 7 raised pretty much fell on deaf ears and in some cases I
 8 got the blunt feedback that said we're not allowed to
 9 change this.
 10 MS HOBDEN: Is that feedback from
 11 Gartner?
 12 MR SCHEEPERS: Yes.
 13 MS HOBDEN: Going to you.
 14 MR SCHEEPERS: Yes. We are not in a
 15 position to change this. And perhaps I can just elaborate
 16 on my area, specifically the area that I was responsible
 17 for. I had to reapply for my - no, sorry, let me rephrase.
 18 My job in the new structure fell away. I had to apply for
 19 a new position. At that point in time I was only shown the
 20 four executive positions that was part of that area of the
 21 structure that I could apply for.
 22 And even after I was successful I did apply for a
 23 job even after I was successful. When the rest of that
 24 structure of that specific leg was shown to me again it was
 25 only the next level and it was, the structure that I was

Page 3090

1 shown had already had departments defined within that
 2 structure without any input from me. Now, if you're going
 3 to ask me to head up an area of technology then you're
 4 going to want to understand how I'm going to deliver
 5 against this mandate and which functions I would need in
 6 order to do so. Surely you should ask me. But that was
 7 not the case.
 8 MR KAHLA: Could you please just help me
 9 understand? When you say even after you were successful
 10 you had to apply what were you applying for? You were
 11 applying for the positions that you had already been
 12 successful and ready to be appointed to them or were you
 13 applying for other positions though you were successful?
 14 MR SCHEEPERS: Sorry if that came across
 15 incorrectly. After I was successful in my application for
 16 a new job even then I was only shown a part of the
 17 structure.
 18 COMMISSIONER: Sorry, you mean part of
 19 the structure that would be, you would be responsible for?
 20 MR SCHEEPERS: Excuse me, Judge?
 21 COMMISSIONER: Do you mean part of the
 22 structure that you would be responsible for? You said you
 23 were only shown part of the structure.
 24 MR SCHEEPERS: Yes.
 25 COMMISSIONER: And you mean part of the

Page 3091

1 structure that would be under your responsibility.
 2 MR SCHEEPERS: Yes.
 3 MS HOBDEN: So that we can clear I'd like
 4 to just go back to your description of your role. Your
 5 role was at an executive level.
 6 MR SCHEEPERS: That's correct.
 7 MS HOBDEN: You testified it fell away
 8 and was moved up to a GE level. Were you allowed to apply
 9 for that job?
 10 MR SCHEEPERS: No, I was not.
 11 MS HOBDEN: Why was that?
 12 MR SCHEEPERS: That is a very good
 13 question that I asked myself many times during that period.
 14 I do not know. The process was a little bit absurd if you
 15 ask me. So first of all what happened at my level, the
 16 same process was applied at the group executive level. My
 17 understanding is that they were informed of the positions
 18 that would be affected by the new operating model and those
 19 group execs then had to apply for the positions at that
 20 level, only at that level, that would be available, open to
 21 apply for.
 22 That same process was repeated at the executive
 23 level. Now, I was not in a position to apply for a group
 24 exec position. At that point in time there were a number
 25 of executive level positions that were affected by the

Page 3092

1 operating model. Those were communicated to us and
 2 communication is perhaps a wrong word here. I was sent an
 3 email in the middle of the night to tell me that my job
 4 would be affected and that I would need to reapply for a
 5 job. Anyway, when those changes to the organisational
 6 structure was communicated to us you would then be in a
 7 position to apply for any one of those affected positions.
 8 So you were limited to what you could apply for.

9 MS HOBDEN: You were limited to positions
 10 at the same level that you were currently.

11 MR SCHEEPERS: That's correct.

12 PROF KATZ: Can I just ask one question
 13 there? You described to us this morning the strategic role
 14 you had, the totality of it where it fitted in. In the new
 15 structure you didn't get - wat the totality of your
 16 position in the old structure did it exist in the new
 17 structure? Forget about you've got it. Did that very
 18 strategic role exist in the new structure?

19 MR SCHEEPERS: Yes, it was elevated to
 20 the group exec level and then the group exec level, group
 21 exec service delivery which is exactly the same job as what
 22 I did before.

23 MR KAHLA: Now you're suggesting that you
 24 could apply, you were allowed to apply for executive roles
 25 but not group executive roles. Was that an express

Page 3093

1 requirement that you could not apply for your, essentially
 2 your old job that had been reclassified higher?

3 MR SCHEEPERS: They happened at different
 4 times. So the group exec process kicked off first and only
 5 the group execs affected at that point in time by the
 6 restructure could apply for those positions, nobody else.
 7 And the same process was repeated with the executive level.
 8 So by that time, by the time that I could apply for a
 9 position I could only apply at my level. The group exec
 10 positions were already applied for and that process has
 11 closed.

12 MS HOBDEN: Mr Scheepers, were you aware
 13 that other people at SARS who were in a position where that
 14 position had been elevated because of implementation of the
 15 new operating model were allowed to move and retain their
 16 jobs in that new elevated position?

17 MR SCHEEPERS: Can I ask that you repeat
 18 that question?

19 MS HOBDEN: Were you aware that there
 20 were other people who found themselves in the same
 21 situation as you where their job had been elevated? Those
 22 people were allowed to move with their elevated position
 23 and did not have to reapply for that job. Were you aware
 24 of that at the time?

25 MR SCHEEPERS: No, I was not. And while

Page 3094

1 you were talking I was trying to think of an example of
 2 that and I can't.

3 MS HOBDEN: Sorry, I correct myself, they
 4 did have to apply but they were allowed to apply for that
 5 job but you were not allowed to apply for a job that had
 6 been elevated.

7 MR SCHEEPERS: No, I was not.

8 MS HOBDEN: And in your view the job was
 9 substantially the same.

10 MR SCHEEPERS: Exactly the same. Well
 11 the structure, the organisational structure underneath that
 12 job changed but the job itself, the functions reporting
 13 into that role was exactly the same.

14 MS HOBDEN: As I understand that new role
 15 now reports directly to the chief officer as opposed to
 16 into a GE level.

17 MR SCHEEPERS: That's correct.

18 MR KAHLA: Who was the chief officer for
 19 HR during that time when you were going through that
 20 process?

21 COMMISSIONER: Let me just - I think I
 22 might have it correct or not. Mrs Khumalo was the chief
 23 officer at the time that Mr Moyane took office but then she
 24 retired sometime I think in the middle of 2015. And as I
 25 understand it Mr Moyane took over as the acting human

Page 3095

1 relations chief officer in addition to his commissioner
 2 post for some period. I'm not quite sure for how long.

3 MR SCHEEPERS: To be honest I cannot
 4 remember. You are right. Mrs Khumalo was the chief
 5 officer when Mr Moyane took over. I do remember her
 6 retiring. I can't remember the timeframe. And from the
 7 time that she retired to where the new chief officer was
 8 appointed I can't remember who that was.

9 COMMISSIONER: Perhaps we could just get
 10 that detail sometime, the progression of human relations or
 11 development.

12 MS MASILO: Mr Scheepers, by the time you
 13 left SARS had the GE position been filled?

14 MR SCHEEPERS: Yes.

15 MS HOBDEN: Mr Scheepers -

16 COMMISSIONER: Sorry, so what happened
 17 here? You applied for an executive position and you didn't
 18 get it.

19 MR SCHEEPERS: No, I did get an executive
 20 position. It was a quarter of what I was doing before.
 21 But ja, I was successful. I was appointed as an executive
 22 again.

23 COMMISSIONER: I'm allowed to ask what
 24 happened to him or are you going there?

25 MS HOBDEN: You're welcome to ask him,

Page 3096

1 Judge.

2 COMMISSIONER: What happened to you? How

3 long did you last there?

4 MR SCHEEPERS: What happened, so first of

5 all I was not happy with the way that I was treated at all

6 especially since I think I had a very good history in SARS.

7 And even after going through this process or after going

8 through this process the operation changed in a significant

9 way and in a significant way pertaining to my job and my

10 responsibility and I found it to be a place where I could

11 not operate. So eventually I had to make the choice to say

12 do I stay here or do I move on. I was already unhappy. I

13 was not, I was not able to operate and fulfil my

14 responsibility. So I had to move on.

15 COMMISSIONER: When was that?

16 MR SCHEEPERS: That was towards the end

17 of 2015. Early in 2016 I started looking at other

18 opportunities.

19 PROF KATZ: May I just ask one - who then

20 got your former job?

21 MR SCHEEPERS: Well, which one, the -

22 PROF KATZ: Your total portfolio that you

23 had successfully done, all the complexities pre the new

24 cessation. I presume you mean the GE position.

25 MR SCHEEPERS: Ja, the GE, service

Page 3097

1 delivery, that was Tama Tsigu who was the former CIO

2 applied for that job and he was successful.

3 PROF KATZ: And his experience, his

4 background in that portfolio?

5 MR SCHEEPERS: I can't talk about his

6 operational background. In SARS he was the CIO. During

7 the period that I held the position I reported into him.

8 He was my direct manager.

9 MS HOBDEN: Mr Scheepers, in documents

10 the commission has been provided your name has come up as a

11 person who had been working to align views within

12 modernisation and technology when giving input to Gartner

13 for their IT assessment and in a sense trying to thwart

14 Gartner's assessments of the IT capability and governance

15 landscape. What is your response to those allegations that

16 were around at that time?

17 MR SCHEEPERS: I totally disagree. I

18 think I know where it comes from and I will give you that

19 response. We engaged with Gartner in a number of areas and

20 even though I did not agree with the process that we were

21 going through at the time either with Gartner, with Bain or

22 with Gartner I was still an employee, a loyal employee of

23 SARS and I gave it my full support where I needed to.

24 Where I was engaged by Gartner, and you are welcome to ask

25 the people who I engage with, but in my view I acted

Page 3098

1 professionally.

2 Where I think this may have come from is in an

3 assessment on the security capability at that point in

4 time. The first round of assessment, the outcome of that

5 was very poor and which I did not agree with and which was

6 a number of us. A number of people in SARS did not agree

7 with - and I questioned it and I went through the process

8 with a number of my colleagues to go through that

9 questionnaire again in order to say we are comfortable with

10 the answer that is provided to Gartner. Now, there was

11 nothing sinister in that and there was only my own sense of

12 responsibility that said if I'm going to need to submit

13 something to an organisation who needs to do a maturity

14 assessment on the operation that I'm responsible for it's

15 going to be the right answer.

16 COMMISSIONER: What area was this in that

17 you were unsatisfied?

18 MR SCHEEPERS: Security.

19 COMMISSIONER: Security of what?

20 MR SCHEEPERS: Information security and

21 security operations.

22 COMMISSIONER: Do you feel they were weak

23 in what they were proposing? Is that the point?

24 MR SCHEEPERS: No, no, the assessment, so

25 Gartner -

Page 3099

1 COMMISSIONER: Oh, they assessed yours as

2 weak.

3 MR SCHEEPERS: Gartner did an assessment

4 but this assessment was performed through a questionnaire

5 that was completed by SARS employees, a number of SARS

6 employees. The first round, the questionnaire that went

7 back to Gartner, the outcome of that showed that SARS had a

8 significant weakness in the information security space.

9 Now, whether that is true or not that is not the question

10 here. I was not comfortable with what was put into that

11 questionnaire and we went through the questionnaire again

12 to make sure that I could satisfy myself and the answers

13 that were given there were truthful and were correct.

14 COMMISSIONER: You were not satisfied

15 with that. You weren't satisfied. You were not satisfied.

16 MR SCHEEPERS: In the first round, no, I

17 was not.

18 MR KAHLA: Did they correct it in the

19 second round?

20 MR SCHEEPERS: In the second round we

21 went through the process again. I was still not happy with

22 the outcome. The security operations area scored or the

23 information security capability scored very low compared to

24 if you look at the Gartner assessment. All of the

25 capabilities that I was responsible for scored very high

Page 3100

1 except for security.
 2 [10:25] In challenging some of the finding with Gartner
 3 they took a very, in my view a very binary approach to the
 4 assessment. It was a right or wrong answer, as yes or a
 5 no, a zero or a 1. You could not explain your position and
 6 the journey that you were on, it didn't count for much.
 7 MR KAHLA: You suggested in relation to
 8 the engagements you had with Bain that you felt that the
 9 people that were brought into to interact with you were
 10 junior, I suspect when you talk about junior in terms of
 11 their competence and knowledge and experience. You didn't
 12 say something similar in relation to Gartner because you
 13 were comfortable with the experience of the people that you
 14 were engaging with who had come up with that assessment?
 15 MR SCHEEPERS: In the case of Bain in my
 16 interaction with these two individuals it was clear that
 17 they were inexperienced and they knew nothing about my area
 18 of responsibility. In the case of Gartner, we were dealing
 19 with more experienced people, more experienced in the IT
 20 industry, exactly what their background and knowledge was,
 21 was not known to me but I didn't get the same feeling as I
 22 did with Bain, no.
 23 MS HOBDEN: Mr Scheepers, can I just
 24 clarify your response? My initial question was that there
 25 was an allegation that you and others had been holding what

Page 3101

1 was termed alignment meetings and your response was in one
 2 area, in security, you had been dissatisfied with the
 3 responses put into the Gartner survey.
 4 MR SCHEEPERS: Yes.
 5 MS HOBDEN: So just to clarify you were
 6 dissatisfied with your own SARS' employees, the way in
 7 which they had filled in Gartner's survey, is that right?
 8 MR SCHEEPERS: That is correct.
 9 MS HOBDEN: And then what did you do?
 10 MR SCHEEPERS: I went through with my own
 11 team and some of the senior managers in my area of
 12 responsibility who are experienced in the broader IT space
 13 I asked them to help me go through this questionnaire again
 14 and we went through t again and we made sure that the
 15 responses given to Gartner's questionnaire were accurate
 16 and truthful.
 17 MS HOBDEN: So that -
 18 MR SCHEEPERS: So, to answer your
 19 question did I have alignment meetings with others, no, I
 20 did not.
 21 COMMISSIONER: What are alignment
 22 meetings? You mean that you could all align yourselves?
 23 Is that what they - do you know about alignment meetings?
 24 MR SCHEEPERS: No, I align with my
 25 colleagues on a regular basis but -

Page 3102

1 MR KAHLA: What I'm trying to understand
 2 in relation, Mr Scheepers, in relation to this
 3 questionnaire and how it was filled, as I understand it's
 4 filled by your colleagues who are not necessarily, who are
 5 effectively, may effectively be lay persons in
 6 understanding some of them, understanding the security
 7 architecture and they would answer from what they
 8 understand the questions to be. I'm trying to understand
 9 the difficulty you had. Was it with the way the questions
 10 were worked out in relation to the questionnaire which
 11 would have resulted in your colleagues in your view perhaps
 12 giving an answer which might not accord with what the real
 13 facts are but based on their own knowledge of the security
 14 space or was it something more than that? I'm really
 15 trying to understand do you think that the questionnaire
 16 was structured in a way that would have caused the staff at
 17 SARS to give answers that were under informed or was there
 18 something more to it?
 19 MR SCHEEPERS: No, I don't think the
 20 questionnaire had anything to do with how the questionnaire
 21 was structured. The questionnaire covered a broad number
 22 of topics relating to information security and some of
 23 these cases the question really need to be interpreted and
 24 seen in context, in context of your operation, in context
 25 of your landscape. I was not comfortable with what we

Page 3103

1 responded with and the exercise that I went through was
 2 really to reaffirm the answers and to challenge some of the
 3 answers to say are we sure that this is the right answer?
 4 Have the debate and then change it if needed or leave it as
 5 it was. What we provided as I said earlier still resulted
 6 in a low score so it was definitely not to change the
 7 outcome. It was really just to make sure that it was
 8 correct and remember I'm now speculating about what the
 9 cause could have been for this allegation that was made
 10 against me. I don't even know if it was this. It's the
 11 only one that could come to mind because in no other
 12 Gartner engagement I think there would have been any reason
 13 for concern.
 14 MR KAHLA: I'm focusing less on the
 15 allegation. I'm just trying to understand the process.
 16 Employees would answer a questionnaire and correct me if
 17 I'm understanding you wrongly, you would then have looked
 18 into the answers that the employees were providing on the
 19 questionnaire. Provide further information of some form of
 20 corroboration or rebuttal what the answer was -
 21 MR SCHEEPERS: To provide -
 22 MR SCHEEPERS: With evidence that if you
 23 look at factually as this is, so measure what they're
 24 saying against what you can objectively assess?
 25 MR SCHEEPERS: Yes.

Page 3104

1 MR KAHLA: My understanding that is what
 2 you did?
 3 MR SCHEEPERS: That is correct. In some
 4 cases, it was just providing more context.
 5 MS HOBDEN: And if we can move to the
 6 second part of the answer which was about the outcome of
 7 that assessment of SARS security at that time, were you
 8 satisfied with that outcome?
 9 MR SCHEEPERS: No, I was not. Well, it
 10 was a low score so I was obviously not satisfied with it.
 11 COMMISSIONER: Well, sorry, why were you
 12 not satisfied if all the questions had now been truthfully
 13 answered et cetera and it came out below score, so you came
 14 out with a low score? What were you dissatisfied with?
 15 MR SCHEEPERS: Well, the score was what
 16 it was. That we couldn't have changed. I think again if
 17 you had to apply context to this specific topic. At that
 18 point in time SARS already started with an information
 19 security strategy to improve on the posture, the security
 20 posture of the organisation. Up until that point in time
 21 during the modernisation programme a lot of focus was given
 22 to the business process. In the reengineering of some of
 23 these business processes fraud and security was top of
 24 mind. We looked at these business processes to say how
 25 would you make this more secure from a fraud perspective?

Page 3105

1 Now the problem I had with the Gartner assessment it looked
 2 at it from a technology perspective only that scored it as
 3 a technology implementation. The very good work that done
 4 in implementing security as part of the business processes
 5 that we were reengineering that was not measured.
 6 Measuring how well you manage in-point security at the in-
 7 point, at the desktop level versus how do you manage fraud
 8 and there'd a difference.
 9 MR KAHLA: So, the issue was with the
 10 adequacy of the measurement tool that were using, that it
 11 left certain gaps?
 12 MR SCHEEPERS: Measuring security in the
 13 technology space that will do what it was intended to do.
 14 MR KAHLA: But inadequate?
 15 MR SCHEEPERS: Well, in my view it was
 16 inadequate in taking into consideration the work that was
 17 done in the system landscape as part of the modernisation
 18 programme and to give you some examples you would talk
 19 about segregation of duty in the term that we used to use
 20 was a full eyeball process where you say in a business
 21 process the same person cannot capture a change on a
 22 taxpayer's transaction and approve it. We built those
 23 things into the business process. With sensitive
 24 transactions we made sure that there was a second factor
 25 authentication where the business user had to now capture

Page 3106

1 his fingerprint in order to capture that transaction or to
 2 approve that transaction. Now those are significant
 3 security controls that is now part of your business system
 4 and part of your business process. Those were not taken
 5 into consideration in the assessment of the technology
 6 area.
 7 MS HOBDEN: And even just moving to the
 8 technical side had SARS had a security breach externally up
 9 to that point?
 10 MR SCHEEPERS: Not to my knowledge, no.
 11 MS HOBDEN: If we can move on to some of
 12 the other aspects on the Gartner assessment that you'd like
 13 to comment on? Perhaps I can ask first did you see the
 14 Gartner assessment after it had been produced in April?
 15 MR SCHEEPERS: In 2015?
 16 MS HOBDEN: Yes.
 17 MR SCHEEPERS: No. I saw parts of it as
 18 we were invited to workshops with Gartner to talk about the
 19 recommendations at the main but these were bits of the
 20 actual report and it was not allowed to be shared with us
 21 and we were not allowed to keep the copies that we were
 22 given, which was also quite strange.
 23 MS HOBDEN: Did anyone -
 24 COMMISSIONER: Ms Hobden, are we still -
 25 are we talking about phase 1 now?

Page 3107

1 MS HOBDEN: We are talking about phase 1
 2 now.
 3 COMMISSIONER: Yes.
 4 MS HOBDEN: Were you asked to give input
 5 on any of the recommendations by anyone at Gartner or SARS?
 6 MR SCHEEPERS: Well, during the time when
 7 that phase 1 report or parts of it were shared with us
 8 obviously it invited debate, I was not specifically asked
 9 to give input to it. But it did invite debate because we
 10 challenged some of those recommendations. In most cases
 11 I'm afraid that it was just a healthy debate; it didn't
 12 result in anything.
 13 MS HOBDEN: So, after Gartner had
 14 provided their final assessments where you challenged the
 15 accuracy of some of the assumptions or recommendations you
 16 were allowed to do so but no changes came about?
 17 MR SCHEEPERS: They didn't change
 18 anything, no.
 19 MS HOBDEN: Would you like to comment on
 20 some of the aspects of the phase 1 assessment that gave you
 21 cause for concern when you did finally see the document?
 22 MR SCHEEPERS: Well, may I request a
 23 bathroom break?
 24 COMMISSIONER: Yes, I think we can all
 25 take one.

Page 3108

1 MS STEINBERG: Judge, should we break
 2 until 11 o'clock? That's 20 minutes times.
 3 COMMISSIONER: Okay, thank you.
 4 [INQUIRY ADJOURNS INQUIRY RESUMES]
 5 [11:04] MS HOBDEN: Thank you, Judge. Mr
 6 Scheepers, we were about to move on to your analysis of the
 7 Gartner IT assessment and a few of the areas that gave you
 8 cause for concern when you finally did see the documents,
 9 sometime after it was produced.
 10 MR SCHEEPERS: Sorry, I was reading.
 11 MS HOBDEN: I was just mentioning that we
 12 were about to have a look at some of the areas of concern
 13 in the Gartner IT assessment that you have pointed out as
 14 areas of concern.
 15 MR SCHEEPERS: I recently saw the report
 16 and I did work through it. I focused on the areas that,
 17 the areas of the report that touches the area that I was
 18 responsible for during my time at SARS. So just take you
 19 some, through some of my observations. So the Gartner
 20 report talks about the ITIL implementation. However there
 21 are some conflicting statements in the report. In one area
 22 of the report and I quote, I read from the report. Where
 23 it says "have adopted ITIL as the framework for OPS
 24 processes with a good maturity level in key processes but
 25 those maturity levels are not regularly measured". So the

Page 3109

1 way I read this it says you have adopted the ITIL
 2 framework, your level of maturity and applying this in
 3 practice is good but you do not measure it on a frequent
 4 basis. Then another area of the report it says "the change
 5 control process at SARS is formal, well-structured but
 6 falls short of best practice methods defined by ITIL and
 7 Cobit". Now that to me is confusing.
 8 I'll tell you about ITSM and ITIL at SARS and
 9 where we spoke about it earlier. So I'll be brief. The
 10 ITIL implementation in SARS kicked off in 2004. By 2015
 11 all of the ITSM service management staff at least had an
 12 ITIL qualification at the foundational level. Two of the
 13 members of the staff had an expert level of qualification
 14 by that time. During my tenure we received allocates from
 15 Microsoft for managing your well established and operating
 16 software asset management discipline. We were often
 17 referred to and recommended by companies providing A ITIL
 18 training in South Africa. Those being Foster Milieu and
 19 Pink Elephant, mentioned as a reference site for the good
 20 implementation of the ITIL discipline.
 21 Now I can't connect that to the statement, well
 22 at least the second statement made in the report. I gave
 23 you some statistics earlier on. I didn't have the right
 24 paper in front of me at that point in time. So I'll just
 25 repeat them. I do have the states for the 2014/15 and as

Page 3110

1 well as the financial year as well as the 2015/16 financial
 2 year. So availability as it is measured for the 2014
 3 financial year was 99.97%, for the 2015 financial year it
 4 was 99.85%. It is significantly lower than the year before
 5 and the reason for that is we had a, in August of 2015 we
 6 had a data centre outage. In terms of release management
 7 the success measured in the 2014 tax year or financial year
 8 was 99.4% and 99.5% in the following year. In terms of
 9 change management, now I will remind you that we managed a
 10 number of, approximately 9 000 changes per annum. In 2014
 11 3 600 of those were in the production environment, 4 000 in
 12 the following year with a success rate of 99.65% and
 13 99.72%. Now just to put the availability numbers that I
 14 gave you into context and referring back to the report,
 15 talking about a baseline. Since my departure from SARS I
 16 was in two separate negotiations involved in two separate
 17 negotiations for Cloud hosting services or data hosting
 18 capacity services both with global companies. Neither of
 19 them were prepared to contract for an availability service
 20 level of higher than 99.7%. Now what we achieved at SARS
 21 was much higher than that and it was across a much broader
 22 landscape. I think what I take from this part of the
 23 Gartner assessment is if your process assessment suggests
 24 that the quality is here and the measured outcome is here
 25 then one must be wrong. Moving from -

Page 3111

1 MS HOBDEN: Sorry Mr Scheepers. Can we
 2 pause there.
 3 MR SCHEEPERS: Ja.
 4 MS HOBDEN: So in your view the Gartner
 5 finding that SARS at that point fell short of best practice
 6 in terms of ITIL procedures and process is inconsistent
 7 with what we see in the figures as how SARS was performing
 8 and the high level, well the exceptional level of
 9 availability and stability of the systems?
 10 MR SCHEEPERS: Exactly but it's also
 11 contradicted by Gartner themselves in an earlier part of
 12 the report. The first part that I read to you that says
 13 ops processes with a good maturity level. One talks about
 14 a good maturity level, the other one talks about falls
 15 short of best practice. Now I can't reconcile those two
 16 and I can't reconcile the numbers I gave you to the second
 17 statement.
 18 MS HOBDEN: Even outside of that
 19 inconsistency it's also clearly a focus on a governance
 20 issue rather than the reality of what was happening and the
 21 outcomes for SARS and SARS's business.
 22 MR SCHEEPERS: I would agree with that,
 23 yes. Again if the assessment of the process suggests that
 24 your quality should be much lower than what it is in
 25 reality then I'm not sure what you're measuring.

Page 3112

1 MS HOBDEN: And in your view was SARS's
 2 alignment with ITIL processes mature, was it at the level
 3 of best practice, was it approaching best practice?
 4 MR SCHEEPERS: It was the best that I've
 5 seen at least in this country.
 6 MS HOBDEN: Thank you. You can move onto
 7 the next -
 8 MR SCHEEPERS: Thank you.
 9 MS HOBDEN: Topic.
 10 MR SCHEEPERS: The Gartner reports talk
 11 about, I put it under a heading of consolidation and
 12 distribution. The report suggests that due to the
 13 distributed nature of the IT infrastructure there should be
 14 considerable scope for consolidation. Now I disagree with
 15 that statement. The reason why I say that is because it
 16 tells me that you didn't have a full understanding or a
 17 complete understanding of the SARS landscape. The fact
 18 that SARS has at that point in time, SARS had a 170 what we
 19 refer to as sites. We refer to them as sites because this
 20 was a site where I had IT infrastructure I had to manage.
 21 This could be a tax branch office, a customs and excise
 22 office, regional data centre, it could be an administrative
 23 office, it could be a dog unit in the case of customs or it
 24 could be a port of entry, port of entry being a harbour, an
 25 international airport or a land border. Now these sites

Page 3113

1 across the country are there for a reason. First of all in
 2 the customs space, you need to be in the areas where you
 3 are needed. Land borders are where the country decides
 4 they need to be, not where SARS decides they need to be.
 5 So when you talk about consolidation you can't change the
 6 footprint of SARS unless you change the business model
 7 completely. I don't think that's going to happen. You
 8 can't change the footprint of SARS. We have
 9 infrastructure, we have, SARS has infrastructure at these
 10 sites because typically in the remote areas network
 11 bandwidth is limited and the resilience of your network in
 12 these remote areas is not always the best it can be because
 13 we are really talking about places that, I had to look it
 14 up the first time I heard of it. In the case of tax
 15 offices, again those offices are where they are required to
 16 be. Talking about consolidation just from, purely from an
 17 IT perspective you need to consider that every taxpayer in
 18 this country does not necessarily have access to
 19 technology, cannot necessarily use the electronic or the
 20 digital channels available to transact with you. There are
 21 people who still needs to go a branch office. Those branch
 22 offices need to be there. So in my view that statement
 23 about consolidation and, I don't think they understood the,
 24 or fully understood the distribution of the SARS landscape
 25 and the reason for it.

Page 3114

1 MS HOBDEN: If you could just pause
 2 there. You are saying that SARS needs distributed
 3 infrastructure in order to fulfil its mandate and because
 4 of the nature of its mandate. So the statement that SARS
 5 has distributed infrastructure was correct. What you
 6 disagree with is what follows which is the recommendation
 7 that what would be better is consolidation of that
 8 infrastructure?
 9 MR SCHEEPERS: Yes. Now it doesn't go
 10 into sufficient detail to really unpack that properly but
 11 you know that I spoke about resilience earlier. All these
 12 things are, they are not one dimensional problems that
 13 you're dealing with. In a remote office, you're dealing
 14 with availability of technology. You're dealing with
 15 limited bandwidth. I had to, because of the challenges
 16 that you have in these remote areas, we had to build
 17 resilience into our infrastructure where you put two
 18 servers down instead of one. In your server room at the
 19 border post you have two air cons, instead of one. Now if
 20 you look at that piece of paper and you look at the number
 21 of servers, the number of network devices or the number of
 22 network links that we deployed and you do a quick
 23 calculation and then come up with an answer that says
 24 there's huge room for consolidation here. You haven't
 25 applied your mind and fully understood this business.

Page 3115

1 That's my view.
 2 MS HOBDEN: And with the recommendation
 3 of consolidation, if one took that list and said let's
 4 consolidate, fewer servers, what would the impact then be
 5 on SARS's IT system and the taxpayer?
 6 MR SCHEEPERS: Well the concept of
 7 centralisation and decentralisation in IT has been around
 8 for 30 years or even longer, I don't know. I can talk for
 9 the last 25 years, this is not new. In early days
 10 everything was centralised on the mainframe, and you had a
 11 very thin footprint at the desktop or at the end user any
 12 more. Things changed, you moved to a distributed
 13 infrastructure. The industry moved back to centralised
 14 computing. Nowadays we talk about Cloud computing. But
 15 it's really the same thing over and over. Again there's no
 16 right or wrong answer. The answer is what is best for your
 17 business. So to answer your question if we had to
 18 consolidate everything that is out there in the border post
 19 and in the branch office today and bring it back a level,
 20 let's say to the regional data centre level or even back to
 21 the central computing capability.
 22 This would mean that you would need sufficient
 23 bandwidth in that, at that end point. Now I can tell you
 24 in some cases, in some of these remote offices you cannot
 25 get anything more than a copper line. Fibre is not

Page 3116

1 available. You have, your choices are copper lines which
 2 has a limitation and the bandwidth that you can stream
 3 across it. Or satellite services which is very expensive.
 4 The bandwidth there is prohibitively expensive.
 5 We do make, in SARS to make use of those services
 6 but where it's required. So playing out that scenario,
 7 bring back consolidating and bring back that infrastructure
 8 you need enough bandwidth. I don't think in most, in a lot
 9 of the offices, I don't think there is sufficient bandwidth
 10 available to be able to do so and number 2 make sure that
 11 those services are resilient because today if you had to
 12 break network connectivity to a remote branch in most cases
 13 they can still function, they can still operate. In the
 14 case of the border posts, because of its criticality we
 15 made sure that they could work completely offline. You
 16 could break the network link completely and they would
 17 operate as if, updates will not flow either way until the
 18 network service is restored but the border post will be
 19 able to function. If you bring that back you need to make
 20 sure you have enough bandwidth and you need to be sure that
 21 those services are bullet proof because otherwise that site
 22 will, you need to close the doors.
 23 MS HOBDEN: So the comments you made
 24 earlier about the resilience of SARS's systems. The
 25 distributed infrastructure was one way in which to make

Page 3117

1 sure SARS has a resilient IT system that meant it could
 2 continue functioning come hell or high water?
 3 MR SCHEEPERS: Distributed infrastructure
 4 is part of that, that is also about having redundant
 5 components all the way down from your core system in the
 6 centre all the way down to the branch office.
 7 MS HOBDEN: What do you mean by redundant
 8 components?
 9 MR SCHEEPERS: So having two, having two
 10 network lines.
 11 MS HOBDEN: Oh duplicated -
 12 MR SCHEEPERS: Two servers -
 13 MS HOBDEN: In the actual infrastructure.
 14 Thank you. You can move onto the next point.
 15 MR SCHEEPERS: Okay, the next section I
 16 want to talk about it costs of IT and over here I can
 17 really just again talk about the area that I was
 18 responsible for and I do acknowledge that this report looks
 19 at, not only the IT operation, it also looks at the cost of
 20 the modernisation programme and the cost of those software
 21 initiatives. But I did feel that it was appropriate
 22 because the operational cost, the IT operational cost was a
 23 very significant percentage of the overall IT costs.
 24 Now my first comment here or observation is the
 25 methodology followed here was based on a peer group review.

Page 3118

1 This relies on the, on comparison made with similar
 2 organisations. I questioned that, I do not know what the,
 3 who this peer group was but I questioned that based on the
 4 fact that SARS is rather unique in the sense that it has a
 5 customs leg not only, because the report talks about tax
 6 administration. SARS is unique in the sense that it has a
 7 customs leg as well and again I want to go to the footprint
 8 of, just pause for a second, the reason why I questioned is
 9 if those peers did not have the same business capabilities
 10 then I would not attach much value on that review.
 11 [11:24] And again I need to highlight the footprint of
 12 SARS. Again I didn't know who these peers are but at least
 13 we have a similar footprint and you have the complexities
 14 that SARS has with border posts and branch offices in
 15 remote areas where your technology choices are limited. It
 16 would not be a, it would not be a comparison that's of any
 17 value. If we had to for instance compare SARS to a tax
 18 administration in Europe which would most probably be in a
 19 much smaller country where most of it is digital, automated
 20 and most of the taxpayer community would have access to
 21 technology you can't just use number of, the head count of
 22 the organisation as a measure. Subsequent to the reading
 23 of this report I believe that there was a diagnostic done
 24 and I heard Mr Shaik comment on it yesterday and it did
 25 turn out that SARS, the work that we did here was cost

Page 3119

1 effective comparing to the peers. Now if that was the case
 2 then this was a very costly false alarm I would say.
 3 Moving on to IT service providers -
 4 MS HOBDEN: Mr Scheepers, just to clarify
 5 the point you're making is really as I understand it and
 6 that when measuring the cost of IT for an organisation one
 7 really needs to understand that organisation in order to
 8 ensure that you do an accurate comparison with a peer group
 9 of that organisation.
 10 MR SCHEEPERS: Yes.
 11 MS HOBDEN: In your view that wasn't what
 12 happened here.
 13 MR SCHEEPERS: No, I don't think so and
 14 going back to the point I made previously about the
 15 statements made about the footprint and in consolidation it
 16 tells me, and I'll get you another one now, it tells me
 17 that they didn't have a full understanding or the writer of
 18 that section of the report didn't have a full understanding
 19 of the SARS landscape and the SARS business. That's my
 20 observation. And I want to make another comment.
 21 You know, the report that I read measured IT as
 22 an IT business, IT in SARS as an IT business. SARS is not
 23 an IT business. SARS is a revenue organisation, tax
 24 administration. None of what I read in the report refers
 25 back to capability in IT that will result in better revenue

Page 3120

1 for SARS, improved revenue, improved efficiency in the
 2 business process. It talks about IT efficiencies. So
 3 anyway, moving on to IT service providers and again I want
 4 to emphasise that, the point I just made.
 5 On the IT service providers the report reads, and
 6 I quote again, pockets of excellence, the concern that we
 7 need external contractors to deal with basic infrastructure
 8 needs, installing and servicing of computers by Gijima is
 9 very problematic and seems excessive expenditure if this
 10 could be done in house. Now I do not understand this and
 11 it does not make any sense to me. Again this observation
 12 tells me that the SARS landscape is not understood.
 13 If you suggest similar to the consideration point
 14 that we made just now, if you suggest that I could do this
 15 in house more cost effectively again I want to suggest that
 16 you do not understand the landscape. I did, I went through
 17 this exercise in 2013. This business case can only work in
 18 metropolitan areas or in the larger city centres where you
 19 have a high concentration of devices. I went through this
 20 exercise in 2013 when we started the rewrite of the
 21 tenders, the tower tenders and we looked at it.
 22 We did write that flexibility into the new tender
 23 so that we had the option of awarding parts of the tender
 24 on a regional basis because it was never going to make
 25 sense for me to put someone in, let's use the Northern Cape

Page 3121

1 as an example. Those sites are hundreds of kilometres
 2 apart. You cannot service that with two or three people.
 3 You need more than that. Now, some of the companies, some
 4 of the IT service providers out there already have that
 5 footprint in those remote areas. To suggest that I can
 6 compete with that is wrong.
 7 And we did do the calculation. I can tell you
 8 it's wrong. We spoke a lot about governance structures. I
 9 just made a - and I'm not going to repeat everything we
 10 said earlier. I'm just going to make a point that this is
 11 what I picked up from the report. There's a lot of
 12 reference to governance structures. And we covered it
 13 extensively in all of the committees that we attended, all
 14 of the, the role of those committees, mandates of those
 15 committees. I won't go into further detail. You okay with
 16 that? Ja, that's my observations on the Gartner
 17 assessment.
 18 MS HOBDEN: Thank you. So moving to
 19 phase 2 what were the projects that, what was one of, which
 20 were the projects that came out of Gartner's assessment and
 21 that they were contracted to do in phase 2 in your area?
 22 MR SCHEEPERS: I do recall an initiative
 23 for a project that was to implement some of the
 24 recommendations that Gartner made on, again on the IT
 25 service management which we've spoken about extensively.

Page 3122

1 MS HOBDEN: And what was your experience
 2 of Gartner's work in this work stream?
 3 MR SCHEEPERS: The engagement I would say
 4 was professional.
 5 MS HOBDEN: You did give evidence of the
 6 qualifications of your team at that time. Did your team
 7 require Gartner's expertise to do this work?
 8 MR SCHEEPERS: No.
 9 MS HOBDEN: And what were the benefits of
 10 the work that Gartner did in this stream for the team going
 11 forward?
 12 MR SCHEEPERS: Well, again we need to go
 13 back to the maturity assessment that was done. The work
 14 here was going to result in a better maturity score. In my
 15 view it was not going to improve on the efficiency of my IT
 16 operation. It was certainly not going to bring more
 17 revenue for SARS. In my view the IT service management
 18 capability of SARS was already a very well-managed, mature
 19 discipline. Adding this, this was gilding the lily. It
 20 was good work. Was it necessary at that point in time? I
 21 would've prioritised other things over it.
 22 MS HOBDEN: The cost of that work was
 23 R4.25 million. Do you think that SARS got value for money
 24 in that work stream?
 25 MR SCHEEPERS: I wouldn't - if you gave

Page 3123

1 me that budget and you gave me the choice I wouldn't have
 2 spent it on this piece of work.
 3 MS HOBDEN: Moving onto the next topic
 4 which is the impact of the freeze on modernisation and the
 5 implementation of some of Gartner's recommendations we've
 6 spoken about the structural changes but outside of the
 7 structure how did the day to day process and working of
 8 your team in DIST change after 2015?
 9 MR SCHEEPERS: It was a, it was a
 10 difficult time for us. Things slowed down significantly.
 11 There was a lot of, during that year, during 2015 there was
 12 a lot of uncertainty. There was a lot of nervousness, some
 13 fear you may say. For me it was not a good place to be.
 14 How did it affect my IT operation? Up until the point in
 15 time that we restructured that division/department that I
 16 was heading up we did our best to keep doing what we were
 17 employed to do and to be professional at it. Ja, that's
 18 what I can say about that.
 19 MS HOBDEN: And within DIST what
 20 committees were set up as governance committees?
 21 MR SCHEEPERS: The old IT Manco was,
 22 disappeared. That was done away with. It was replaced by
 23 - well, I wouldn't call it a direct replacement. It was a
 24 completely different committee. A committee was formed
 25 called the DTMC. If I remember correctly it was digital

Page 3124

1 technology management committee.

2 MS HOBDEN: And what was your experience

3 of the decision making in that committee?

4 MR SCHEEPERS: Well, the structure of the

5 committee changed completely. We now had I think all of

6 the Exco members attending an IT committee which is not

7 necessarily a bad thing. However if I go back to the IT

8 Manco we had previously the IT Manco, at the IT Manco we

9 could have rigorous debate, healthy debate about technology

10 choices and priorities whereas the DTMC or my experience of

11 it at the time during the time that I was still around the

12 expectation was that there would be no technology debate

13 within the committee, that you bring your business case or

14 whatever it is that you were presenting there and your

15 debate already took place outside of the committee.

16 And I found it frustrating because in the old IT

17 Manco we had people around the table who understood the

18 subject matter very well. I didn't have to explain to

19 anybody what a technology refresh was, what, why I needed

20 to refresh hardware or replace aging infrastructure whereas

21 the DTMC, we had people not familiar with this topic. I

22 found it frustrating because first of all we couldn't have

23 the healthy debate.

24 It was very hard to get the decisions that we

25 needed in order to move forward. In some cases, well, I

Page 3125

1 remember a very specific one in 2015. I tabled the,

2 presented the technology refresh for the server and desktop

3 hardware for that year, the 2015/16 financial year. The

4 first time I presented it I think was in July of that year.

5 I only got it approved in September. And we went back and

6 forth. I had to present to the committee a number of

7 times.

8 Now, it was frustrating because you put a lot of

9 time and effort into these submissions and then you sit in

10 a committee where you now have members of the committee

11 arguing about how many signatures need to be on the piece

12 of paper and who needs to chair the meeting and where must

13 the stamp go, trivial matters. A colleague of mine calls

14 this bike shedding. It's where a committee charged with a

15 responsibility are not equipped to deal with complex

16 matters. So they revert to the more trivial matters. So

17 to get a decision through that committee was very hard.

18 The rest of that year after I got the approval for that

19 specific procurement I then began to enter the procurement

20 process and that was a challenge in itself.

21 MS HOBDEN: Where was it envisaged that

22 the debate about IT decisions would happen?

23 MR SCHEEPERS: During that time and I

24 suppose some of this could be attributed to the transition

25 period I think, you know, we were finding our feet as we

Page 3126

1 were moving along after some of the organisational changes

2 were implemented. During that time we re-established an IT

3 Manco inside of the IT area so that we could have these

4 debates, so that we could debate the business cases and the

5 presentations to be made to the DTMC in order to ask all

6 the relevant questions, in order to get consensus on what

7 the answer is that we want to present to the higher

8 committee.

9 MS HOBDEN: And what was your experience

10 of those internal management committee meetings?

11 MR SCHEEPERS: I think we found our

12 rhythm after a while but, you know, I was not here for long

13 enough to, after that to tell you how mature those

14 processes are today and how mature those committees and

15 decision making bodies are today.

16 MS HOBDEN: In your view did the new

17 committees, the new governance processes assist with better

18 governance, governance or better decision making?

19 MR SCHEEPERS: No, not at all. It added

20 layers of governance which did not contribute to the

21 quality or the value of the outcome.

22 MS HOBDEN: If we can move on to a

23 related topic which is the area of the hardware refresh?

24 What happened to the regular hardware refreshes that you

25 had spoken about after 2015?

Page 3127

1 MR SCHEEPERS: Well, 2015, the hardware

2 refresh in 2015 never happened because after I got approval

3 at the DTMC I then had to start the procurement process.

4 We spent the rest of that financial year trying to get

5 through the procurement process in order to place those

6 orders for about, if I remember correctly it was for server

7 and desktop hardware. And at the end of the financial year

8 we didn't spend the money and we handed it back. We

9 couldn't spend the money. So from my recollection the last

10 major technology refresh was done in, would've been done in

11 the 2014/15 financial year. In 2015 I did a forecast of

12 capital expenditure for the next four years and the reason

13 I had to adjust it at that point in time was because the

14 budget was slightly adjusted for the 2015 financial year.

15 [11:44] Now at that point in time looking forward,

16 looking ahead for four years SARS would have had to spend

17 in the region of, on average R250 million per annum in

18 order to maintain the hardware estate. Over the four

19 period ending March 2019, that's a few months from now that

20 would have amounted to a billion rand. Now I'm told that

21 the last major refresh was done in 2014. If there were no

22 subsequent refreshes done of the technology landscape

23 you're sitting with a serious problem. You're heading for

24 a cliff. If you didn't spend that didn't spend that

25 billion rand you have trouble. And it's not something that

<p style="text-align: right;">Page 3128</p> <p>1 you can remediate in a single financial year. As I 2 explained earlier you also need the capacity to implement 3 this technology, to roll it out.</p> <p>4 MS HOBDEN: And for the panel's benefit 5 we have affidavits from current SARS employees who confirm 6 that the major rolling hardware refresh has not continued 7 since 2014 although smaller refreshes have happened along 8 the way. And that aging infrastructure is a serious 9 concern.</p> <p>10 COMMISSIONER: On hardware? 11 MS HOBDEN: On hardware yes. 12 COMMISSIONER: I must ask you, when you 13 left what happened to your colleagues, did any of them 14 leave as well, are they still here? The people you were 15 working with on all of this.</p> <p>16 MR SCHEEPERS: A lot of the people I 17 worked with are still here, Judge. I want to agree with 18 some of the sentiments expressed by Mr Shaik yesterday. 19 There are still very good people here in SARS, my view you 20 have in some cases people in the wrong positions, but you 21 also have broken processes.</p> <p>22 COMMISSIONER: Would you ever come back 23 to SARS? 24 MR SCHEEPERS: At this point in time, 25 Judge, I'll have to say no I won't.</p>	<p style="text-align: right;">Page 3130</p> <p>1 yesterday how much was paid to Gartner, do you think that 2 that was all wasteful expenditure, the lot, we're talking 3 about more than 100 million?</p> <p>4 MR SCHEEPERS: I would never have paid 5 that amount of money for this piece of work. We spent much 6 lesser amounts on investments and initiatives that had 7 considerable advantages for SARS as a –</p> <p>8 PROF KATZ: And do you think not only did 9 it not add value, do you think it set back what was 10 happening in SARS?</p> <p>11 MR SCHEEPERS: Well I'm now going to talk 12 as a taxpayer. My tax return this year took two months to 13 go through the process. Before it would take two days. My 14 tax case as a tax account is a very simple one. I'm a 15 salaried employee and I have a retirement annuity. I do 16 not have a complex tax affair. If that cannot be dealt 17 with in a single day I would be surprised. We implemented 18 the systems that facilitated that, that enabled that. What 19 happened now I'm not sure. Talking to some of my former 20 colleagues, listening to the fact that maintenance cycles 21 are not kept up, that the organisation, the technology 22 infrastructure is going backwards. To answer your 23 question, did it bring value to SARS or did it halt the 24 progress or did it cause it move backwards, it caused it to 25 move backwards in my view.</p>
<p style="text-align: right;">Page 3129</p> <p>1 COMMISSIONER: And just tell me what were 2 you actually doing, I mean you seemed to be very active 3 before 2014, I mean all these things that were happening. 4 What were doing during 2015 when your whole process had 5 been stopped?</p> <p>6 MR SCHEEPERS: Well during that time a 7 lot of our time was spent in these workshops, in 8 engagements with Gartner, we still had – we were still 9 running the existing operation. I mean that's - an 10 organisation the size of SARS that is a significant piece 11 of work in itself believe me. But yes the modernisation 12 and our continuous refresh and maintenance cycles did slow 13 down and eventually did come to a halt. And that was –</p> <p>14 COMMISSIONER: You weren't advancing, you 15 were just treading water it sounds to me.</p> <p>16 MR SCHEEPERS: I would say that that's a 17 fair statement yes.</p> <p>18 PROF KATZ: Sorry can I just – we've 19 heard a lot about Gartner and what it cost and that, do you 20 think an organisation like SARS beginning of 2014 would 21 have needed any consultant along the lines of a Gartner? 22 Would any of them have added value as you were carrying on 23 at the time successfully, all the metrics were right –</p> <p>24 MR SCHEEPERS: In my view no. 25 PROF KATZ: So in your view and we heard</p>	<p style="text-align: right;">Page 3131</p> <p>1 PROF KATZ: Just one last one. The Judge 2 asked you would you come back to SARS and you said not 3 today. What would have to happen here to bring someone 4 with your talent, experience, everything you know about 5 running of SARS?</p> <p>6 MR SCHEEPERS: I have to quote a 7 colleague of mine. Stop the bleeding, fix the leadership, 8 fix the broken operational processes that you have today. 9 You can't operate in an environment like this, that's why I 10 left.</p> <p>11 MS HOBDEN: My final topic was the topic 12 of the tower tenders and it does relate to some of what you 13 had said earlier about trying to fulfil your mandate in 14 your role. Can you explain the first tower tender in 2007 15 just at a high level what it involved? And then the second 16 time SARS went to market in 2014?</p> <p>17 MR SCHEEPERS: The tower tenders in the 18 first round we were not very creative in naming them, we 19 called them tower 1, 2, 3, 4, 5, 6 and 7. Tower 1 was 20 Network Managed Services. 2 and 3 was Data and Voice 21 Carrier Services. Data Carrier meaning the company that 22 provides you with network lines between all of that, that 23 connects all of your offices, Voice similar but for 24 telephony. Tower 4 was ISP Services, this gives you your 25 Internet services to the business community, but it also</p>

Page 3132

1 provides you, provided us with hosting services for E-
 2 filing. Tower 5 and 6, 5 was Desktop Support, workstation
 3 support. Tower 6 was Server Support, the Break/Fix
 4 component of server management. And Tower 7 was Managed
 5 Print Services. Is that enough?
 6 MS HOBDEN: Can you tell us how long
 7 those contracts ran for and then what needed to happen
 8 after about seven years?
 9 MR SCHEEPERS: Those contracts were
 10 awarded and I'm now going just on memory, in the case of
 11 towers 1, 5 and 6 which was Managed Network Services,
 12 workstation and server, they were awarded for five years
 13 with an option to extend for a further 12 months, for a
 14 further two years, 12 months at a time. Tower 2, 3 and 4
 15 if I remember correctly, were awarded for three years with
 16 the option to extend for a further two years. Again 12
 17 months at a time and tower 7 which was Managed Print
 18 Services was the same. In order to renew those SARS had to
 19 go out to market again. We started that process, if I
 20 remember correctly, in 2013, we had a very capable team of
 21 people who helped us write these tenders. We did
 22 incorporate the learnings of the first five to seven years
 23 of managing these services. In writing the new tenders
 24 obviously we assessed our landscape and applied some of the
 25 learnings. As I explained earlier at that point in time we

Page 3133

1 also looked at how we could improve on the service by in
 2 sourcing some components. Not in sourcing the entire
 3 service, but some components of the service. All of those
 4 were incorporated in the rewriting of those tenders in I
 5 think it was 2013. That first round of they went out to
 6 market, they were responded to, they were assessed, they
 7 were never awarded, that tender was cancelled. It was re-
 8 issued, those contracts had to be renewed, it was re-
 9 issued, I think, in, I speak under correction, in 2015 and
 10 to my knowledge they've since been awarded. They were
 11 essentially the same with minor changes and they were given
 12 new names. They called Tower D for data, Tower V for
 13 voice, Tower I for ISP services, etcetera.
 14 MS HOBDEN: Why were the original tenders
 15 for the towers cancelled?
 16 MR SCHEEPERS: That is a good question, I
 17 do not know. We could not get consensus at the bid
 18 adjudication committee I think it was called. So in the
 19 tender process you would first have the bid spec committee,
 20 those who write the tender, you would then have a bid
 21 evaluation committee, those who evaluate the responses from
 22 the market. And then from the evaluation committee a
 23 recommendation will go to the adjudication committee. The
 24 adjudication committee will make a recommendation to the
 25 Exco as to what should be awarded. There was a – from my

Page 3134

1 recollection there was problem with one of those tenders,
 2 there was disagreement amongst the members of the
 3 adjudication committee specifically from CPO, Chief
 4 Procurement Officer, who was not prepared to sign off on
 5 the recommendation. It was a technical matter for which we
 6 got, at the time I think, two or three legal opinions.
 7 Even after going through that process we still could not
 8 reach agreement and eventually the, I think it was the
 9 procurement sub-committee of Exco decided that the tenders
 10 needed to be re-issued. So the tenders at that point in
 11 time were cancelled and they were reviewed by Gartner at
 12 that – during that time before they were then re-issued.
 13 MS HOBDEN: If I understand you it was
 14 lack of agreement between procurement and the people in the
 15 technology space.
 16 MR SCHEEPERS: It was not just the people
 17 in the technology space, it was the adjudication committee.
 18 This was people from procurement, from the technology
 19 space, from finance, from legal, ja.
 20 MS HOBDEN: And can you just give me the
 21 timeline for when exactly this process was happening? It
 22 was prior to Gartner's involvement, 2014 or 2015.
 23 MR SCHEEPERS: It was prior to Gartner's
 24 involvement, the re-issue of the tenders did involve
 25 Gartner.

Page 3135

1 MS HOBDEN: What was their involvement
 2 with the re-issue?
 3 MR SCHEEPERS: We were asked to get
 4 Gartner to review the tenders before they were re-issued.
 5 Despite the criticism on the services from the first report
 6 not much changed during this review, review process and
 7 eventually the tenders were re-issued.
 8 MR KAHLA: Just help me understand. At
 9 the bid adjudication committee there was disagreement, was
 10 this disagreement only just with the CPO, were all the
 11 other parties in that committee aligned and that there was
 12 the disagreement by the CPO or was it more than just the
 13 CPO?
 14 MR SCHEEPERS: There were many debates
 15 with people from the evaluation committee before we went to
 16 the adjudication committee and in the first few meetings of
 17 the adjudication committee the technical issues that were
 18 picked up with a specific tender response were raised and
 19 it was not raised by the CPO. It was raised by people who
 20 took part in the evaluation. That is when legal opinion
 21 was called for. First I think there was internal legal
 22 opinion done, then from my recollection there were two
 23 external legal opinions done and after that in meetings
 24 with the adjudication committee it was – from my
 25 recollection everybody in the bid adjudication committee

Page 3136

1 was aligned, the CPO was not comfortable with the decision.
 2 MR KAHLA: And those opinions was there
 3 any that was not aligned with the position of that majority
 4 within the adjudication committee? You've made reference
 5 to three opinions that were sought, were they different
 6 opinions or they all simply just –
 7 MR SCHEEPERS: They supported – all of
 8 the opinions supported the recommendation made by the
 9 evaluation committee and that was to award to the, let's
 10 call it awarders of those different services.
 11 MS HOBDEN: And this kind of engagement
 12 or attention, was this something new that was happening in
 13 2014 between procurement and the people trying to procure?
 14 MR SCHEEPERS: Look I think there is
 15 always tension or there was always tension between IT and
 16 procurement. To a large extent and it's not a bad thing,
 17 it's a good thing, to a large extent we managed that during
 18 the era of modernisation through those very specialised IT
 19 procurement functions that we had as part of our structure
 20 at that point in time. And this was not to replace the
 21 procurement process, definitely not, but it was to
 22 facilitate that process where the IT requirement was
 23 translated and packaged before given to procurement to go
 24 out to the market. Ja I said previously that if you gave
 25 me the job of procuring medical equipment for a hospital I

Page 3137

1 would mess it up completely, I can tell you that. So I
 2 don't know why in 2012, 13 we went through the process of
 3 assessing the need to build a new data centre for SARS.
 4 And it was, just that assessment itself was quite an
 5 extensive piece of work. During that time we spoke to
 6 engineers, we spoke to quantity surveyors and civil
 7 engineers. Now I do not know why IT is different, why we
 8 think that you can give a very complex subject matter to
 9 someone in procurement not familiar with – not having the
 10 20 or 30 years' experience and be able to go out to the
 11 market to go and procure IT services for you.
 12 [12:04] So yes the tension was there. In my view I think
 13 we managed it through those committees that we had in
 14 place, that really acted as a translator between IT and
 15 procurement.
 16 MS HOBDEN: And we will hear tomorrow
 17 more about procurement in the space from one of our other
 18 witnesses who will talk about that specific enablement
 19 function. But just to clarify, the tower tenders that were
 20 cancelled and the tenders that ultimately went to market,
 21 that had been reviewed by Gartner was there any difference
 22 between the two?
 23 MR SCHEEPERS: Cosmetic changes. Minor
 24 changes, nothing that would make a material difference to
 25 the service.

Page 3138

1 MS HOBDEN: And do you know how -
 2 MR SCHEEPERS: How it was constructed.
 3 MS HOBDEN: Do you know how long the
 4 delay was between the cancellation of the first set of
 5 tenders and when they ultimately went to market or the
 6 tenders were awarded?
 7 MR SCHEEPERS: I would take a guess and
 8 say more than a year and I think it's an accurate guess.
 9 MS MASILO: Who asked for the legal
 10 opinions?
 11 MR SCHEEPERS: It was the bid
 12 adjudication committee.
 13 MS MASILO: And did the CPO indicate what
 14 the difficulty was that he had in approving it?
 15 MR SCHEEPERS: Yes it was, it had to do
 16 with a questionnaire in, specific to one of the tenders.
 17 In this case and now I'm going to, I may get it wrong. But
 18 from my recollection in this questionnaire you had to
 19 answer a question and it had to do with how much of the
 20 service you will outsource to subcontractors and then the
 21 follow on questions related to that first question. Now in
 22 this case the service provider answered the first question
 23 as, let's say not applicable or did not answer the question
 24 because in another part of the document they indicated that
 25 they will not outsource or subcontract any of the service.

Page 3139

1 So the rest of the questions were not applicable. But
 2 instead of marking it as such in the first round it was
 3 marked as they score a zero for all of those questions and
 4 I'm simplifying a very complex matter now. So it's best
 5 that you go back to those tender documents and go and have
 6 a look for yourself but that is from what I remember, it
 7 was a, it was a superficial thing.
 8 MR KAHLA: What was behind this year's
 9 delay?
 10 MR SCHEEPERS: Tenders had to be
 11 cancelled, had to be re-issued before they could be re-
 12 issued. There was an instruction that Gartner had to
 13 review those tenders. That took a significant amount of
 14 time. During that process there was engagement with us,
 15 with the technology area. There was some debate about, and
 16 this is where we really had to make them more familiar with
 17 the SARS landscape and explain like I did previously why
 18 you would not in-source desktop support in the Northern
 19 Cape. So we had to have these discussions and debate and
 20 that took a significant amount of time and then obviously
 21 there's a process in SARS, anybody can't just re-issue a
 22 tender. You go through a process where it goes through all
 23 of the governance committees for approval and then once
 24 approved it can be issued.
 25 MS MASILO: I would imagine that for

Page 3140

1 counsel to provide the opinion they would have reviewed the
 2 contract as well, they would have reviewed, you know the
 3 same documentation that was reviewed by Gartner and do you
 4 know why would SARS or NBAG accept the finding by Gartner
 5 as opposed to the opinion that they got a year prior from
 6 counsel?
 7 MR SCHEEPERS: The legal opinion was on
 8 the outcome of the first assessment. The Gartner review
 9 was on the specification of the tender that had to be re-
 10 issued. So they were different.
 11 MS HOBDEN: Mr Scheepers, some of the
 12 difficulties that you faced before you left SARS what do
 13 you think is the way forward for SARS to overcome
 14 difficulties like this?
 15 MR SCHEEPERS: Listening to the, Mr Shaik
 16 yesterday there are obviously some other process issues in
 17 the organisation that I was not aware of which would need
 18 fixing, if I'm going back to my area of responsibility
 19 while I was still at SARS my biggest stumbling block was
 20 first of all the governance process in the IT space that
 21 changed completely. Not for the better and the procurement
 22 process was broken and you know again it was not placing a
 23 gate or a control in a process, it should not be a blocker.
 24 If you had someone who was willing to work with you and to
 25 facilitate what you are trying to do and you're trying to

Page 3141

1 do this for the organisation you want to procure hardware
 2 for the organisation in order to maintain the system
 3 landscape, you're not doing this for yourself or because
 4 you're bored on weekends. If you had a process where that
 5 was facilitated the, how do I get to the other side, not
 6 stop you can't go there. I mean that will already, that
 7 will already make a difference. So to answer your question
 8 I believe that there are some organisational challenges. I
 9 said earlier to, in response to your question fix the
 10 leadership, that's my personal view. It starts there.
 11 COMMISSIONER: But that generally applies
 12 in any organisation whether it's successful or not.
 13 MR SCHEEPERS: Yes.
 14 COMMISSIONER: Look at the top.
 15 MR SCHEEPERS: It's exactly right and fix
 16 the -
 17 COMMISSIONER: Anyway, you know I was
 18 walking down the passage the other day, coming here and
 19 some members alongside me and you said you know Judge it's
 20 time to start rebuilding SARS and I mean we've heard, I
 21 don't know 60, 70 witnesses, it's extraordinary what
 22 they've done and I don't know if we're hearing a different
 23 story anymore frankly and so the question is, is there
 24 anything, is there anything you want to add to what you
 25 said about, if you want to rebuild SARS what do you do, is

Page 3142

1 there anything you want to add to what you've already told
 2 us?
 3 MR SCHEEPERS: I think just fix the
 4 organisational issues and get the right people into the
 5 right positions. You have them here, there are very
 6 talented people here today.
 7 COMMISSIONER: Yes.
 8 MS HOBDEN: Thank you. That's all my
 9 questions.
 10 COMMISSIONER: Bongji?
 11 MS MASILO: I just have, I would just
 12 like a comment from you. I mean you know based on the
 13 evidence that we've heard from yesterday and the evidence
 14 that you've given today. To me it seems like, the effect
 15 of the work that was done by Gartner was breaking down the
 16 IT departments within SARS and you know, I mean this was an
 17 exceptionally functioning machine which has now been
 18 fragmented and broken down. People have been broken,
 19 people have left SARS and for whose benefit is this because
 20 as a taxpayer it's certainly not for my benefit. So for
 21 whose benefit would this have been done? It may be an
 22 unfair question, I just -
 23 COMMISSIONER: Ja, I think it is rather
 24 unfair to ask this witness.
 25 MR SCHEEPERS: Ja, the part of your

Page 3143

1 statement that I will agree with, is it is not to the
 2 benefit of the taxpayer. I'll have to speculate if I had
 3 to say who benefits from this. I can't.
 4 MS MASILO: Thank you.
 5 COMMISSIONER: Mr Scheepers, thank you
 6 very much for giving us your time. We appreciate it very
 7 much.
 8 MR SCHEEPERS: Pleasure Judge.
 9 COMMISSIONER: Thank you.
 10 MR SCHEEPERS: Thank you.
 11 [NO FURTHER QUESTIONS - WITNESS EXCUSED]
 12 MS HOBDEN: Judge, I wonder if we
 13 shouldn't take an early lunch break. Our witness is
 14 available at quarter past 1.
 15 COMMISSIONER: What is the time now?
 16 MS HOBDEN: It's quarter past 12.
 17 COMMISSIONER: Well shall we resume at
 18 quarter past 1?
 19 MR KAHLA: Yes, okay.
 20 COMMISSIONER: Bongji? Thank you.
 21 [INQUIRY ADJOURNS INQUIRY RESUMES]
 22 [13:17] COMMISSIONER: Yes, are we ready?
 23 MR SIYO: Yes, Judge. I call Mr Sello
 24 Mtshali.
 25 COMMISSIONER: Good afternoon. Thank you

Page 3144

1 very much for coming.
 2 MR MTSHALI: Thank you.
 3 COMMISSIONER: Will you affirm that the
 4 evidence you give will be the truth, the whole truth and
 5 nothing but the truth? If so will you say I do?
 6 SELLO MTSHALI: I do.
 7 EVIDENCE OF MR MTSHALI
 8 COMMISSIONER: Thank you.
 9 MR SIYO: Judge, for the purposes of the
 10 record I want to state that the witness was subpoenaed to
 11 give evidence before the commission today.
 12 COMMISSIONER: All right. Thank you.
 13 MR SIYO: Mr Mtshali, what's your
 14 employment background at SARS?
 15 MR MTSHALI: I've come through the ranks.
 16 I used to be a SAP consultant, manager for development
 17 area, I was an enterprise architect. I've been a senior
 18 manager. I've been an executive for the ICP space and I'm
 19 currently the executive for innovation and strategy.
 20 MR SIYO: Okay. And what are your
 21 responsibilities in that role?
 22 MR MTSHALI: Are you referring to the
 23 responsibilities that are on paper or the ones that I'm
 24 actually doing?
 25 MR SIYO: You can give us both.

Page 3145

1 MR MTSHALI: My responsibilities would
 2 cover what in Cobit we would call manage strategy and
 3 manage innovation. From the Gartner proposal it would be a
 4 span of about 27 people. The current span is two people.
 5 So what it should be and what it is are night and day.
 6 MR SIYO: And why do you have that
 7 discrepancy?
 8 MR MTSHALI: Because I don't think there
 9 is a proper appreciation of what strategy and innovation
 10 really mean in the current dispensation. I think what was
 11 recommended on pieces of paper seemed like a good idea but
 12 the reality does not support the wish.
 13 MR SIYO: I see. And we'll get to that.
 14 I'm going to ask you to elaborate on that when we get to
 15 that.
 16 MR MTSHALI: Sure.
 17 MR SIYO: I want us to move to the, to
 18 Gartner's diagnostic. As I understand it there are certain
 19 areas that you agree with and certain areas that you
 20 disagree with in respect of the diagnostic. Please take us
 21 through that.
 22 MR MTSHALI: That is not correct.
 23 MR SIYO: Is that not correct?
 24 MR MTSHALI: I have no knowledge of
 25 anything whatsoever to do with the diagnostic because it

Page 3146

1 was kept top secret. I think the only time it was made
 2 available was this year and by then it can be like three
 3 years in. It doesn't seem that relevant to me.
 4 MR SIYO: And have you considered it?
 5 MR MTSHALI: Considered reading it?
 6 MR SIYO: Yes.
 7 MR MTSHALI: Yes.
 8 MR SIYO: And what's your take on it?
 9 MR MTSHALI: To what end would I be doing
 10 it? You have a mess now so whatever was happening that
 11 Gartner found to be a problem then is irrelevant. We wrote
 12 the strategy based on it without us being privy to the
 13 content which made absolutely no sense.
 14 MR SIYO: So in your essence your view is
 15 that it makes no sense.
 16 MR MTSHALI: What I'm saying is the
 17 reason it might be useful for me to read it is academic.
 18 The point is when you embark on a journey of going through
 19 a strategy a diagnostic may be a good idea for you to know
 20 where you are. If somebody is requesting a diagnostic I
 21 would welcome that because it lets you know where you are.
 22 But if the result of the diagnostic is top secret then what
 23 is the point?
 24 COMMISSIONER: And you've said that
 25 you've, you didn't have the diagnostic and you've rewritten

Page 3147

1 your role since then, your strategies, since then. Is that
 2 correct or not?
 3 MR MTSHALI: That is not correct. So
 4 Gartner wrote a strategy. We are -
 5 COMMISSIONER: Implementing it.
 6 MR MTSHALI: I wouldn't say that
 7 implementing is the correct word or executing.
 8 COMMISSIONER: What is the correct
 9 expression?
 10 MR MTSHALI: I'd say it exists.
 11 COMMISSIONER: It exists?
 12 MR MTSHALI: It exists.
 13 MR SIYO: But it's not being implemented.
 14 MR MTSHALI: To the best of my knowledge,
 15 no.
 16 MR SIYO: And what role did you have in
 17 the development of the Gartner strategy?
 18 MR MTSHALI: A fascinating one. My
 19 impression of crafting a strategy is that if you get an
 20 advisory body or an external consultant helping you to
 21 craft the strategy in this instance it was pretty clear
 22 that Gartner was writing the strategy which to me doesn't
 23 make sense. Who's going to own the strategy when they
 24 leave? Whose strategy is it? And this concern is brought
 25 to bear because in my humble opinion the strategy is

Page 3148

1 collecting dust even though we've paid dearly for it.
 2 MR SIYO: So were you involved? I just
 3 want to understand. Were you involved?
 4 MR MTSHALI: I was involved. I was
 5 there. I was in the room.
 6 MR SIYO: Yes.
 7 MR MTSHALI: To the extent where I
 8 participated it became very clear early on that the
 9 participation is to some extent ceremonial because
 10 objections and questions about why this and not that soon
 11 became just go with it. If Gartner is commissioned to
 12 write the strategy they're not commissioned to advise SARS
 13 to write the strategy.
 14 PROF KATZ: SARS was driving the Gartner
 15 process.
 16 MR MTSHALI: Driving is an interesting
 17 word. I would say Gartner was driving it but there was a
 18 sponsor. So the Commissioner brought Gartner on. I don't
 19 know if that's the right word. And then there was a
 20 sponsor. At some point it was Mr Dan Zulu. At another
 21 point it was Mr (inaudible).
 22 MR KAHLA: What are those, what are those
 23 people's roles? Are they chief officers or -
 24 MR MTSHALI: Group executives.
 25 MR KAHLA: Group executives.

Page 3149

1 MR SIYO: And did you at any point bring
 2 it to the attention of the sponsors that your inputs were
 3 not being well received?
 4 MR MTSHALI: Yes, but well received is
 5 probably not the correct word but the response is more
 6 interesting. The response is for lack of a better word
 7 don't get it twisted. Gartner is writing the strategy.
 8 MR SIYO: For who?
 9 MR MTSHALI: That is a very good
 10 question. I don't know that I have an answer to that.
 11 MR SIYO: So this is the response that
 12 you got from the project sponsors.
 13 MR MTSHALI: Yes.
 14 MR SIYO: And have you, did you get an
 15 opportunity to see the actual strategy once it has been
 16 developed?
 17 MR MTSHALI: I was with the strategy
 18 every step of the way and I know it very well.
 19 MR SIYO: Yes. Now, what's your take on
 20 the strategy?
 21 MR MTSHALI: As I said the first question
 22 is for who is it written. It is on paper a very good
 23 strategy but in my view of the world the strategy is a
 24 CIO's manifesto. The first risk that I laid on the table
 25 was that how do you do a strategy if you haven't appointed

Page 3150

1 a chief officer, the response to which was that the chief
 2 officer on arrival must just execute the strategy that is
 3 presented. I don't think that's how the world works but
 4 you have to work at your pay grade.
 5 MR SIYO: Yes, and do you have any other
 6 issues that you had identified as being problems in this
 7 strategy?
 8 MR MTSHALI: No, not in the strategy
 9 itself. Although the expanse of what the strategy sought
 10 to have later became a problem for me insofar as lacking
 11 clarity about whether the strategy was transformative or
 12 was intended to optimise because when you're embarking on
 13 crafting a strategy you'd need to know if your ultimate
 14 goal is to bring fundamental change or if it's to make
 15 gradual improvements on the adjustments to where you are.
 16 And the idea of transformative or an optimisation
 17 perspective did not come across in that strategy. In fact
 18 I would say it was decidedly transformative but in a manner
 19 that in my mind was not sustainable. But in our research I
 20 was participating by being present.
 21 MR SIYO: Yes. Could you briefly explain
 22 the strategy to us as you understand it?
 23 MR MTSHALI: The strategy essentially -
 24 MR SIYO: No, this one.
 25 MR MTSHALI: Yes.

Page 3151

1 MR SIYO: Ja.
 2 MR MTSHALI: It takes on the, it takes
 3 the business strategy, the five primary intended outcomes
 4 or objectives of the SARS business strategy and seeks to
 5 manifest them using IT. So it speaks to all the things
 6 that should guide IT in a manner that will be consistent
 7 with bringing the SARS business strategy alive. Would you
 8 like me to talk about the key factors?
 9 MR SIYO: Yes, please.
 10 MR MTSHALI: So the key factors would be
 11 renovating the core, would be reducing reliance on external
 12 vendors, would be ensuring that the strategy itself is
 13 consistent with what the SARS business was and it's
 14 keeping that up, things like that.
 15 MR SIYO: And has the strategy been
 16 implemented?
 17 MR MTSHALI: By whom? I mean, sorry, the
 18 correct answer is not in my opinion.
 19 MR SIYO: Why not?
 20 MR MTSHALI: It's a difficult question
 21 for me to answer because I can't explain that. It doesn't
 22 make sense to me. Why have it if you're not going to
 23 implement it?
 24 MR KAHLA: Who's responsible for the
 25 implementation of the strategy?

Page 3152

1 MR MTSHALI: Ordinarily I would think
 2 that as I called it the strategy is the CIO's manifesto but
 3 the CIO had nothing to do with it so whoever asked for it
 4 would then you would imagine put things in place to make
 5 sure that circumstances are available to make that strategy
 6 implementable. And essentially you don't really implement
 7 a strategy. It's your manifesto as I said so it's a
 8 guideline to the things that you will in fact implement.
 9 So you'd have a strategic plan and your strategic plan
 10 would be bringing to life the things that are in your
 11 strategy. The difficulty is now the strategy is approved
 12 but the strategic plan never really took off.

13 MR SIYO: Okay, but as the executive are
 14 you not tasked with the responsibility of executing and
 15 implementing policy?

16 MR MTSHALI: Yes. To be clear the, let's
 17 call it the manifesto so there is a manifesto. In order to
 18 make the manifesto happen you would then have a strategic
 19 plan. You would have items, initiatives, things that you
 20 want to do. For that to happen there has to be money.
 21 There has to be resources. There has to be a structure.
 22 There has to be an understanding of the direction, a
 23 roadmap. All of these things at my level are not fulfilled
 24 because the driving requires group executives and chief
 25 officers, Exco, a level of oversight that is way above what

Page 3153

1 I'm able to do.

2 MR SIYO: Yes, but the chief officer, has
 3 the chief officer taken any steps in implementing this
 4 strategy?

5 MR MTSHALI: I think the chief can answer
 6 for herself but what was clear to me is that the strategy
 7 was not priority.

8 MR SIYO: And to you does it make sense
 9 for SARS to spend millions in trying to adopt a strategy
 10 and for that strategy not to be used at all? Because what
 11 I, the sense that I get is that the strategy has been
 12 discarded and I want to understand why it is the case if so
 13 much money has been spent.

14 MR MTSHALI: Discarded is a strong word
 15 but I am myself puzzled by that and I can only explain it
 16 by going to the first risk that I raised. If you craft a
 17 strategy in the absence of a chief officer who must own and
 18 execute the strategy you're running the risk that they
 19 might come and generate another strategy, a different one.

20 COMMISSIONER: Mr Mtshali, you are the
 21 executive in charge of strategy and innovation.

22 MR MTSHALI: It's a lovely title, Judge.

23 COMMISSIONER: Have you got a strategy?

24 MR MTSHALI: I have many.

25 COMMISSIONER: No, no, no, not

Page 3154

1 personally. I'm talking about SARS. I mean, have you got
 2 a SARS strategy?

3 MR MTSHALI: You're making now reference
 4 to the SARS business strategy for the overall organisation
 5 or IT strategy?

6 COMMISSIONER: No, IT, your field.

7 MR MTSHALI: Yes, we have a strategy.
 8 It's the Gartner strategy.

9 COMMISSIONER: And is it a workable
 10 strategy? Is it an acceptable strategy?

11 MR MTSHALI: In my opinion yes, it is but
 12 there are problems with that strategy. The question you're
 13 asking would presuppose that I am privy to the rationale
 14 behind the strategy and I have the backing of Exco and of
 15 the Commissioner and the backing of National Treasury and
 16 backing of the Minister to manifest that strategy and I
 17 don't think that a strategy of an organisation like SARS at
 18 a support level can happen without that kind of support so
 19 -

20 COMMISSIONER: Is it not there?

21 MR MTSHALI: Well, if it is then it begs
 22 the question why is it not being implemented.

23 COMMISSIONER: I'm just having some
 24 difficulty with this distinction you're drawing. You say
 25 there is a Gartner strategy in place but you say it's not

Page 3155

1 being implemented. Just explain the distinction for me
 2 please.

3 MR MTSHALI: Okay, so there is a document
 4 called the SARS IT strategy. It is signed and approved by
 5 Exco. Our day to day existence is not being driven -

6 COMMISSIONER: By that strategy.

7 MR MTSHALI: By that strategy.

8 COMMISSIONER: Okay.

9 PROF KATZ: Sorry, could I just follow
 10 the judge's question? You're the executive in charge of
 11 strategy and innovation. What strategy in that capacity
 12 are you implementing?

13 MR MTSHALI: I'm not.

14 COMMISSIONER: You're not implementing a
 15 strategy. There is one on paper that -

16 MR MTSHALI: There is a document.

17 COMMISSIONER: Ja, but there no
 18 implementation. You're not implementing it. I'm not
 19 blaming you.

20 MR MTSHALI: Ja, it's difficult to
 21 explain. What I'd like to say is I think I've gone out of
 22 my way to illustrate this dilemma that I'm illustrating to
 23 you in the organisation to say I don't mind if you don't
 24 like the strategy. Throw it away if you will. Let's
 25 create another one. But we can't go forward without one

Page 3156

1 from which we can all speak to. When internal audit comes
 2 and says where are you on your strategy or how are you
 3 doing, what are we going to say when the Auditor-General
 4 comes? A lot has been said about governance and I'm not
 5 worried about the governance of each business case. Surely
 6 when there's an organisation the size of SARS there must be
 7 internal audit. There must be the advisory council. There
 8 must be the auditor-general. For you to be here -
 9 MS MASILO: Did you - sorry.
 10 COMMISSIONER: Sorry.
 11 MR MTSHALI: So the questions that you
 12 are asking ideally have been asked by internal audit many
 13 years ago or by the auditor-general many years ago. In my
 14 mind that, because the internal governance, the IT
 15 governance would ask those questions right off the bat as
 16 an internal process. Then the next level would be the
 17 auditor, the, the internal audit. Then the next level
 18 would be the Auditor-General. The next thing would be the
 19 advisory council. And in this instance it's a commission
 20 of inquiry. And I can still ask the same questions but
 21 those answers are above my pay grade.
 22 MS MASILO: Did you have a strategy
 23 before Gartner came on board? Did you have a strategy and
 24 a specific plan which was what guided you in doing your
 25 work?

Page 3157

1 MR MTSHALI: After the operating model
 2 changed was only when I actually got into this job. So
 3 before that how things were done is not immediately clear
 4 to me but I would imagine that there was a strategy and I
 5 would imagine that there was leadership and processes that
 6 followed through. I think what was, what is important to
 7 note is that when representing to parliament about the
 8 status or the annual report then it was very clear what IT
 9 had achieved. So it might not have been to a piece of
 10 paper but it might have said that this is the vision, this
 11 is where we're going, this is what we're going to do this
 12 year. So there was an annual performance plan. There was
 13 submissions to the midterm budget. There was a number of
 14 things that were happening that you need not even have
 15 bothered to ask because you could see things were
 16 happening. There was progress.
 17 MS MASILO: So what has happened to all
 18 those since you came on board as the executive?
 19 MR MTSHALI: I think the, my difficulty
 20 is the same as yours. The priorities are different and
 21 without being privy to the rationale behind the priorities
 22 I really can't answer that. I think the priority now is to
 23 keep the lights on so to speak. And the difficulty is that
 24 in IT if all you're doing is keeping the lights on I think
 25 all the other people have already told you you're moving

Page 3158

1 backwards.
 2 PROF KATZ: Sorry, Mr Mtshali, forgive my
 3 pursuing the question.
 4 MR MTSHALI: Feel free.
 5 PROF KATZ: In the organogram you're
 6 reflected as strategy and innovation, Exec Mtshali.
 7 MR MTSHALI: Yes.
 8 PROF KATZ: On a day to day basis what do
 9 you do?
 10 MR MTSHALI: I complain a lot.
 11 PROF KATZ: So do you do anything that
 12 fits into that -
 13 MR MTSHALI: I do everything that fits
 14 into that but it's like I'm going it in a little playhouse
 15 for the sake of fun.
 16 [13:37] MS MASILO: So you report to a GE and who
 17 reports the chief officer who is a member of Exco, have you
 18 raised these issues with them and what's the response?
 19 MR MTSHALI: Twice on Sunday, the
 20 priority, the answer is there's no money and the priority
 21 is to keep the lights on. But I think I is best of you ask
 22 them.
 23 COMMISSIONER: What ought you be doing in
 24 that position?
 25 MR MTSHALI: I beg your pardon?

Page 3159

1 COMMISSIONER: What ought you to be doing
 2 in that position? What should you be doing?
 3 MR MTSHALI: Making sure that every
 4 decision that is being made, every business case is in fact
 5 aligned with the strategy that is approved, making sure
 6 that we revisit the strategy and see that that strategy is
 7 still in line with what the organisation is trying to
 8 achieve and my portfolio is dual so it's got the part of
 9 innovation as well, making sure that the strategy is
 10 keeping up with what is happening on in the world of IT
 11 which is, as you can imagine, changing at a phenomenal
 12 pace, having the staff and the wherewithal to research the
 13 things that are happening in the world. Keeping up with
 14 those, attending courses that are relevant, joining with
 15 all other institutions and organisations that are relevant
 16 in the tax revenue internally and externally to South
 17 Africa. As I said the proposal from Gartner and Bain was
 18 that the staff complement had to be 27.
 19 COMMISSIONER: Sorry, say again?
 20 MR MTSHALI: The staff complement that
 21 ought to be happening would number 27 people and if you
 22 look at Cobit it lines out, it's a line item basis which
 23 someone that is managing strategy would be doing on a
 24 regular basis but all those things are moot if that's not
 25 the priority.

Page 3160

1 COMMISSIONER: Now you've told me what
 2 you should be doing, what you ought to be doing, what the
 3 nature of the nature of the function is. Why and excuse me
 4 for being slow, but why is it not being done?
 5 MR MTSHALI: Because it is not a
 6 priority.
 7 MR KAHLA: Of who?
 8 MR MTSHALI: Of the leadership. I only
 9 imagine it's the priority of the leadership because
 10 everything is very subjective when you are in the job.
 11 COMMISSIONER: Ja?
 12 MR MTSHALI: In my humble opinion
 13 strategy is very important but if you don't think it is
 14 there isn't a whole lot I can do because the organisation
 15 has figured out at this point in time there are things that
 16 are more important.
 17 MR KAHLA: Have they defined what are
 18 those things that are more important?
 19 MR MTSHALI: It's best for the leadership
 20 to tell you what they think is more important but I imagine
 21 revenue collection and keeping the lights on would be top
 22 of the list. Although I would argue how do you do that if
 23 you don't have a strategy.
 24 MR KAHLA: Isn't that you had the
 25 strategy but you're not applying the strategy? I'm

Page 3161

1 struggling in getting to understand why the top leadership,
 2 for example the chief officer isn't ensuring that there's
 3 an implementation of the strategy or of there is a problem
 4 with the strategy a new strategy is crafted.
 5 MR MTSHALI: The top leadership also has
 6 leadership above them and maybe that direction from there
 7 says something else. I'm speculating. I can only speak to
 8 what makes sense to me and it doesn't make sense to me.
 9 COMMISSIONER: I understand in what you
 10 are saying to be as we talked to the earlier witness about
 11 the analogy's moving forward or treading water? It sounds
 12 to me like you are saying and we're just keeping the lights
 13 on. We're treading water but you ought to be moving
 14 forward. Would that be fair or not?
 15 MR MTSHALI: That would be very fair.
 16 MR SIYO: Has there been an attempt to
 17 implement at least a certain portion of the Gartner
 18 strategy?
 19 MR MTSHALI: Again, so maybe it's
 20 semantics. Strategies are crafted and then executed but
 21 the real execution of the strategy is in having a strategic
 22 plan and then having initiatives in that strategic plan
 23 that you -
 24 MR SIYO: Execute?
 25 MR MTSHALI: You execute or you

Page 3162

1 implement. So you don't really implement the strategy.
 2 The strategy is -
 3 COMMISSIONER: Ja.
 4 MR MTSHALI: Is the thing that tells
 5 everyone, your executives, your group executives, Exco,
 6 Treasury, everyone who is dealing with you what you're
 7 about and how you're going about doing your IT business.
 8 The things you actually, the things that you execute exists
 9 because you can point directly to the strategy saying that
 10 those are things you must do.
 11 COMMISSIONER: They flow out of the
 12 strategy?
 13 MR MTSHALI: They flow out of the
 14 strategy.
 15 COMMISSIONER: And nothing's flowing out
 16 of the strategy, I think you were saying?
 17 MR MTSHALI: No. Well, maybe nothing is
 18 a strong thing but in general we are going somewhere but
 19 because of the nature of my job I'm having difficulty every
 20 day saying I see we're treading water here, we are moving.
 21 I don't know what is the basis of the decision. If you
 22 approve a business case today what is the basis of the
 23 decision? If you don't know then there is a problem.
 24 MR SIYO: What's the composition of your
 25 strategy and innovation team?

Page 3163

1 MR MTSHALI: I've got two specialists.
 2 MR SIYO: That's it?
 3 MR MTSHALI: And seven graduates but that
 4 was a later occurrence.
 5 MR SIYO: Now could you please explain
 6 the discrepancy between the 27 that you say was recommended
 7 and the two specialists and seven graduates that you have
 8 currently?
 9 MR MTSHALI: Explain is perhaps not what
 10 I will do but I can try and surmise why it is that we are
 11 where we are. Again, it starts with saying if you cross
 12 the strategy in absence of the chief, when the chief
 13 arrives it's not immediately clear that that what is in the
 14 strategy is necessarily what they think is important or
 15 what the organisation thinks is important. So, if you
 16 don't think that the strategy or that innovation are
 17 important there is now compelling reason to allocate
 18 resources for machinery or for staffing to that endeavour
 19 because it's not important. So, the reason I would think
 20 it's because it's not deemed as important but the why have
 21 that unit in the first place? Why appoint me in the first
 22 place?
 23 MR SIYO: Yes, and have these type of
 24 questions been put to the leadership so that's the group
 25 executive and also to the chief officer because you're

Page 3164

1 clearly there, you know, you have a team. But there
 2 doesn't seem to be much happening?
 3 MR MTSHALI: Again, like I said if the -
 4 if Gartner has come up with a strategy that the executive
 5 body on average does not buy into the answer is to write a
 6 new strategy that is owned by them. So that is my
 7 intervention to say I get no one likes the strategy; let's
 8 throw it in the dustbin or let's revise it so that everyone
 9 likes it. So that when you are - like is the wrong word -
 10 buys into it, accepts it so that we speak from the hymn but
 11 this is our strategy then we can be held to it. The
 12 difficulty is if people aren't buying into the strategy
 13 what are you going to hold them to? What are you saying
 14 what they are doing that makes sense because that's what
 15 they said they would do?
 16 MR SIYO: And are there any attempts to
 17 draw a new strategy that would be prioritised? Because
 18 right now there's a nothingness insofar as strategy's
 19 concerned, alright. Now -
 20 MR MTSHALI: Ja, I think for me but again
 21 I'm not a friend to Gartner if I write a strategy because
 22 whose it for? If that makes sense? So, I can write a
 23 lovely one, I think one even better than Gartner but it
 24 will just be a lovely as a piece of paper. But then what?
 25 MR SIYO: What I'm asking is whether this

Page 3165

1 is actually been raised at a leadership level? Not just
 2 you sitting in the office alone drawing a strategy.
 3 Whether this has been raised at a leadership level to say
 4 can we come together to draft a new and better strategy
 5 that we can implement?
 6 MR MTSHALI: Yes, it's been raised.
 7 MR SIYO: Yes.
 8 MR MTSHALI: I've raised that.
 9 MR SIYO: What's been the response?
 10 MR MTSHALI: Look, I think is the correct
 11 word, but I don't know. I don't have an exact answer. The
 12 correct answer is there are more important things. There
 13 are other priorities.
 14 MR SIYO: Is that the answer that you
 15 were given?
 16 MR MTSHALI: It's the answer that I'm
 17 surmising.
 18 MR SIYO: What's the answer you've been
 19 given?
 20 MR MTSHALI: We're keeping the lights on.
 21 MS MASILO: I just need some clarity.
 22 You said the reason why, my recollection, the Gartner
 23 strategy has not been utilised is because there's no
 24 strategy plan. Who is supposed to come up with the
 25 strategy plan? Who is supposed to draft it and if it's

Page 3166

1 SARS, if it's not within your area do you have an
 2 understanding of what it would cost SARS that SARS says
 3 they don't have the money to do it?
 4 MR MTSHALI: It is within my area but Gartner also
 5 provided a strategy plan. The difference between the
 6 strategy plan and the strategy is that the strategy is
 7 approved.
 8 MS MASILO: Yes?
 9 MR MTSHALI: But the strategic plan is
 10 not approved. So, one of the things that I would be
 11 responsible to do is to see to it that the strategic plan
 12 is either approved or implemented or items of the
 13 initiatives on the strategy plan are executed or
 14 prioritised or any number of items that you can choose to
 15 say well, this is what we're going to do and this is what
 16 not we're going to do.
 17 MS MASILO: So why you have you not done
 18 so?
 19 MR MTSHALI: Because as I've explained
 20 I'm no different to Gartner in that regard. The ability to
 21 come up with an initiative is not the same as the ability
 22 to make that initiative come to pass because there has to
 23 be buy ins so I must explain to you this is the initiative
 24 and you must say right, make that happen.
 25 MS MASILO: Have you explained?

Page 3167

1 MR MTSHALI: I would like to think so.
 2 MR SIYO: So, SARS spent approximately
 3 R10 million in order to come up with this IT strategy and
 4 what I'm getting from you is that it's not been
 5 implemented. Do you think it's wasteful and fruitless
 6 expenditure?
 7 MR MTSHALI: I would think it obvious
 8 but, yes.
 9 MR SIYO: Yes, alright. I want us to
 10 move onto structure and particularly what seems to have
 11 transpired with the new operating model, the separation
 12 between business and IT, did you have any input in that?
 13 MR MTSHALI: I'm not sure that I
 14 understand the question. Input insofar as?
 15 MR SIYO: Insofar as the separation
 16 between business and IT?
 17 MR MTSHALI: Oh, yes. No, I wouldn't say
 18 that I've had input. That as a decision. There is this
 19 misnomer that said that IT is running business, I think the
 20 commentary was the tail is wagging the dog which was very
 21 unfortunate because Mr Hore was the chief operating
 22 officer. He was also the CIO so from our vantage point the
 23 correct person who was in charge of everything was also the
 24 person in charge of IT. So, IT could not have been running
 25 anything because the chief operations officer was the one

Page 3168

1 calling the shots and therefore the shots was what was
 2 needed by business.
 3 MR SIYO: Yes, and so what difficulties
 4 have you identified with the new structure?
 5 MR MTSHALI: When the separation was made
 6 and it was made clear that IT cannot run business, granting
 7 business to be upon themselves to run business insofar as
 8 things that involve technology. That is to say whereas it
 9 would seem to us that IT is doing a lot of things, coming
 10 up with what must happen and what must not happen, IT is
 11 now waiting because when they stopped the modernisation a
 12 decision was made but there was no risk management of that
 13 decision and there was no replacement of that action which
 14 meant now we're waiting for something or someone; I would
 15 like to think it's for leadership to provide direction.
 16 MR SIYO: Yes, and in the formulation of
 17 the new structure were you ever consulted?
 18 MR MTSHALI: I was part of the
 19 formulation because I was in the party but again I
 20 complained the who time because it didn't make sense to me.
 21 The difficulty here is that Bain was in charge of the
 22 structure and Gartner was subcontracted to Bain. My
 23 understanding is that Gartner did not agree with the
 24 structure insofar as what IT was concerned. They had been
 25 hamstrung by what Bain wanted and they sort of kind of went

Page 3169

1 along with it and I said but it doesn't make sense for you
 2 to go along if you don't agree. But that debate was - it
 3 was a strange debate because it's not that they were
 4 disagreeing with me. They were just saying their hands are
 5 tied.
 6 MR SIYO: And what were these issues that
 7 were identified by Gartner?
 8 MR MTSHALI: Well, procurement and
 9 governance were seen to be things that must be - HR and
 10 procurement and governance were to be outside operating at
 11 a central level whereas I think Gartner would have seen
 12 those things where they are very close to IT, being closer
 13 to IT. But I think that Gartner can answer for themselves.
 14 I happen to agree with that and what has come to pass
 15 absolutely justifies that because our difficulties are
 16 precisely what HR with governance and with procurement. So
 17 not doing that or rather doing what we have done has
 18 absolutely crippled us.
 19 MR SIYO: Now you've mentioned, you've
 20 highlighted some of the things that have resulted or that
 21 have led to this crippling. Could you please expand?
 22 You've mentioned HR, procurement and so on. Could you
 23 please expand on how these are crippling operations?
 24 MR MTSHALI: Okay, so Gartner comes and
 25 says we recommend that you have 10 million over three years

Page 3170

1 to work on strategy and on innovation. If from finance we
 2 get a budget of zero well, that doesn't happen and then you
 3 go to HR and say we've recommended to have a structure of
 4 27 people. If HR says you can't hire that doesn't happen.
 5 If you want to do governance from a perspective that is
 6 relevant to the strategy but every business case that you
 7 need to draw up requires money or funding it can't happen.
 8 If you want to follow a strategic plan, every initiative,
 9 every item on the strategic plan requires money and
 10 requires a budget. If you are the chief officer and you
 11 have no staff, no money, no budget and no prioritisation
 12 then it can't happen.
 13 MR SIYO: I want to start to move on to
 14 innovation and let's start by could you explain what is
 15 meant by innovation in the SARS context?
 16 MR MTSHALI: Keeping abreast of
 17 everything that's happening, new things that you could then
 18 use to augment or to improve or to disrupt what is
 19 happening at SARS already in the way that takes SARS
 20 forward to give an example, the buzz words for now are like
 21 machine learning and artificial intelligence or Cloud
 22 computing or Block Chain, things of that nature, would be
 23 thought of innovation. If you look at SARS processes and
 24 SARS business and you look at SARS strategy and outcomes
 25 you can then see in what way those things can assist in

Page 3171

1 improving what is already on the strategy plan that aren't
 2 already been done.
 3 MR SIYO: And what developments have you
 4 come up with?
 5 MR MTSHALI: In innovative ideas or -
 6 MR SIYO: Yes, ja, innovation. So, what
 7 are the developments that have emerged when it comes to
 8 innovation at SARS?
 9 MR MTSHALI: Again, I can tell you what
 10 things we've done in the lab because we think they're
 11 fascinating. I can tell you about things can be done to
 12 change it. But if there's no mandate for any of those
 13 things to come to pass, if there's no budget for them to
 14 come to pass then there're geeks in the corner doing geek
 15 stuff and having little fun. But not really intended to
 16 get anywhere far because for them to get far there has to
 17 be a mandate, there has to be a vehicle to come to pass.
 18 So, I can say we are playing with (inaudible) as we look at
 19 different ways of rendering websites. We're looking at
 20 micro services and (inaudible). We're looking at
 21 artificial intelligence or machine learnings, algorithms
 22 with Java and Python. There's no shortage of things me and
 23 my staff of two can play with but again if it's just for
 24 playing then what's the point.
 25 MR SIYO: So, in essence you're saying

Page 3172

1 that innovation also doesn't have any support from
 2 leadership? Is that what you're saying?
 3 MR MTSHALI: Yes.
 4 MR SIYO: And all of these have been
 5 raised to leadership and no support has been given insofar
 6 as budgeting and so on, is concerned. Is that what you're
 7 saying?
 8 MR MTSHALI: That's what I'm saying.
 9 [13:57] MR SIYO: Now the chief officer has
 10 recently in the media mentioned two initiatives, the first
 11 one is the first one is the Cloud policy and the second one
 12 relates to the use of innovation to disrupt. Are you
 13 involved in any of these?
 14 MR MTSHALI: I think I'd like the chief
 15 officer to answer that one because I don't know.
 16 MR SIYO: I'm asking whether you're
 17 involved, you don't know whether you're involved.
 18 MR MTSHALI: I can explain the level of
 19 my involvement.
 20 MR SIYO: Yes.
 21 MR MTSHALI: But again what is important
 22 to say is what I do on my laptop or on my playpen server is
 23 nowhere if it's not on an item that says at a strategic
 24 level or enterprise wise or even a division wise level we
 25 are intending to do 1, 2, 3. So a substantial part of the

Page 3173

1 strategy and innovation area is research. So I would say
 2 we are doing those things because it's a good idea that we
 3 know them so that when we are called upon we can speak of
 4 those things with some level of authority. So I can say
 5 that in my unit we can speak with a level of authority on a
 6 number of subjects involving innovation and strategy. But
 7 there isn't, from what I can see support for those things
 8 to go anywhere but into the ether.
 9 MR SIYO: So in respect of these two
 10 projects that I've mentioned are you saying to me that
 11 these are merely theory and that there's actually no
 12 intention to implement them?
 13 MR MTSHALI: Can you refresh me, what are
 14 the two projects?
 15 MR SIYO: I've mentioned Cloud policy and
 16 using disrupters for innovation.
 17 MR MTSHALI: I don't know what that
 18 means.
 19 MR SIYO: That's what I was asking
 20 whether you're involved in these or not.
 21 MR MTSHALI: I don't know what that
 22 means, but I can tell you that because of the – I think Mr
 23 Rabie called it imminent fall this Cloud method becomes
 24 really relevant because if you're looking at a Cloud tactic
 25 of dealing with our impasse of servers coming to end of

Page 3174

1 life it might make sense to say that as per a manifesto or
 2 a strategy we would like to look at capital expenditure
 3 versus operational expenditure. Where Cloud becomes very
 4 relevant then is that we don't have to go and buy all the
 5 service all at once. We can have a Cloud strategy of
 6 either a private Cloud or a hosted Cloud or even public
 7 Cloud to host some of those things. So insofar as that is
 8 concerned I can speak to them, but understanding which
 9 solutions can be clouded or not clouded or how one would go
 10 about it is a very different thing than having a strategy
 11 that says we will use Cloud and then a step that says we're
 12 going to use Cloud and then a step that says seeing that we
 13 need R500 billion to replace the servers that we haven't
 14 refreshed over the years Cloud is now the way to go. I can
 15 speak to it, but I can't drive it because –
 16 COMMISSIONER: Is it really for us to
 17 decide whether you go onto Cloud or servers or this, that
 18 and the other, these are, I would have thought, operational
 19 matters within.
 20 MR SIYO: Well, Judge, I could remind you
 21 my question was whether he is involved, that's all I asked.
 22 COMMISSIONER: Well don't blame me if it
 23 doesn't get -
 24 MR MTSHALI: So, Judge, I think that it
 25 is a fair point whether we are operational or strategic,

Page 3175

1 but I would think –
 2 COMMISSIONER: But he was asking, now
 3 he's got his question, he says were you involved at all.
 4 MR SIYO: Are you involved at all in
 5 these? You are the –
 6 MR MTSHALI: Ja the question is what does
 7 it mean to be involved. As I've explained, I can speak to
 8 it, I am wholly aware of it and I'm immersed in it. But
 9 the level of my involvement – okay let's put it this way.
 10 If you want to buy R500 million of servers, I'm involved,
 11 I'm saying what is the strategic basis for you to make that
 12 decision. There's option 1, there's option 2, there's
 13 option 3, I'm involved with that. I can say I don't think
 14 we should buy the servers we must get them hosted in a
 15 Cloud because then well we can have a cash flow scenario
 16 that makes more sense and we can buy ourselves time. We
 17 can take a risk of saying well the servers might fall over,
 18 but I'd like to take another year even with that risk so
 19 that I have more time to think about it. I'd like to speak
 20 to National Treasury and ask them if they'll support us
 21 with money for this and that. I understand your question,
 22 I'm just explaining it's above my pay grade.
 23 MR SIYO: Fair. Now is it fair to
 24 summarise your evidence as follows. That there is nothing
 25 happening at SARS insofar as strategy and innovation are

Page 3176

1 concerned.

2 MR SIYO: It pains me to say it, but ja I

3 would say that's not an unfair reflection because whatever

4 is happening is at a level that is not going to reach Exco

5 is not going reach National Treasury, it's not going to be

6 assigned a budget and it's not going to come to pass.

7 MR SIYO: And is it also fair to say that

8 the strategy and innovation team which you lead is in

9 essence redundant?

10 MR MTSHALI: I wouldn't say it's

11 redundant because it is the –

12 COMMISSIONER: But it's not being used.

13 MR MTSHALI: Okay let me put it

14 differently. We are making the noise, we are saying –

15 COMMISSIONER: I understand, but it's not

16 being used it sounds to me.

17 MR MTSHALI: Well if it wasn't there,

18 there wouldn't even be any noise.

19 COMMISSIONER: No I know, but it's not

20 being used as I understand it. Redundant is not the right

21 word –

22 MR MTSHALI: Redundant is not the right

23 word, but it's not being used –

24 COMMISSIONER: It's not being used -

25 MR MTSHALI: - as it was intended or as

Page 3177

1 it's supposed to be used.

2 COMMISSIONER: Ja.

3 MR SIYO: Okay.

4 MR KAHLA: And nobody's explaining to you

5 why it's not being used as intended.

6 MR MTSHALI: Because it's not important

7 or ostensibly because keeping the lights on is more

8 important.

9 MR KAHLA: Okay.

10 MR SIYO: And my last question to you, do

11 you have any recommendations to give to the Commission in

12 respect of SARS's strategy and innovation? How can you get

13 the team operating again, how can there be an

14 implementation insofar as strategy is concerned and also

15 innovation? Would you like to give any recommendations in

16 that regard?

17 MR MTSHALI: I have a lot.

18 MR SIYO: Please.

19 COMMISSIONER: Well not too many.

20 MR MTSHALI: I don't think that you can

21 have a successful IT organisation when the person in charge

22 cannot be held accountable and I don't see how the person

23 in charge can be held accountable if they don't have the

24 money to do the stuff. I don't see how they can be held

25 accountable if they don't have the staff or the means to

Page 3178

1 change the staff. If somebody dies replacing them is a

2 nightmare and if you do replace them and someone from

3 inside gets that job that other job disappears.

4 So the first recommendation is maybe it's an

5 interim solution or something like that, he needs to have

6 the chief officer have control of some kind of budget. The

7 chief officer has to have some control over procurement

8 ways. The chief officer has to have some control over

9 hiring practises, how hiring happens, how quickly it can

10 happen and have a say, have a much bigger say and have a

11 big, big loud voice at Exco about what needs to happen.

12 Because otherwise they are passengers and the train is

13 moving, but all they can do is as you have coined it wade

14 with water, we wade the water, wading water.

15 MR KAHLA: But certainly the chief

16 officer has a voice on Exco whether or not it's loud, it's

17 a different story, but isn't that there is a voice of the

18 chief officer in Exco?

19 MR MTSHALI: I'm not a member of Exco, so

20 I don't know, I don't know –

21 MR KAHLA: But the chief officer is on

22 Exco.

23 MR MTSHALI: The chief officer is on

24 Exco.

25 MR KAHLA: So her voice should be on Exco

Page 3179

1 then. I'm not talking – I don't much about how loud her

2 voice may be, but it is there.

3 MR MTSHALI: I cannot speak to how loud

4 the voice is, but she is on Exco, but whether it's loud or

5 not what the effect is it's not being heard. Or it's not

6 there at all, I can't talk to that.

7 MR KAHLA: But you have an idea of what

8 the expectations or the aspirations of the chief officer,

9 for example there was reference to the issue of innovation.

10 Do you have an understanding of what is anticipated in that

11 innovation?

12 MR MTSHALI: I think the chief officer is

13 passionate about block chain.

14 MR KAHLA: And what's your impression of

15 that?

16 MR MTSHALI: In the scheme of the tactics

17 that can be employed and the point in time we are at SARS

18 with all the difficulties that we're changing that we have

19 as challenges, block chain would be the last of my

20 concerns.

21 MR KAHLA: So you think what she has as

22 top of my list what would be the bottom of your pack.

23 MR MTSHALI: If I was the chief officer,

24 but I'm not.

25 MR SIYO: I have no further questions,

Page 3180

1 Judge.

2 COMMISSIONER: Thank you very much, Mr

3 Mtshali.

4 MR MTSHALI: Thank you.

5 [NO FURTHER QUESTIONS – WITNESS EXCUSED]

6 MR SIYO: Judge, I call Mr Artwell

7 Mtshali. No, no Kunene sorry. My apologies, Mr Kunene.

8 MR KUNENE: It's okay.

9 COMMISSIONER: Yes good afternoon, Mr

10 Kunene.

11 MR KUNENE: Good afternoon, Judge and

12 colleagues.

13 COMMISSIONER: Thank you very much for

14 assisting us.

15 MR KUNENE: It's a pleasure, Sir.

16 COMMISSIONER: Will you affirm that your

17 evidence will be the truth, the whole truth and nothing but

18 the truth? If so will you say I do?

19 MR KUNENE: I do.

20 EVIDENCE OF MR KUNENE

21 COMMISSIONER: Thank you.

22 MR SIYO: Good afternoon, Sir. Is it

23 correct that you filed an affidavit that covers issues

24 relating to SARS modernisation program, Gartner

25 intervention, the division of business at DIST, leadership

Page 3181

1 at DIST and wherein you also make recommendations?

2 MR KUNENE: That is correct, Sir.

3 MR SIYO: All right. Could you please

4 tell us your employment background at SARS?

5 MR KUNENE: Well my current role is that

6 of Executive Business Relations. I first started at SARS

7 in 2007 as a consultant for one of the companies that are

8 developing systems for SARS. Then in 2009 I then joined

9 SARS permanently as Executive Business Systems Core Taxes.

10 And maybe briefly the business systems at the time was made

11 up of core taxes which I was the executive in that area.

12 And it was also made up of an area called digital channels

13 which basically looks after the E-filing, contact centres

14 and the branch systems as well as the risk enforcement and

15 other services which looks after your case selection, your

16 risk engine, the enforcement and then the other one that I

17 – yes those were the three main ones that were there making

18 business systems at the time.

19 MR SIYO: And your current

20 responsibilities, what are they?

21 MR KUNENE: My current responsibilities

22 after the operating model, so it's important to understand

23 before my responsibilities were only limited to core tax

24 systems which – ja I just forgot to clarify what that

25 meant. What that meant that area was basically – looks

Page 3182

1 after the core business of SARS or systems that basically

2 facilitates you know the core business of SARS such as the

3 registration of the various entities, enables the

4 processing of the returns, the assessments as well as

5 objections and disputes. So that was the core function

6 that does all the calculations.

7 Coming today in the new operating model I'm still

8 the executive, but not of just core taxes, but of business

9 relations where other areas now have been made to report

10 into this executive role of business systems. And just

11 maybe to take one step back a bit, business systems or

12 business relations as you have it today is basically the

13 custodians, sorry the custodian of all the systems that

14 administer revenue for SARS, customs and excise as well as

15 support systems. That's your human resources, that's your

16 procurement and finance. Custodian mean that when the

17 projects that my previous colleagues from EPMO indicated

18 yesterday and Andre Rabie when those projects materialises

19 into solutions and they get transitioned into production

20 the unit that wakes up in the middle of the night where

21 there's problems is business relations. Because they are

22 basically the interface between business all 15 or previous

23 15 000 staff members of SARS that facilitate the services,

24 taxpayers as well as the taxpayers who are using the E-

25 filing platform and many other entities that we're

Page 3183

1 exchanging third party data as well as the other

2 jurisdictions where we're doing the transfer of

3 information. So that's the key role of business systems or

4 business relations plays. It is not business, but it

5 understands the business, it understands the impact because

6 they're versatile in terms of the operations and the

7 product. Yet at the same time they're not IT, but they

8 understand the implications of IT transformation on

9 enabling SARS or the business to achieve its objectives.

10 MR SIYO: Now I want just to take a step

11 back into the modernisation program.

12 MR KUNENE: Yes.

13 MR SIYO: What was your understanding of

14 the modernisation program? In other words what was it

15 about?

16 MR KUNENE: The modernisation program

17 within the – from a business systems or business relations

18 perspective, that was simply, purely to drive the mandate

19 of SARS and to transform SARS from an manual intensive

20 process to basically to digitise it. And that was to

21 basically enable SARS you know to improve in terms of its

22 ability to provide taxpayer service in its objective to

23 educate taxpayers, to increase the compliance and as Mr

24 Shaik indicated yesterday to also facilitate that

25 enforcement. So from that perspective that was the

Page 3184

1 previous operating model's objective and as indicated in
 2 the stats and the data the results were exactly painting
 3 that picture.
 4 MR SIYO: What were some of the
 5 difficulties that you identified in the program?
 6 MR KUNENE: In which program, Sir?
 7 MR SIYO: The modernisation program.
 8 MR KUNENE: Well I think from a business
 9 systems perspective then because business relations only
 10 came after with the operating model, I think it's very
 11 difficult for me to say or to think of any difficulties
 12 that we had with the operating model. Why I'm saying that
 13 is because business systems as a custodian of these systems
 14 and facilitating or providing enablement services to both
 15 SARS business all we could see was innovation. It was
 16 improvement, there were less complaints from taxpayers,
 17 taxpayers received service when they needed. And we could
 18 practically see the improvement of general compliance.
 19 So in terms of the challenges that I could think
 20 of from a business systems perspective they were very
 21 negligible and why I'm saying that is if you look at even
 22 from a – maybe from three perspectives. From a human
 23 resources, we never had challenges in terms of either
 24 retaining, attracting new resources or new capabilities and
 25 skills. Of course it's in an IT environment, people will

Page 3185

1 come and go, but there wasn't a problem in finding the
 2 means and facilitating the means to retain these skills.
 3 We didn't have problems in terms of procurement as had been
 4 cited because the right procurement vehicles were in place.
 5 There was support from the executive leadership and it
 6 facilitated the ability for us to provide the service that
 7 we need to provide.
 8 MR SIYO: Yes and then the modernisation
 9 program came to an end at the end of 2014. Do you know why
 10 this program was brought to an end?
 11 MR KUNENE: I think just like my previous
 12 colleagues indicated we were all shocked. I think we were
 13 all shocked from different perspectives. My colleagues in
 14 EPMO probably were shocked more because they were the
 15 drivers of this modernisation agenda. What business
 16 systems at the time played an important role in providing
 17 input into the design of the systems, we were facilitating
 18 the transition of these projects into business solutions
 19 that business would use. And when the communication came
 20 to us to say the moratorium is put on modernisation we were
 21 shocked because from a business systems and relations
 22 perspective we did not need somebody to draw us as picture.
 23 We immediately understood the negative impact it would have
 24 because it meant that whatever plans that were in place,
 25 whatever promises, commitments that the Commissioner, the

Page 3186

1 Minister had made that taxpayers are anticipating to get,
 2 they were not going to happen. And we would all understand
 3 the implications that obviously everything that we have
 4 built it was going to regress. We would lose the
 5 opportunity to educate taxpayers, we would lose the
 6 opportunity to increase compliance and when compliance goes
 7 in reverse you're going to have even harder. It has become
 8 even harder to try and enforce because how do you enforce
 9 when you just do not, you know, have the means to execute.
 10 COMMISSIONER: Can I just ask one
 11 question?
 12 MR KUNENE: Yes, Sir.
 13 COMMISSIONER: You know as I understand
 14 it you're all sitting here in SARS, you come to work one
 15 day and you get a newflash saying that this modernisation
 16 has been put on, I can't remember the word that you used.
 17 MR KUNENE: Moratorium.
 18 COMMISSIONER: Moratorium.
 19 MR KUNENE: Yes, Judge.
 20 COMMISSIONER: Did anyone go to the
 21 Commissioner and say what's going on?
 22 [14:17] MR KUNENE: I think I would rather throw
 23 myself in front of a train to then ask the question. I
 24 think the pain would be much less. I think jokes aside –
 25 COMMISSIONER: I'm serious, I –

Page 3187

1 MR KUNENE: I do not think that would be
 2 a wise career thing to do because I think the news flash
 3 and communication as it comes, there are many ways, I
 4 suppose of communicating. It was not asking for input, it
 5 was not asking for you to apply your mind to say what would
 6 you think if we did this? What would be the consequences
 7 of doing this? It was instructing you this is it. But you
 8 knew the ultimatum to say this is it, we're headed downhill
 9 very quickly.
 10 MR SILO: I want to refer you to
 11 paragraph 11, page 3 of your affidavit. I just want to
 12 read a certain portion of it. We were not allowed to use
 13 the word modernisation or to reference how things were done
 14 in the past. When and who gave this instruction?
 15 MR KUNENE: Well maybe before responding
 16 to that I need to give a bit of context. Business systems,
 17 as I said that it was involved in the transition of these
 18 modernisation initiatives into production. And one of the
 19 role that we played was to inform business of these changes
 20 that are coming, to also allay their fears in terms of how
 21 to accept the new system, for them to understand the impact
 22 and such. My responsibility was that of issuing the
 23 communication to business to say to the business community
 24 hi folks, there's an event that's happening this weekend,
 25 this is how it's going to affect you, these are the

Page 3188

1 benefits of what's coming. It's going to happen, this is
 2 what's going to happen and if we would require downtime per
 3 se, when would be the best time to do that? What would be
 4 the impact? That's what I needed to do. But in sending
 5 out that communication I needed to be very clear and
 6 precise. In the past my email address that came from me
 7 said modernisation, then it would have the project name and
 8 the date. Post the moratorium, I was told you're not
 9 allowed to use the word modernisation. I had to come up
 10 with a new name calling it business transformation police
 11 or something.

12 COMMISSIONER: Who told you, you can't
 13 use the name?

14 MR KUNENE: Well it was said in the
 15 corridor and I think, you remember how we worked within
 16 modernisation and technology, there were still these
 17 individual units being, or program office and all of us
 18 because we were all involved in the delivery process. When
 19 the instructions or when limitations are placed it does
 20 affect us all because when I issue the communication I need
 21 to collaborate with my colleagues in the programme office
 22 because this is information of what they're collating,
 23 putting together. They are the project managers at the end
 24 of the day so they understand. So the leadership at the
 25 time made sure that there was no longer reference for

Page 3189

1 modernisation because I suppose you can imagine if you put
 2 a moratorium to say this is stopped and then hear comes
 3 Artwell Kunene and says no modernisation is going on, we're
 4 implementing this huge thing on this day, so that's where
 5 it basically came from.

6 MR SIYO: Alright. Then the next topic
 7 that I want us to move onto and if you're following from
 8 your affidavit, it's on page 3. It's the Gartner process.
 9 And the question there is what necessitated the Gartner
 10 intervention?

11 MR KUNENE: Dear Sir, I have no idea as
 12 to what necessitated the Gartner intervention. Myself and
 13 my direct reports we were not informed or involved right at
 14 the beginning stages of Gartner's intervention as to say
 15 this is the reason why Gartner's coming, this is the
 16 problem Gartner wants to fix, this is the reason why it
 17 needed to be fixed and this is how it was going to be
 18 fixed. We were only involved much later in the process.
 19 Again, similar to my previous colleagues doing the surveys
 20 as well as when the new area was renamed from Business
 21 Systems in the new structure to business relations and
 22 chaos just continued from there.

23 MR SIYO: Okay, I want to refer you to
 24 paragraph 14 of your affidavit, that's on page 3. And you
 25 say there that the one area that perhaps needed review was

Page 3190

1 the legal and procurement issues around the contracts. But
 2 those could have been dealt with easily and without
 3 complete shutdown and restructure. Now what are you
 4 referring to here?

5 MR KUNENE: In this paragraph what I
 6 refer to is if you try and now look at the reports, not
 7 necessarily the reports but in engagement sessions that we
 8 had in this very building with Gartner to try and
 9 understand the rationale behind the change, one of the
 10 reasons given was the fact that they identified the
 11 procurement or contracts of the new, used in the previous
 12 operating model where a risk in a sense that perhaps how
 13 the contracts were awarded or whatever the reason. But
 14 obviously it was mentioned just at that very high level,
 15 there was no context, no debate, no time for debate but it
 16 was put that way. What I meant in my affidavit is that
 17 even if, if you look at the trajectory that SARS was on,
 18 the challenges that SARS was trying to address in the
 19 economy in the country and you're looking at the results
 20 that we were getting at the time, and one of the risks that
 21 you would identified as information technology expert was
 22 that of the procurement thingy, what would then be the best
 23 way of correcting the problem? Bearing in mind
 24 implications of your approach and what is at risk? That's
 25 what I meant in this affidavit, that couldn't there have

Page 3191

1 been a much better way, if there was a problem – and I'm
 2 not an expert in terms of how procurement contracts need to
 3 be managed or how they basically needs to be put in place.

4 MR SIYO: You also referred, that's in
 5 paragraph 17, page 4 of your affidavit, you referred to the
 6 new operating model for technology as a disaster. Why do
 7 you refer to it as a disaster?

8 MR KUNENE: I think listening to all the
 9 different affidavits, sorry in the testimonies since the
 10 beginning of this week, they all carry the same theme.
 11 Within the business systems or business relations space the
 12 same thing carried through in a sense that a new structure
 13 was not proposed, it was given to us. And with this new
 14 structure, it was incomplete in the sense that it created
 15 new roles that only ended at management level with no
 16 supporting infrastructure or people or whatsoever. I think
 17 let alone there was no strategy to say how would I as an
 18 executive, or any executive for that matter, execute and
 19 make that into reality.

20 So now secondly, it wasn't clear how you came up
 21 with the structure in terms of saying what problem were you
 22 trying to address? Here's a problem and this is the
 23 outcome, what's the connection between the two? It wasn't
 24 clear. Neither was any explanation given for that matter.
 25 But why use the word disaster? It is because it had

Page 3192

1 disastrous effects where on the service that we provide.
 2 Business Systems works day and night as the custodians of
 3 these systems. While we facilitate the transition of new
 4 systems, projects into the production environment, we're
 5 also responsible for the day to day maintenance of the
 6 systems. And now if you think of how wide and how many of
 7 these systems SARS uses on a daily basis, so, and SARS is
 8 the one institution that it cannot afford to have downtime
 9 as my previous colleague, Andre Scheepers has indicated.
 10 We have to maintain 99.7% up time. Now these systems needs
 11 to be maintained on a daily basis. But beyond that we also
 12 deal a lot with complaints from taxpayers, complaints from
 13 users for any reason, for anything that with respects to
 14 the use of these systems. So now the disaster part of it
 15 comes in the sense that when projects are put on hold we
 16 cannot enable business. When business have got enforcement
 17 challenges, how do we help mitigate those enforcement
 18 challenges? When taxpayers decide not to comply anymore
 19 because they are finding it even more difficult, and I was
 20 happy that Mr Scheepers indicated that he his return this
 21 year took him two months, when it's something that we
 22 worked very hard day in and day out from women who were
 23 sacrificing their time from their families to actually make
 24 sure that SARS gets to that level of standard, which
 25 basically means we've thrown away all the technological

Page 3193

1 investment we've done, we've thrown away all the personal
 2 investment we've done with our very energy, our time and
 3 everything else to have regressed back to that point. And
 4 the challenge is what will take us to get back to where we
 5 were. And if we don't do something about it, we are
 6 running out of time and we potentially may get to a space
 7 where we will not be able to recover.
 8 COMMISSIONER: And you tell me the answer
 9 then. You say what was required?
 10 MR KUNENE: I, Judge, I think the answer
 11 is already there, it has already been mentioned. For
 12 anything to happen to reverse, to turn SARS around it
 13 doesn't help by only just issuing instructions. You know
 14 one person was says, I can't recall where this quote was
 15 taken from, but it says no amount of clever arrangement of
 16 bad eggs can make a good omelette. So we need to ask
 17 ourselves our omelette is vrot, nobody is eating it, why I
 18 am saying that is you look at the reports that comes from
 19 the tax ombud in terms of complaints. Since October 2013
 20 going forward the number of these complaints has escalated
 21 but where were the complaints all along? So the fact of
 22 the matter is it has to start right at the top of the
 23 leadership, as my colleagues have indicated. The
 24 leadership has to ask themselves what is important. What
 25 are they there for? Is what they do still in line with the

Page 3194

1 mandate of SARS? And if not, what needs to be done? It
 2 doesn't matter whether Judge it's one person, it's two
 3 people within the leadership. If there is a problem it
 4 needs to be addressed. But I think if you look at over the
 5 period of time it has been left for too long but we cannot
 6 try to implement changes at the bottom when the support is
 7 needed right up to the top.
 8 COMMISSIONER: Did you ever go and
 9 articulate this at the top?
 10 MR KUNENE: Judge, -
 11 COMMISSIONER: Is that the train again?
 12 MR KUNENE: Yes. Again that's the train
 13 and I think if you understand the environment we work in -
 14 COMMISSIONER: No, I've heard a lot about
 15 it.
 16 MR KUNENE: And I think my manager
 17 yesterday indicated that if he at a group executive level
 18 is not been given the power to make the decisions, the
 19 power, what would happen to executive managers and
 20 specialists and people that are doing a job that they need
 21 these decisions. So it's exactly that. But I want to
 22 conclude this point by saying Judge, yes, we have made
 23 attempts, there are documents and indications where we've
 24 indicated the risks, so the organisation should know or
 25 knows about these risks but as again what's been done about

Page 3195

1 it?
 2 MR SIYO: And I also want to refer you to
 3 paragraph 19. That's on page 4 of your affidavit. And the
 4 sort of the title there relates to business systems. And
 5 you say that Gartner wanted this to be a Business Systems
 6 analysis division. The difficulty was that the skills and
 7 IP that does process definition and business analysis is
 8 now sitting with Paul Corriero. We are supposed to do
 9 business analysis within DIST. If we are supposed to do a
 10 business analysis within DIST then we need those people
 11 here. So you know I have a few questions that come out of
 12 that paragraph. Firstly who's Paul Corriero and what
 13 position does he occupy?
 14 MR KUNENE: Ja, I think in this paragraph
 15 he was just used as an example of an area or one of the
 16 areas where certain skill sets is still residing in that
 17 area. There are other areas which still have the same
 18 skill set. Now if you go back to what Gartner wanted or
 19 what Gartner recommended was the fact that Business Systems
 20 needed to purely focus on the analysis part of the work
 21 that we're doing as well as the managing the relationship
 22 between the client and IT. In that our understanding and
 23 what they told us is the fact that other facets of the
 24 services that we provide needed to be released or needed to
 25 be taken out of this unit so that we can purely focus on

Page 3196

1 that unit. By that Advocate, it basically means that our
 2 work would be narrowed down to purely focus on gathering
 3 the requirements from business, writing the requirements
 4 into the specifications and now taking network and giving
 5 it over to the development partners or the internal
 6 development teams to develop. But to do that, and
 7 following on the Gartner recommendation and as well as the
 8 principles of the operating model which was to say they
 9 wanted to remove duplication, pockets of excellence
 10 everywhere and to centralise it.

11 But by so doing it basically meant that if we
 12 were to remove these pockets everywhere, they all needed to
 13 come to one area. But now if that one area does not have
 14 these expertise and skills to come there, to Sello's point,
 15 how do you then move forward? So you have a strategy, you
 16 have an incomplete structure but then that never took
 17 place, that never happened. Even to this day this
 18 particular area is still not fulfilling that full function
 19 as it is supposed to do because practically the skills are
 20 not there.

21 Coming to your question in conclusion, Paul my
 22 colleague, Paul Corriero, he is responsible, I don't know
 23 now in the new operating model but for the innovation hub,
 24 so where they, I'm not too sure in terms of the scope of
 25 his work currently, but where they define the business

Page 3197

1 processes, they basically help businesses to write business
 2 cases, their BRSSs, they look at the process efficiency and
 3 many other things that Paul looks at. So some of his
 4 resources back then may have necessitated that they move.
 5 If we were to fully implement Gartner's recommendation of
 6 creating a centre of excellence for business analysis.

7 MR SIYO: Now have Gartner's
 8 recommendations been implemented in your area?

9 MR KUNENE: It is partially implemented,
 10 and I'll tell you why, because the first implementation was
 11 that of creating a new role called Executive Business
 12 Relations, that's the first. Secondly, it was implemented
 13 in the sense that the new roles, managerial roles that were
 14 created, that still did not have supporting structures and
 15 teams, it is still there, those posts have been filled.

16 What was not done was the fact that Gartner came
 17 up with a career role development, like a roadmap which
 18 basically was providing a roadmap, the development roadmap
 19 for business analysis. That hasn't taken off because how
 20 do you take it off when the division is not doing what it's
 21 supposed to do, it does not have the resources, it does not
 22 have the mandate and what mandate I'm referring to is the
 23 mandate, similar mandate that our colleagues in EPMO were
 24 given to say you are not allowed to use a modernisation
 25 memo, you now have to use a business case for each one

Page 3198

1 which meant that without a business case, an approved
 2 business case there is no project manager that will be
 3 assigned to that project and the project will not see the
 4 light of day. So we needed the framework, we needed that
 5 mandate that said here's who you are, here's the resources.

6 MR SIYO: And where's the mandate
 7 supposed to come from?

8 MR KUNENE: Well again to Sello Mtshali's
 9 assertion, who was that strategy written for? And if it
 10 doesn't come from the executive leadership themselves to
 11 want to see that recommendation being executed then it
 12 means its money wasted because SARS paid for it therefore
 13 you want to see it in action and result. And if it doesn't
 14 happen someone has to stop and ask the question.

15 MR SIYO: Alright. So in other words you
 16 have another area with wherein Gartner makes
 17 recommendations and there's no capacitation in terms of
 18 financial resources being directed to that area, in order
 19 to implement.

20 MR KUNENE: That's correct.

21 COMMISSIONER: What is it just financial
 22 resources?

23 MR MTSHALI: It's not, Judge it's not –
 24 continue Sir?

25 COMMISSIONER: No, no, you carry on. It

Page 3199

1 sounds to me you can't just do things with money, you've
 2 got to do it with expertise and leadership and so forth.

3 MR KUNENE: Absolutely. And in this
 4 instance I don't think it really involved spending a cent
 5 because we did not need to get expertise elsewhere. We had
 6 expertise in house. All he needed to do was to provide a
 7 governance process to facilitate the transition of people.
 8 From today onwards you're reporting from this area to that
 9 area. This is your role. These are your functions, your
 10 responsibilities and your accountabilities. It wouldn't
 11 have cost SARS a cent.

12 PROF KATZ: So you say there was no value
 13 add?

14 MR KUNENE: There was no value add
 15 because here's a recommendation but there is no means to
 16 facilitate it. It's incomplete in that it doesn't appear
 17 to be addressing a specific problem. It leaves questions
 18 in our mind to say what then are you trying to fix? Even
 19 if the recommendation might appear to be good in the sense
 20 of saying why don't we centralise this process or this
 21 particular function? Of course but then the how part.

22 [14:37] PROF KATZ: The question I'm really
 23 asking is, is someone going to come and say to us well it's
 24 not my fault, give me the money and it will work. It's
 25 Treasury's fault, they don't give us enough money. Is that

Page 3200

1 the answer to it? Treasury give them a billion Rand and
 2 off you go?
 3 MR KUNENE: Not in all instances, Judge.
 4 COMMISSIONER: Ja.
 5 MR KUNENE: You have to be fair and if
 6 you do a job properly you'd understand not in all instances
 7 where it needed Treasury's intervention in terms of money.
 8 COMMISSIONER: Well that's what I'm
 9 asking. Is it just a matter of money?
 10 MR KUNENE: In my particular area it
 11 wasn't just the matter of money. Where money came in it
 12 was in the instances where procurement vehicles were put on
 13 hold therefore we could not facilitate it. Where we lot
 14 skill set that was there to facilitate the, you know
 15 providing of services now we no longer have the funding to
 16 make the skills available again so we can continue doing
 17 what we need to do.
 18 PROF KATZ: Sorry, assume that the money
 19 and everything was there to implement Gartner.
 20 MR KUNENE: Yes, Sir.
 21 PROF KATZ: And Gartner was fully
 22 implemented would that have a better end result for SARS
 23 than SARS was just before the modernisation programme was
 24 put on hold?
 25 MR KUNENE: I think Professor,

Page 3201

1 potentially but I think that one of the problems would
 2 still have been that my sense from my perspective is that
 3 the leadership was divided, probably in terms of what
 4 Gartner needed to do and there wasn't that support. So
 5 money alone was not sufficient.
 6 PROF KATZ: Sorry.
 7 MR KUNENE: Yes.
 8 PROF KATZ: If I rephrase my question.
 9 You had a SARS having gone far down the line with the
 10 modernisation programme.
 11 MR KUNENE: Correct.
 12 PROF KATZ: Before that was stopped we
 13 had a well-functioning SARS.
 14 MR KUNENE: That is correct.
 15 PROF KATZ: Call that case A. Case B,
 16 assume that Gartner was implemented exactly as Gartner
 17 wanted to be implemented, all the resources, all the
 18 leadership, everything would that have been a better result
 19 for SARS than SARS would be at the, just before
 20 modernisation had been stopped?
 21 MR KUNENE: My answer it's an emphatic no
 22 because we understood what we needed to do. We, there were
 23 a lot of instances as my previous colleagues indicated
 24 where, to us it appeared as if Gartner had not truly
 25 understand the nature of our business and some of the

Page 3202

1 dependencies that we had.
 2 PROF KATZ: So therefore the non-
 3 implementation of Gartner unfortunately money was spent.
 4 MR KUNENE: Yes.
 5 PROF KATZ: But it's non-implementation.
 6 MR KUNENE: Yes.
 7 PROF KATZ: It's not a train smash if we
 8 go back to implementing the modernisation?
 9 MR KUNENE: That's correct.
 10 MR SIYO: I mean just coming back to this
 11 incompleteness that you mentioned. You mentioned in your
 12 affidavit that there's a committee that has been
 13 established to address the shortcomings. Who established
 14 this committee?
 15 MR KUNENE: I think that that committee
 16 it was referred to the RDO, I can't remember what it stands
 17 for. It was established by the operating model leadership
 18 or sponsors at the time with objective of basically
 19 evaluating the changes that were being submitted or
 20 objections to the operating model that were being submitted
 21 to say whether does it have business sense and to ensure
 22 that any of those implementations do not go against or
 23 contravene the operating model's objectives. I think this
 24 was more a policing forum but to ensure that nothing
 25 compromises and it sticks to those objectives.

Page 3203

1 MR SIYO: So you're sort reviewing the
 2 new operating model through this committee?
 3 MR KUNENE: It had to be. If you think
 4 about because if you give people an incomplete structure
 5 and you never told them what you were thinking, where they
 6 were going wrong and how are they going wrong and how are
 7 they going to address that. So in essence when it comes to
 8 the tyre hitting the ground there would be questions of
 9 cost to say how do we do it because instances where like
 10 for instance in Mr Mtshali's area he's supposed to be
 11 strategy innovation with two people so which meant he
 12 needed to source resources to do that. But to facilitate
 13 getting those resources he needed to go through that
 14 transition committee to review whether what he wants to do
 15 does not change the net effect and direction of what the
 16 operating model is trying to achieve.
 17 MR SIYO: And who does this committee
 18 consist of?
 19 MR KUNENE: It consisted of various
 20 bodies. It consisted of the, well the sponsors at the
 21 time, it consisted of Human Resources, the group executives
 22 mainly and from an IT perspective I was requested to attend
 23 that meeting to represent IT and I was there at the, at the
 24 committee meetings with the objective of ensuring that
 25 where there were changes from the business and there were,

Page 3204

1 well there would be impact in terms of systems, I was there
 2 in order to facilitate that those changes were evaluated
 3 from an IT perspective and feedback being given.
 4 MR SIYO: And has there been any
 5 progress, does the committee still exist?
 6 MR KUNENE: No.
 7 MR SIYO: No.
 8 MR KUNENE: The committee doesn't exist
 9 at the moment.
 10 MR SIYO: What happened to the committee?
 11 MR KUNENE: I think after some time the
 12 committee was put on hold because it had challenges similar
 13 to what other committees are having today at SARS,
 14 representation, making a quorum. Sometimes not making
 15 decisions because many of the objections or many of the
 16 requests to enhance were not auctioned because probably
 17 there was just too much for them to do or it just was not
 18 in line with what they wanted to do. So it was very, what,
 19 the output that was coming out of the committee was very
 20 little as compared to the amount of work that needed to be
 21 done.
 22 MR SIYO: And is it fair in the business
 23 systems area that Gartner recommendations have simply not
 24 been implemented?
 25 MR KUNENE: That would be correct.

Page 3205

1 MR SIYO: And would you also characterise
 2 the Gartner process as fruitless and wasteful expenditure?
 3 MR KUNENE: If the Gartner
 4 recommendation, the diagnostics and everything, the
 5 engagement was for free, was more big brother just giving
 6 an advice that would be good. But for the mere fact that
 7 it involved spending taxpayer money and it did not give
 8 taxpayers the benefit of what they wanted, because if you
 9 think, if you fix business systems, in that essence you are
 10 enabling business, you're enabling the taxpayer. So, and
 11 now third point is that if it was going to be of the
 12 detriment of the service that the taxpayer, traders, cargo
 13 carriers are paying for then it's a problem.
 14 PROF KATZ: Sorry could I just, just
 15 forgive the levity. They say that free legal advice is
 16 worth every cent you paid for it. A bad model remains bad
 17 even if you get it for nothing.
 18 MR KUNENE: Absolutely.
 19 PROF KATZ: So let's -
 20 MR KUNENE: Absolutely.
 21 PROF KATZ: Park that for a second.
 22 MR KUNENE: We'll park that.
 23 PROF KATZ: But if I could just ask you.
 24 If we agree that the best thing for SARS was the
 25 modernisation programme and it would have been good if it

Page 3206

1 continued on its trajectory how do we get back there.
 2 MR KUNENE: Well for starters I would
 3 like to say yes indeed modernisation probably was the best
 4 thing for SARS. Regardless of who was at the helm of it.
 5 As long as it is somebody who is committed to the mandate
 6 of SARS and understands what needs to be done and does what
 7 needed to be done. How do you get it back -
 8 PROF KATZ: Well you've answered that
 9 earlier.
 10 MR KUNENE: I have answered that already.
 11 MR KAHLA: Is there anyone who within the
 12 IM space.
 13 MR KUNENE: Yes.
 14 MR KAHLA: Whom you think has some
 15 excitement about what Gartner has done, I mean I've heard
 16 enough, I've heard a lot of ground people who think they
 17 added no value. Have you come across anyone amongst your
 18 colleagues who believe that there's a lot of value here we
 19 need to just get ourselves into implementing it.
 20 MR KUNENE: Ja, I would find it very
 21 difficult to understand where that person is coming from or
 22 to even understand that there is such a person and let me
 23 explain why. You can imagine as an executive of an area of
 24 business that here's this huge change that's happening in
 25 an organisation, for starters you don't have the answers as

Page 3207

1 to why is that change and you call your people together and
 2 announce to them that the structure has changed, the way we
 3 do things have changed and you can't explain why.
 4 But then that very same change has got a negative
 5 impact on all of them because it affected who they were,
 6 how they did the work and nobody could give answers but
 7 what was more riveting and more painful was the fact that
 8 it was not optional for you to apply your mind and see how
 9 it affects you. We needed to implement it but yet at the
 10 same time the people on the ground needed to still ensure
 11 that the lights are on and SARS carries on amid the
 12 difficulty that was at the time. So I would really be
 13 surprised if there is a person who truly understood and the
 14 person that was involved in the implementation but also had
 15 the responsibility to account because my responsibility is
 16 to account to my business users as well as the taxpayers at
 17 large.
 18 MR KAHLA: But amongst your colleagues
 19 you have not come across anyone excited about -
 20 MR KUNENE: No.
 21 MR KAHLA: - what Gartner did.
 22 MR KUNENE: Unless there was something
 23 wrong with them upstairs but definitely no.
 24 COMMISSIONER: One must be a bit careful
 25 of course, it's blaming Gartner for everything. I mean

Page 3208

1 Gartner at the end of the day didn't bash the door down to
 2 come in here.

3 MR KUNENE: Exactly. Yes, one has to be
 4 careful of coming across as blaming Gartner in this process
 5 but yet at the same time at the time of engagement with
 6 them they couldn't provide the answers. We couldn't
 7 provide the answers but then as a child you look up to an
 8 adult. You expect your experience and wisdom to have the
 9 answers so that you can rely on them. I think that was the
 10 expectation from many of us. Knowing what Gartner stood
 11 for and what they're capable of doing we just couldn't
 12 understand the disconnect.

13 MR KAHLA: So you expected more from them
 14 but they under delivered relative to your expectation?

15 MR KUNENE: Yes.

16 MS MASILO: Do you know if Gartner has
 17 done a review of, you know the work that they did at SARS
 18 and the effect thereof and?

19 MR KUNENE: I don't know whether they
 20 have done a review of the work they've done at SARS. But I
 21 would wonder why would they want to do that review because
 22 in my mind, sorry my own personal view, for them to even
 23 engage in that involvement of SARS they needed to know what
 24 they were getting themselves into. So you could not embark
 25 on something of this massive nature, financial implications

Page 3209

1 and implications that we have discussed previously for you
 2 to go after and say oops what have I done, couldn't I have
 3 done it better. It just doesn't, I really leaves one
 4 confused as to why would there be a need in the first
 5 place.

6 MR SIYO: What difficulties have you
 7 identified with the division of business in DIST?

8 MR KUNENE: Well I think one of the
 9 difficulties my previous colleague in EPMO has indicated,
 10 maybe I'll just use that one as just an example. Post the
 11 operating model when the enterprise programme office was
 12 given a mandate to only and only use, to only basically use
 13 business cases for projects which obviously slowed down the
 14 process and now as I explained in the beginning that
 15 business systems or business relations, it's the face of
 16 business. So when business complains we understand the
 17 complaint much better than I should say anybody else other
 18 than business themselves.

19 Now this process when it came in it made the
 20 process difficult for business to get things done because
 21 for starters it raised questions as to where would they get
 22 the skills to write business cases. How would they write
 23 the business cases and now remember if you had 365 projects
 24 you're delivering in one year it meant each and every one
 25 of those you're going to have 365 business cases that

Page 3210

1 they're going to write, they're probably going to write
 2 without understanding how this one affects the other one.
 3 They're probably all going to have experience the same
 4 painful process of going through procurement. So now when
 5 the delivery pipeline gets choked because not enough is
 6 coming out because things are waiting for committees to be
 7 approved, there's no funding because the process that used
 8 to facilitate that upfront for the year or for two years
 9 was no longer there. Now the frustration that Advocate
 10 Long is talking about is when this jam, traffic jam starts
 11 to happen and business gets frustrated the question is
 12 where to next. Now this is where business relations find
 13 themselves in a jam in a sense that we can't sit idle while
 14 we understand the net impact on business. But now business
 15 gets frustrated because the only governance process that
 16 exist is to go that route and that route translate into 18
 17 months, 24 months sometimes wait in line but business wants
 18 results today in this financial year to collect revenue.

19 MR KAHLA: I suppose the point you're
 20 making is around the format that Gartner was introducing in
 21 relation to business cases? It's not that you were not
 22 making up business cases for the, for the projects that you
 23 were working?

24 MR KUNENE: Not at all. We were.

25 MR SIYO: And the last area that I'd like

Page 3211

1 to canvas with you relates to the recommendations that you
 2 make? That's on page 8.

3 MR KUNENE: I'm there.

4 MR SIYO: Yes, please go ahead and make
 5 your recommendations.

6 MR KUNENE: Well in this recommendation
 7 what I said is that I must emphasise that with all the
 8 challenges we face today there are indeed still men and
 9 women hopeful, dedicated to champion the cause and to take
 10 the organisation forward and we're still having people that
 11 are passionate about the SARS mandate. There's people that
 12 are willing to give whatever it takes to see this
 13 organisation going forward and to turn the situation
 14 around, change needs to start at the top of the leadership
 15 and what I said here is that the leadership has to be true
 16 to itself. It has to acknowledge that something is wrong.
 17 The leadership has to throw away this perception or culture
 18 that they've created of being lackadaisical, that it
 19 doesn't care because the culture that's perpetuated in the
 20 organisation is that if the leaders don't care about the
 21 things that are happening on the ground that they are
 22 visible what kind of future SARS employees are, or future
 23 leaders are we creating today. And once we realise what
 24 we've created what will it take for us to undo that because
 25 one of the greatest concerns that I have and as an

Page 3212

1 executive business relations is to see how this culture
 2 negatively impact our people's attitude, the people's
 3 concern, the passion and the love for what we're doing and
 4 that gets translated into how you see taxpayers also
 5 changing their attitude in terms of not seeing the true
 6 value of being compliant, of doing their part in taking the
 7 country forward.
 8 PROF KATZ: Is that currently the
 9 position of the leadership at SARS as you've just
 10 described, as of today?
 11 MR KUNENE: Professor, unfortunately
 12 there is a leadership, if it wasn't there it would be a
 13 different story. The mere fact it is there, the mere fact
 14 there are problems, the mere fact that we are not seeing
 15 solutions, taxpayers are not seeing solutions it says
 16 that's the picture that gets painted.
 17 COMMISSIONER: Well you know, sorry, are
 18 you finished?
 19 MR SIYO: No, I have no further
 20 questions.
 21 COMMISSIONER: You know going through my
 22 mind, I think we've heard, maybe 60 witnesses, 70
 23 witnesses, an extraordinary job these people have done.
 24 MR KUNENE: They have, I agree.
 25 COMMISSIONER: But I would go back to the

Page 3213

1 second witness, I'm not concerned the first witness, Mr
 2 Gordhan, I can't mention his name. But the second witness
 3 and I go back to the concluding things he said. It didn't
 4 strike me so much at the time and he said there that he was
 5 confident SARS will rise again and I think you're hearing
 6 the same.
 7 MR KUNENE: Yes.
 8 COMMISSIONER: But the question is how do
 9 you make it rise again.
 10 MR KUNENE: Judge, how do you make it
 11 rise again. I think you also need to understand it will
 12 cost you something to make it rise again.
 13 COMMISSIONER: Sure, not me but it might
 14 cost other people.
 15 MR KUNENE: Of course.
 16 COMMISSIONER: You know what I mean, but
 17 the other thing I'm very, thank you very much for coming
 18 and being so frank and I'll tell you why I say that.
 19 MR KUNENE: Yes, Judge.
 20 COMMISSIONER: We've got a pile of
 21 affidavits in the office. Most of them came in earlier
 22 where people didn't want to say anything. They dint want
 23 to be seen in the public. But you know those affidavits
 24 don't contain anything secret. They contain exactly what
 25 you've said over and over and over again and, but I think

Page 3214

1 it's important that someone says this in public. Thank you
 2 very much for doing so.
 3 MR KUNENE: Judge, it's been a pleasure
 4 and an honour. Thank you.
 5 [NO FURTHER QUESTIONS - WITNESS EXCUSED]
 6 MR SIYO: That's the conclusion for
 7 today, Judge.
 8 COMMISSIONER: Thank you.
 9 [INQUIRY ADJOURNED]
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<p>A</p> <p>ability 3166:20,21 3183:22 3185:6</p> <p>able 3079:10 3096:13 3116:10,19 3137:10 3153:1 3193:7</p> <p>abreast 3170:16</p> <p>absence 3153:17 3163:12</p> <p>absolutely 3146:13 3169:15,18 3199:3 3205:18,20</p> <p>absurd 3091:14</p> <p>academic 3146:17</p> <p>accept 3059:2 3140:4 3187:21</p> <p>acceptable 3154:10</p> <p>accepts 3164:10</p> <p>access 3113:18 3118:20</p> <p>accord 3102:12</p> <p>account 3130:14 3207:15,16</p> <p>accountabilities 3199:10</p> <p>accountable 3177:22 3177:23,25</p> <p>accuracy 3107:15</p> <p>accurate 3101:15 3119:8 3138:8</p> <p>achieve 3159:8 3183:9 3203:16</p> <p>achieved 3061:11 3110:20 3157:9</p> <p>acknowledge 3117:18 3211:16</p> <p>acted 3097:25 3137:14</p> <p>acting 3094:25</p> <p>action 3168:13 3198:13</p> <p>active 3129:2</p> <p>activities 3068:5,9 3070:3 3071:5</p> <p>activity 3084:5</p> <p>actual 3106:20 3117:13 3149:15</p> <p>add 3083:22,23 3130:9 3141:24 3142:1 3199:13,14</p> <p>added 3126:19 3129:22 3206:17</p> <p>Adding 3122:19</p> <p>addition 3095:1</p> <p>additional 3073:7</p> <p>address 3068:11 3188:6 3190:18 3191:22 3202:13 3203:7</p> <p>addressed 3194:4</p> <p>addressing 3199:17</p> <p>adequacy 3105:10</p> <p>ADJOURNED 3214:9</p> <p>ADJOURNS 3108:4 3143:21</p> <p>adjudication 3133:18 3133:23,24 3134:3,17 3135:9,16,17,24,25</p>	<p>3136:4 3138:12</p> <p>adjust 3127:13</p> <p>adjusted 3127:14</p> <p>adjustments 3150:15</p> <p>administer 3182:14</p> <p>administration 3118:6 3118:18 3119:24</p> <p>administrative 3112:22</p> <p>adopt 3153:9</p> <p>adopted 3108:23 3109:1</p> <p>adult 3208:8</p> <p>advancing 3129:14</p> <p>advantages 3130:7</p> <p>advice 3205:6,15</p> <p>advise 3148:12</p> <p>advisory 3060:20 3065:13,14 3147:20 3156:7,19</p> <p>Advocate 3196:1 3210:9</p> <p>affair 3130:16</p> <p>affect 3123:14 3187:25 3188:20</p> <p>affidavit 3180:23 3187:11 3189:8,24 3190:16,25 3191:5 3195:3 3202:12</p> <p>affidavits 3128:5 3191:9 3213:21,23</p> <p>affirm 3056:9 3144:3 3180:16</p> <p>afford 3192:8</p> <p>afraid 3107:11</p> <p>Africa 3080:8 3109:18 3159:17</p> <p>afternoon 3143:25 3180:9,11,22</p> <p>agency 3080:21</p> <p>agenda 3083:2 3185:15</p> <p>agility 3072:5</p> <p>aging 3078:11 3124:20 3128:8</p> <p>ago 3156:13,13</p> <p>agree 3069:18 3097:20 3098:5,6 3111:22 3128:17 3143:1 3145:19 3168:23 3169:2,14 3205:24 3212:24</p> <p>agreement 3134:8,14</p> <p>agreements 3070:4,16 3070:25 3078:25</p> <p>ahead 3077:11,12 3127:16 3211:4</p> <p>air 3114:19</p> <p>airport 3112:25</p> <p>alarm 3119:2</p> <p>algorithms 3171:21</p> <p>align 3097:11 3101:22 3101:24</p> <p>aligned 3058:24 3069:19 3135:11 3136:1,3 3159:5</p> <p>alignment 3101:1,19,21 3101:23 3112:2</p>	<p>alive 3151:7</p> <p>alloy 3187:20</p> <p>allegation 3100:25 3103:9,15</p> <p>allegations 3097:15</p> <p>allocate 3163:17</p> <p>allocated 3069:14</p> <p>allocates 3109:14</p> <p>allowed 3072:17 3073:1,12 3089:8 3091:8 3092:24 3093:15,22 3094:4,5 3095:23 3106:20,21 3107:16 3187:12 3188:9 3197:24</p> <p>alongside 3141:19</p> <p>alright 3164:19 3167:9 3189:6 3198:15</p> <p>alternatives 3068:14</p> <p>amid 3207:11</p> <p>amidst 3062:20</p> <p>amount 3061:3 3069:7 3072:17 3074:13,15 3075:19 3085:8 3130:5 3139:13,20 3193:15 3204:20</p> <p>amounted 3127:20</p> <p>amounts 3130:6</p> <p>analogy's 3161:11</p> <p>analysis 3108:6 3195:6 3195:7,9,10,20 3197:6,19</p> <p>Andre 3056:4 3182:18 3192:9</p> <p>announce 3207:2</p> <p>announcement 3086:16</p> <p>annual 3079:3 3081:2 3157:8,12</p> <p>annuity 3130:15</p> <p>annum 3110:10 3127:17</p> <p>answer 3079:21 3084:3 3088:12,16 3098:10 3098:15 3100:4 3101:18 3102:7,12 3114:23 3115:16,16 3115:17 3126:7 3130:22 3138:19,23 3141:7 3149:10 3151:18,21 3153:5 3157:22 3158:20 3164:5 3165:11,12,14 3165:16,18 3169:13 3172:15 3193:8,10 3200:1 3201:21</p> <p>answered 3104:13 3138:22 3206:8,10</p> <p>answers 3071:14 3082:16 3099:12 3102:17 3103:2,3,18 3156:21 3206:25 3207:6 3208:6,7,9</p> <p>anticipated 3179:10</p> <p>anticipating 3186:1</p> <p>anybody 3124:19</p>	<p>3139:21 3209:17</p> <p>anymore 3141:23 3192:18</p> <p>anyway 3092:5 3120:3 3141:17</p> <p>apart 3065:12 3082:10 3121:2</p> <p>apologies 3180:7</p> <p>appear 3199:16,19</p> <p>appeared 3201:24</p> <p>applicable 3138:23 3139:1</p> <p>application 3084:14 3090:15</p> <p>applications 3079:16</p> <p>applied 3069:9,13 3091:16 3093:10 3095:17 3097:2 3114:25 3132:24</p> <p>applies 3141:11</p> <p>apply 3089:18,21,22 3090:10 3091:8,19,21 3091:23 3092:7,8,24 3092:24 3093:1,6,8,9 3094:4,4,5 3104:17 3187:5 3207:8</p> <p>applying 3090:10,11,13 3109:2 3160:25</p> <p>appoint 3163:21</p> <p>appointed 3057:4 3090:12 3095:8,21 3149:25</p> <p>appreciate 3143:6</p> <p>appreciation 3145:9</p> <p>approach 3077:23,24 3079:17 3100:3 3190:24</p> <p>approached 3086:3</p> <p>approaching 3112:3</p> <p>appropriate 3065:8 3067:8 3068:11,25 3117:21</p> <p>approval 3068:22 3125:18 3127:2 3139:23</p> <p>approve 3105:22 3106:2 3162:22</p> <p>approved 3068:19 3125:5 3139:24 3152:11 3155:4 3159:5 3166:7,10,12 3198:1 3210:7</p> <p>approving 3138:14</p> <p>approximately 3110:10 3167:2</p> <p>April 3106:14</p> <p>architect 3144:17</p> <p>architecture 3079:19 3079:19 3102:7</p> <p>area 3057:5,19 3063:15 3064:19 3065:5,13 3066:10,20 3067:6,8 3067:17 3070:17,25 3071:1 3072:13 3074:16 3081:21 3082:19 3083:17,18</p>	<p>3083:19,21,24 3084:7 3084:17 3088:14 3089:16,16,20 3090:3 3098:16 3099:22 3100:17 3101:2,11 3106:6 3108:17,21 3109:4 3117:17 3121:21 3126:3,23 3139:15 3140:18 3144:17 3166:1,4 3173:1 3181:11,12,25 3189:20,25 3195:15 3195:17 3196:13,13 3196:18 3197:8 3198:16,18 3199:8,9 3200:10 3203:10 3204:23 3206:23 3210:25</p> <p>areas 3063:15,18 3066:14,25 3067:1,6 3082:21 3083:9,16,23 3083:25 3084:2 3085:1,12 3097:19 3108:7,12,14,16,17 3113:2,10,12 3114:16 3118:15 3120:18 3121:5 3145:19,19 3182:9 3195:16,17</p> <p>aren't 3164:12 3171:1</p> <p>argue 3160:22</p> <p>arguing 3125:11</p> <p>arrangement 3193:15</p> <p>arrival 3150:2</p> <p>arrived 3071:23</p> <p>arrives 3163:13</p> <p>articulate 3194:9</p> <p>artificial 3170:21 3171:21</p> <p>Artwell 3180:6 3189:3</p> <p>aside 3186:24</p> <p>asked 3071:12 3076:4 3081:22 3091:13 3101:13 3107:4,8 3131:2 3135:3 3138:9 3152:3 3156:12 3174:21</p> <p>asking 3154:13 3156:12 3164:25 3172:16 3173:19 3175:2 3187:4,5 3199:23 3200:9</p> <p>aspects 3063:15 3106:12 3107:20</p> <p>aspirations 3179:8</p> <p>assertion 3198:9</p> <p>assess 3103:24</p> <p>assessed 3099:1 3132:24 3133:6</p> <p>assessing 3137:3</p> <p>assessment 3097:13 3098:3,4,14,24 3099:3,4,24 3100:4 3100:14 3104:7 3105:1 3106:5,12,14 3107:20 3108:7,13 3110:23,23 3111:23</p>
---	--	--	--	---

<p>3121:17,20 3122:13 3137:4 3140:8 assessments 3097:14 3107:14 3182:4 asset 3059:2,3 3109:16 assets 3077:2,2 assigned 3067:5 3176:6 3198:3 assist 3056:8 3126:17 3170:25 assisting 3180:14 associated 3060:13 assume 3200:18 3201:16 assumptions 3107:15 assure 3068:16 attach 3118:10 attached 3072:22 attempt 3161:16 attempts 3164:16 3194:23 attend 3065:11 3066:12 3066:17 3067:1,15,19 3203:22 attended 3066:13 3121:13 attendees 3066:3 attending 3124:6 3159:14 attention 3136:12 3149:2 attitude 3212:2,5 attract 3069:21 attracting 3184:24 attributed 3125:24 auctioned 3204:16 audit 3156:1,7,12,17 auditor 3156:17 auditor-general 3156:3 3156:8,13,18 augment 3170:18 August 3110:5 authentication 3105:25 authorisation 3060:10 authorities 3080:7 authority 3173:4,5 automated 3118:19 automation 3085:5 availability 3061:10,12 3061:18 3062:7,22 3063:2 3075:22 3078:16 3081:6 3110:2,13,19 3111:9 3114:14 available 3062:11 3063:9 3071:7 3073:20 3077:10,22 3077:25 3078:9 3079:11 3080:1 3081:6 3082:8 3091:20 3113:20 3116:1,10 3143:14 3146:2 3152:5 3200:16 average 3127:17 3164:5</p>	<p>award 3136:9 awarded 3132:10,12,15 3133:7,10,25 3138:6 3190:13 awards 3136:10 awarding 3120:23 aware 3084:7 3093:12 3093:19,23 3140:17 3175:8</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>B 3201:15 back 3058:5 3062:18 3068:19,20 3070:13 3071:3 3078:17 3080:13 3082:25 3091:4 3099:7 3110:14 3115:13,19 3115:20 3116:7,7,19 3119:14,25 3122:13 3124:7 3125:5 3127:8 3128:22 3130:9 3131:2 3139:5 3140:18 3182:11 3183:11 3193:3,4 3195:18 3197:4 3202:8,10 3206:1,7 3212:25 3213:3 background 3065:8 3086:22 3097:4,6 3100:20 3144:14 3181:4 backing 3154:14,15,16 backwards 3130:22,24 3130:25 3158:1 bad 3124:7 3136:16 3193:16 3205:16,16 Bain 3087:5 3088:3,4,4 3088:11 3097:21 3100:8,15,22 3159:17 3168:21,22,25 balance 3072:4 balances 3072:6 bandwidth 3113:11 3114:15 3115:23 3116:2,4,8,9,20 based 3102:13 3117:25 3118:3 3142:12 3146:12 baseline 3110:15 bash 3208:1 basic 3120:7 basically 3181:13,25 3182:1,12,22 3183:20 3183:21 3189:5 3191:3 3192:25 3196:1,11 3197:1,18 3202:18 3209:12 basis 3058:2 3059:12 3065:2,16,20 3066:8 3069:15 3076:22 3079:3 3081:2,12,21 3082:8 3085:21 3101:25 3109:4 3120:24 3158:8 3159:22,24 3162:21</p>	<p>3162:22 3175:11 3192:7,11 bat 3156:15 bathroom 3107:23 bear 3147:25 Bearing 3190:23 beg 3158:25 began 3125:19 beginning 3129:20 3189:14 3191:10 3209:14 begs 3154:21 believe 3082:3 3118:23 3129:11 3141:8 3206:18 benefit 3128:4 3142:19 3142:20,21 3143:2 3205:8 benefits 3122:9 3143:3 3188:1 bespoke 3079:16 best 3077:23 3109:6 3111:5,15 3112:3,3,4 3113:12 3115:16 3123:16 3139:4 3147:14 3158:21 3160:19 3188:3 3190:22 3205:24 3206:3 better 3083:3 3114:7 3119:25 3122:14 3126:17,18 3140:21 3149:6 3164:23 3165:4 3191:1 3200:22 3201:18 3209:3,17 beyond 3075:20,24 3192:11 bid 3133:17,19,20 3135:9,25 3138:11 big 3076:6 3082:14,14 3178:11,11 3205:5 bigger 3087:20 3178:10 biggest 3140:19 bike 3125:14 billion 3127:20,25 3174:13 3200:1 binary 3100:3 bit 3079:14 3086:17 3091:14 3182:11 3187:16 3207:24 bits 3106:19 blame 3174:22 blaming 3155:19 3207:25 3208:4 blanch 3074:24 bleeding 3131:7 block 3140:19 3170:22 3179:13,19 blocker 3140:23 blocks 3058:10 blunt 3089:8 board 3060:10,20 3065:14,14 3156:23 3157:18 bodies 3126:15 3203:20</p>	<p>body 3147:20 3164:5 Bongi 3142:10 3143:20 books 3077:3 border 3063:8 3064:10 3078:19 3112:25 3114:19 3115:18 3116:14,18 3118:14 borders 3069:20 3113:3 bored 3141:4 bothered 3157:15 bottom 3179:22 3194:6 bought 3074:11 boxes 3061:1 branch 3063:6 3064:9 3078:19 3112:21 3113:21,21 3115:19 3116:12 3117:6 3118:14 3181:14 breach 3106:8 break 3107:23 3108:1 3116:12,16 3143:13 breaking 3142:15 Break/Fix 3132:3 brief 3109:9 briefly 3150:21 3181:10 bring 3058:14,15 3059:24 3084:2,2 3115:19 3116:7,7,19 3122:16 3124:13 3130:23 3131:3 3149:1 3150:14 bringing 3085:5 3151:7 3152:10 broad 3102:21 broaden 3083:22 broader 3101:12 3110:21 broken 3128:21 3131:8 3140:22 3142:18,18 Brooklyn 3064:6 brother 3205:5 brought 3070:9 3086:22 3100:9 3147:24 3148:18 3185:10 BRSs 3197:2 budget 3068:7 3070:19 3071:7,16,16,22 3077:6,8,10 3123:1 3127:14 3157:13 3170:2,10,11 3171:13 3176:6 3178:6 budgetary 3076:24 budgeting 3172:6 bug 3079:7 build 3114:16 3137:3 building 3058:10 3080:16 3190:8 built 3062:11 3078:5 3080:9 3081:17 3082:3 3105:22 3186:4 bullet 3116:21 businesses 3197:1</p>	<p>busy 3085:22 buy 3074:21,24 3077:22 3079:1 3164:5 3166:23 3174:4 3175:10,14,16 buying 3068:8 3164:12 buys 3164:10 buzz 3170:20</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>calculation 3114:23 3121:7 calculations 3182:6 call 3056:3 3057:25 3066:23 3123:23 3136:10 3143:23 3145:2 3152:17 3180:6 3201:15 3207:1 called 3057:12 3058:23 3123:25 3131:19 3133:12,18 3135:21 3152:2 3155:4 3173:3 3173:23 3181:12 3197:11 calling 3168:1 3188:10 calls 3125:13 cancellation 3138:4 cancelled 3133:7,15 3134:11 3137:20 3139:11 canvas 3211:1 can't 3094:2 3095:6,8 3097:5 3118:21 3151:21 3155:25 3157:22 3170:4,7,12 3186:16 3188:12 3193:14 3199:1 cap 3072:19 capabilities 3099:25 3118:9 3184:24 capability 3097:14 3098:3 3099:23 3115:21 3119:25 3122:18 capable 3064:21 3132:20 3208:11 capacitation 3198:17 capacity 3056:17 3073:9 3076:10 3110:18 3128:2 3155:11 Cape 3120:25 3139:19 capital 3077:5 3127:12 3174:2 capture 3105:21,25 3106:1 care 3211:19,20 career 3187:2 3197:17 careful 3207:24 3208:4 cargo 3063:8 3205:12 carried 3191:12 carrier 3063:8 3073:8 3131:21,21 carriers 3205:13 carries 3207:11</p>
---	---	---	--	---

<p>carry 3075:16 3078:6 3191:10 3198:25 carrying 3129:22 carte 3074:24 case 3068:6,10,11,18 3069:15,15 3071:13 3071:23 3072:21 3074:5,20 3079:5 3080:3,4,6 3081:12 3081:12,19,21,21 3085:17,20 3088:4,20 3090:7 3100:15,18 3112:23 3113:14 3116:14 3119:1 3120:17 3124:13 3130:14 3132:10 3138:17,22 3153:12 3156:5 3159:4 3162:22 3170:6 3181:15 3197:25 3198:1,2 3201:15,15 cases 3066:16 3070:9 3071:4,5 3072:14 3074:10 3075:1 3089:7 3102:23 3104:4 3107:10 3115:24 3116:12 3124:25 3126:4 3128:20 3197:2 3209:13,22,23,25 3210:21,22 cash 3175:15 catch 3076:18 cause 3103:9 3107:21 3108:8 3130:24 3211:9 caused 3102:16 3130:24 cent 3199:4,11 3205:16 central 3070:22 3084:14 3115:21 3169:11 centralisation 3115:7 centralise 3196:10 3199:20 centralised 3115:10,13 centre 3064:6 3110:6 3112:22 3115:20 3117:6 3137:3 3197:6 centres 3064:5,7,7,8 3120:18 3181:13 ceremonial 3148:9 certain 3069:6 3072:17 3074:6 3105:11 3145:18,19 3161:17 3187:12 3195:16 certainly 3081:16 3122:16 3142:20 3178:15 cessation 3096:24 cetera 3104:13 CFO 3069:6 3073:21 chain 3170:22 3179:13 3179:19 chair 3125:12 chaired 3069:6</p>	<p>challenge 3103:2 3125:20 3193:4 challenged 3107:10,14 challenges 3082:21 3114:15 3141:8 3179:19 3184:19,23 3190:18 3192:17,18 3204:12 3211:8 challenging 3100:2 champion 3211:9 change 3060:9,9,10,12 3060:13,16,18,20 3061:3,12,21 3065:14 3066:20 3069:22,22 3069:23 3071:11 3083:7 3085:8,8 3086:25 3089:9,15 3103:4,6 3105:21 3107:17 3109:4 3110:9 3113:5,6,8 3123:8 3150:14 3171:12 3178:1 3190:9 3203:15 3206:24 3207:1,4 3211:14 changed 3072:22 3094:12 3096:8 3104:16 3115:12 3124:5 3135:6 3140:21 3157:2 3207:2,3 changes 3059:1 3060:14,14,21 3061:22 3062:13,17 3062:21 3065:22,24 3068:2,3 3080:25 3081:3 3082:6,7 3086:20 3092:5 3107:16 3110:10 3123:6 3126:1 3133:11 3137:23,24 3187:19 3194:6 3202:19 3203:25 3204:2 changing 3084:12 3088:14 3159:11 3179:18 3212:5 channels 3070:14 3113:20 3181:12 chaos 3060:7 3189:22 characterise 3205:1 charge 3153:21 3155:10 3167:23,24 3168:21 3177:21,23 charged 3125:14 checked 3071:15 checks 3072:6 chief 3073:21 3094:15 3094:18,22 3095:1,4 3095:7 3134:3 3148:23 3150:1,1 3152:24 3153:2,3,5 3153:17 3158:17 3161:2 3163:12,12,25 3167:21,25 3170:10 3172:9,14 3178:6,7,8</p>	<p>3178:15,18,21,23 3179:8,12,23 child 3208:7 choice 3096:11 3123:1 choices 3116:1 3118:15 3124:10 choked 3210:5 choose 3166:14 CIO 3097:1,6 3152:3 3167:22 CIO's 3149:24 3152:2 circumstances 3152:5 cited 3185:4 city 3120:18 civil 3137:6 clarify 3061:6 3077:13 3100:24 3101:5 3119:4 3137:19 3181:24 clarity 3150:11 3165:21 clear 3087:20 3091:3 3100:16 3147:21 3148:8 3152:16 3153:6 3157:3,8 3163:13 3168:6 3188:5 3191:20,24 clearly 3111:19 3164:1 clever 3193:15 client 3195:22 cliff 3127:24 close 3116:22 3169:12 closed 3093:11 closer 3169:12 Cloud 3110:17 3115:14 3170:21 3172:11 3173:15,23,24 3174:3 3174:5,6,6,7,11,12,14 3174:17 3175:15 clouded 3174:9,9 Cobit 3109:7 3145:2 3159:22 coined 3178:13 collaborate 3188:21 collating 3188:22 colleague 3125:13 3131:7 3192:9 3196:22 3209:9 colleagues 3098:8 3101:25 3102:4,11 3128:13 3130:20 3180:12 3182:17 3185:12,13 3188:21 3189:19 3193:23 3197:23 3201:23 3206:18 3207:18 collect 3069:19 3210:18 collecting 3148:1 collection 3083:11 3160:21 come 3068:20 3077:2 3077:25 3080:20 3097:10 3098:2 3100:14 3103:11 3114:23 3117:2 3128:22 3129:13</p>	<p>3131:2 3144:15 3150:17 3153:19 3164:4 3165:4,24 3166:21,22 3167:3 3169:14 3171:4,13,14 3171:17 3176:6 3185:1 3186:14 3188:9 3195:11 3196:13,14 3198:7,10 3199:23 3206:17 3207:19 3208:2 comes 3059:18 3065:24 3073:13 3097:18 3156:1,4 3169:24 3171:7 3187:3 3189:2 3192:15 3193:18 3203:7 comfortable 3084:23 3085:4 3098:9 3099:10 3100:13 3102:25 3136:1 coming 3056:8 3071:3 3078:17 3080:13 3086:10 3141:18 3144:1 3168:9 3173:25 3182:7 3187:20 3188:1 3189:15 3196:21 3202:10 3204:19 3206:21 3208:4 3210:6 3213:17 comment 3085:18 3086:3 3106:13 3107:19 3117:24 3118:24 3119:20 3142:12 commentary 3167:20 comments 3116:23 commercial 3079:21 commercially 3079:22 3079:25 commission 3060:15 3097:10 3144:11 3156:19 3177:11 commissioned 3148:11 3148:12 commissioning 3073:6 commit 3075:16,18 commitments 3185:25 committed 3206:5 committee 3066:11,11 3068:20 3123:24,24 3124:1,3,5,6,13,15 3125:6,10,10,14,17 3126:8,10 3133:18,19 3133:21,22,23,24 3134:3,17 3135:9,11 3135:15,16,17,24,25 3136:4,9 3138:12 3202:12,14,15 3203:2 3203:14,17,24 3204:5 3204:8,10,12,19 committees 3065:11,13 3065:17 3072:3 3121:13,14,15 3123:20,20 3126:14</p>	<p>3126:17 3137:13 3139:23 3204:13 3210:6 common 3058:22 communicated 3092:1 3092:6 communicating 3187:4 communication 3092:2 3185:19 3187:3,23 3188:5,20 community 3118:20 3131:25 3187:23 companies 3109:17 3110:18 3121:3 3181:7 company 3131:21 compare 3118:17 compared 3099:23 3204:20 comparing 3119:1 comparison 3118:1,16 3119:8 compelling 3163:17 compete 3121:6 competence 3100:11 complain 3158:10 complained 3168:20 complains 3209:16 complaint 3085:2 3209:17 complaints 3184:16 3192:12,12 3193:19 3193:20,21 complement 3159:18 3159:20 complete 3112:17 3190:3 completed 3099:5 completely 3113:7 3116:15,16 3123:24 3124:5 3137:1 3140:21 complex 3070:24 3081:19 3088:14 3125:15 3130:14 3137:8 3139:4 complexities 3081:10 3096:23 3118:13 complexity 3082:15 compliance 3183:23 3184:18 3186:6,6 compliant 3212:6 complied 3059:20 comply 3063:12 3192:18 component 3062:10 3076:1 3078:2 3132:4 components 3058:1 3064:11 3073:18 3080:4 3117:5,8 3133:2,3 composition 3162:24 compromises 3202:25 computers 3074:25 3120:8 computing 3115:14,14</p>
--	---	--	---	--

<p>3115:21 3170:22 concentration 3120:19 concept 3115:6 concern 3084:16 3103:13 3107:21 3108:8,12,14 3120:6 3128:9 3147:24 3212:3 concerned 3164:19 3168:24 3172:6 3174:8 3176:1 3177:14 3213:1 concerns 3085:7,19 3086:4 3088:1 3179:20 3211:25 conclude 3194:22 concluding 3213:3 conclusion 3196:21 3214:6 conduct 3059:12 confident 3213:5 configuration 3060:16 configure 3080:19 confirm 3071:7 3128:5 conflicting 3108:21 confused 3209:4 confusing 3086:24 3109:7 connect 3109:21 connection 3191:23 connectivity 3116:12 connects 3131:23 cons 3114:19 consensus 3126:6 3133:17 consequences 3187:6 consider 3078:1 3082:11 3083:5,6 3088:9 3113:17 considerable 3112:14 3130:7 consideration 3082:9 3105:16 3106:5 3120:13 considerations 3068:12 3081:5 considered 3146:4,5 consist 3203:18 consisted 3063:20 3203:19,20,21 consistent 3151:6,13 consistently 3069:13 consolidate 3058:15 3115:4,18 consolidated 3057:6 consolidating 3116:7 consolidation 3112:11 3112:14 3113:5,16,23 3114:7,24 3115:3 3119:15 constructed 3138:2 construction 3089:3,4 consultant 3056:19 3129:21 3144:16 3147:20 3181:7 consulted 3086:7</p>	<p>3087:15,16,23 3088:3 3088:4,6 3168:17 consulting 3088:19 contact 3064:6 3181:13 contain 3213:24,24 content 3146:13 context 3102:24,24,24 3104:4,17 3110:14 3170:15 3187:16 3190:15 continue 3060:19 3117:2 3198:24 3200:16 continued 3128:6 3189:22 3206:1 continuous 3065:2 3066:8 3083:1 3129:12 contract 3068:25 3071:8,14 3072:20,23 3073:12,19,24 3074:8 3110:19 3140:2 contracted 3121:21 contractor 3056:19 contractors 3120:7 contracts 3071:2 3072:11,15,16,25 3073:5,15 3132:7,9 3133:8 3190:1,11,13 3191:2 contradicted 3111:11 contravene 3202:23 contribute 3126:20 control 3109:5 3140:23 3178:6,7,8 controls 3106:3 cooling 3064:14 coordinate 3059:24 3061:3 copies 3106:21 copper 3115:25 3116:1 core 3063:22 3117:5 3151:11 3181:9,11,23 3182:1,2,5,8 corner 3171:14 correct 3057:10 3061:19 3072:2 3088:2 3091:6 3092:11 3094:3,17,22 3099:13,18 3101:8 3103:8,16 3104:3 3114:5 3145:22,23 3147:2,3,7,8 3149:5 3151:18 3165:10,12 3167:23 3180:23 3181:2 3198:20 3201:11,14 3202:9 3204:25 correcting 3190:23 correction 3133:9 correctly 3062:14 3123:25 3127:6 3132:15,20 corridor 3188:15 Corriero 3195:8,12 3196:22</p>	<p>corroboration 3103:20 Cosmetic 3137:23 cost 3058:15 3068:14 3068:15,16 3074:1 3076:11,11 3080:18 3082:15 3084:2 3117:19,20,22,22 3118:25 3119:6 3120:15 3122:22 3129:19 3166:2 3199:11 3203:9 3213:12,14 costly 3119:2 costs 3081:7 3084:3 3117:16,23 couldn't 3104:16 3124:22 3127:9 3190:25 contract 3156:7,19 counsel 3140:1,6 count 3062:19 3100:6 3118:21 country 3063:25 3081:7 3112:5 3113:1 3113:3,18 3118:19 3190:19 3212:7 country's 3069:20 couple 3073:16 course 3060:4 3061:2,9 3083:4 3184:25 3199:21 3207:25 3213:15 courses 3159:14 cover 3145:2 coverage 3083:22 covered 3102:21 3121:12 covers 3180:23 CPO 3134:3 3135:10 3135:12,13,19 3136:1 3138:13 craft 3147:21 3153:16 crafted 3161:4,20 crafting 3147:19 3150:13 create 3073:18 3155:25 created 3191:14 3197:14 3211:18,24 creating 3197:6,11 3211:23 creative 3131:18 crippled 3169:18 crippling 3169:21,23 criticality 3116:14 criticism 3135:5 cross 3163:11 Cruikshank 3070:18 culture 3211:17,19 3212:1 current 3128:5 3145:4 3145:10 3181:5,19,21 currently 3092:10 3144:19 3163:8 3196:25 3212:8 curve 3077:7 custodian 3182:13,16</p>	<p>3184:13 custodians 3182:13 3192:2 custom 3079:22 3080:16 3081:2 customisation 3080:11 customise 3080:19,22 customs 3064:9 3067:17,17 3080:5 3085:1 3112:21,23 3113:2 3118:5,7 3182:14 cycles 3129:12 3130:20</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D 3133:12 daily 3058:2 3192:7,11 Dan 3148:20 dark 3088:22 data 3064:5,6,7,8 3073:6,8 3110:6,17 3112:22 3115:20 3131:20,21 3133:12 3137:3 3183:1 3184:2 date 3188:8 day 3064:16,16 3123:7 3123:7 3130:17 3141:18 3145:5 3155:5,5 3158:8,8 3162:20 3186:15 3188:24 3189:4 3192:2,5,5,22,22 3196:17 3198:4 3208:1 days 3115:9 3130:13 deaf 3089:7 deal 3081:9 3120:7 3125:15 3192:12 dealing 3100:18 3114:13,13,14 3162:6 3173:25 deals 3077:2 dealt 3063:16 3066:7 3070:23 3071:2 3079:13 3130:16 3190:2 Dear 3189:11 dearly 3148:1 debate 3065:24 3067:24 3068:12 3103:4 3107:8,9,11 3124:9,9,12,15,23 3125:22 3126:4 3139:15,19 3169:2,3 3190:15,15 debated 3068:1 3071:24 debates 3126:4 3135:14 December 3086:5 decentralisation 3115:7 decide 3080:12 3081:13 3174:17 3192:18 decided 3081:11,12,15 3134:9 decidedly 3150:18</p>	<p>decides 3113:3,4 deciding 3069:9,13 decision 3067:25 3068:3 3069:4 3071:18 3080:13,14 3081:23,24,24,25 3082:1 3124:3 3125:17 3126:15,18 3136:1 3159:4 3162:21,23 3167:18 3168:12,13 3175:12 decisions 3065:21 3069:10,22 3081:18 3082:12 3124:24 3125:22 3194:18,21 3204:15 dedicate 3085:23 dedicated 3064:22 3065:5 3211:9 deemed 3163:20 define 3196:25 defined 3090:1 3109:6 3160:17 definitely 3059:9 3061:13 3072:22 3074:19 3075:5 3080:4 3103:6 3136:21 3207:23 definition 3195:7 delay 3138:4 3139:9 deliver 3090:4 delivered 3208:14 delivering 3209:24 delivery 3092:21 3097:1 3188:18 3210:5 department 3057:7,7 3059:16 3073:20 3084:12,17 departments 3063:21 3066:4 3090:1 3142:16 departure 3110:15 dependencies 3059:21 3059:24 3060:23 3061:2 3202:1 depending 3081:21 deployed 3114:22 described 3072:9 3092:13 3212:10 description 3091:4 design 3185:17 desk 3058:7,7 desktop 3063:24 3064:3 3073:14,17 3083:24 3105:7 3115:11 3125:2 3127:7 3132:2 3139:18 desktops 3074:11 3076:8 Despite 3135:5 detail 3084:18 3095:10 3114:10 3121:15 determined 3075:11 detriment 3205:12</p>
--	--	---	---	---

<p>develop 3196:6 developed 3066:8 3081:3 3084:15 3149:16 developing 3181:8 development 3059:19 3079:23 3080:16 3095:11 3144:16 3147:17 3196:5,6 3197:17,18 developments 3171:3,7 devices 3076:7,9,17 3114:21 3120:19 diagnostic 3118:23 3145:18,20,25 3146:19,20,22,25 diagnostics 3205:4 didn't 3092:15 3095:17 3100:6,11,21 3107:11 3107:17 3118:12 3119:17,18 3124:18 3127:8 3146:25 3168:20 dies 3178:1 difference 3105:8 3137:21,24 3141:7 3166:5 different 3059:5 3070:13 3073:25 3078:25 3093:3 3123:24 3136:5,10 3137:7 3140:10 3141:22 3153:19 3157:20 3166:20 3171:19 3174:10 3178:17 3185:13 3191:9 3212:13 differently 3176:14 difficult 3076:19 3123:10 3151:20 3155:20 3184:11 3192:19 3206:21 3209:20 difficulties 3082:17 3140:12,14 3168:3 3169:15 3179:18 3184:5,11 3209:6,9 difficulty 3064:20 3102:9 3138:14 3152:11 3154:24 3157:19,23 3162:19 3164:12 3168:21 3195:6 3207:12 digital 3113:20 3118:19 3123:25 3181:12 digitise 3183:20 dilemma 3155:22 dimensional 3114:12 dint 3213:22 direct 3063:5 3097:8 3123:23 3189:13 directed 3198:18 direction 3152:22 3161:6 3168:15 3203:15 directly 3086:3</p>	<p>3094:15 3162:9 disagree 3097:17 3112:14 3114:6 3145:20 disagreeing 3169:4 disagreement 3134:2 3135:9,10,12 disappeared 3123:22 disappears 3178:3 disaster 3191:6,7,25 3192:14 disastrous 3192:1 discarded 3153:12,14 discipline 3059:4 3109:16,20 3122:19 disciplines 3058:22 3059:3 disconnect 3208:12 discontent 3085:16 discrepancy 3145:7 3163:6 discrete 3079:13 discussed 3067:23 3209:1 discussions 3139:19 dispensation 3145:10 disputes 3182:5 disrupt 3170:18 3172:12 disrupters 3173:16 dissatisfied 3101:2,6 3104:14 DIST 3123:8,19 3180:25 3181:1 3195:9,10 3209:7 distinction 3154:24 3155:1 distributed 3063:16,23 3112:13 3114:2,5 3115:12 3116:25 3117:3 distribution 3112:12 3113:24 divided 3201:3 division 3057:9,22 3059:6,12 3063:20 3083:12 3172:24 3180:25 3195:6 3197:20 3209:7 division/department 3123:15 document 3107:21 3138:24 3155:3,16 documentation 3140:3 documents 3097:9 3108:8 3139:5 3194:23 doesn't 3146:3 3147:22 3151:21 3161:8 3164:2 3169:1 3170:2 3170:4 3172:1 3193:13 3194:2 3198:10,13 3199:16 dog 3112:23 3167:20 doing 3095:20 3123:16 3129:2,4 3141:3</p>	<p>3144:24 3146:9 3156:3,24 3157:24 3158:23 3159:1,2,23 3160:2,2 3162:7 3164:14 3168:9 3169:17,17 3171:14 3173:2 3183:2 3187:7 3189:19 3194:20 3195:21 3196:11 3197:20 3200:16 3208:11 3212:3,6 3214:2 don't 3102:19 3103:10 3119:13 3145:8 3148:18 3149:7,10 3150:3 3152:6 3154:17 3155:23,23 3160:13,23 3162:1,21 3162:23 3163:16 3165:11,11 3166:3 3169:2 3193:5 3196:22 3199:4,20 door 3208:1 doors 3116:22 downhill 3187:8 downtime 3061:18 3188:2 3192:8 draft 3165:4,25 draw 3073:1 3074:24 3164:17 3170:7 3185:22 drawing 3154:24 3165:2 drive 3174:15 3183:18 driven 3155:5 drivers 3185:15 driving 3148:14,16,17 3152:24 DTMC 3123:25 3124:10,21 3126:5 3127:3 dual 3159:8 due 3112:12 duplicated 3117:11 duplication 3196:9 dust 3148:1 dustbin 3164:8 duty 3105:19</p> <hr/> <p style="text-align: center;">E</p> <p>E 3132:1 3182:24 earlier 3064:3 3072:20 3076:14 3078:4 3080:24 3103:5 3109:9,23 3111:11 3114:11 3116:24 3121:10 3128:2 3131:13 3132:25 3141:9 3161:10 3206:9 3213:21 early 3087:7 3096:17 3115:9 3143:13 3148:8 ears 3089:7 easier 3081:19 easily 3190:2</p>	<p>eating 3193:17 economy 3190:19 educate 3183:23 3186:5 effect 3142:14 3179:5 3203:15 3208:18 effective 3068:15 3074:1 3119:1 effectively 3068:16 3102:5,5 3120:15 effects 3192:1 efficiencies 3058:14 3120:2 efficiency 3072:5 3084:1 3086:20 3120:1 3122:15 3197:2 effort 3125:9 eggs 3193:16 either 3069:5 3081:10 3097:21 3116:17 3166:12 3174:6 3184:23 elaborate 3065:16 3089:15 3145:14 electronic 3113:19 Elephant 3109:19 elevated 3092:19 3093:14,16,21,22 3094:6 email 3092:3 3188:6 embark 3146:18 3208:24 embarking 3150:12 emerged 3171:7 emphasise 3120:4 3211:7 emphatic 3201:21 employed 3123:17 3179:17 employee 3097:22,22 3130:15 employees 3099:5,6 3101:6 3103:16,18 3128:5 3211:22 employment 3144:14 3181:4 enable 3058:8 3183:21 3192:16 enabled 3130:18 enablement 3066:6 3137:18 3184:14 enables 3182:3 enabling 3183:9 3205:10,10 endeavour 3163:18 ended 3069:4 3191:15 energy 3193:2 enforce 3186:8,8 enforcement 3181:14 3181:16 3183:25 3192:16,17 engage 3097:25 3208:23 engaged 3097:19,24 engagement 3087:5</p>	<p>3088:9,11,19 3103:12 3122:3 3136:11 3139:14 3190:7 3205:5 3208:5 engagements 3087:17 3087:18 3088:25 3089:6 3100:8 3129:8 engaging 3100:14 engine 3181:16 engineers 3137:6,7 enhance 3204:16 ensure 3061:16,18 3072:7 3077:9 3119:8 3202:21,24 3207:10 ensuring 3151:12 3161:2 3203:24 enter 3125:19 enterprise 3070:24 3144:17 3172:24 3209:11 entertained 3088:18 entire 3062:8 3133:2 entirely 3084:12 entities 3182:3,25 entitled 3079:7 entry 3064:10 3112:24 3112:24 environment 3059:18 3061:22 3064:25 3073:14 3110:11 3131:9 3184:25 3192:4 3194:13 environmental 3064:15 envisaged 3125:21 EPMO 3182:17 3185:14 3197:23 3209:9 equipment 3073:12,13 3075:13,17 3077:3 3136:25 equipped 3125:15 era 3136:18 escalated 3193:20 especially 3080:5,21 3086:18 3096:6 essence 3146:14 3171:25 3176:9 3203:7 3205:9 essentially 3093:1 3133:11 3150:23 3152:6 established 3073:9 3109:15 3202:13,13 3202:17 estate 3076:4 3127:18 et 3104:13 etcetera 3064:4 3068:16 3071:16 3133:13 ether 3173:8 ethically 3072:7 Europe 3118:18 evaluate 3133:21 evaluated 3204:2 evaluating 3202:19 evaluation 3133:21,22</p>
--	--	--	---	---

<p>3135:15,20 3136:9 event 3066:20 3187:24 events 3065:23 eventually 3096:11 3129:13 3134:8 3135:7 everybody 3083:14 3135:25 evidence 3056:9,13 3059:10 3086:6 3103:22 3122:5 3142:13,13 3144:4,7 3144:11 3175:24 3180:17,20 exact 3165:11 exactly 3063:13 3092:21 3094:10,13 3100:20 3111:10 3134:21 3141:15 3184:2 3194:21 3201:16 3208:3 3213:24 example 3072:24 3073:5 3094:1 3121:1 3161:2 3170:20 3179:9 3195:15 3209:10 examples 3085:12 3105:18 exceed 3072:23 exceeded 3069:6 excellence 3120:6 3196:9 3197:6 exceptional 3111:8 exceptionally 3142:17 excessive 3120:9 exchange 3071:10 exchanging 3183:1 excise 3112:21 3182:14 excited 3207:19 excitement 3206:15 Exco 3069:5,7 3124:6 3133:25 3134:9 3152:25 3154:14 3155:5 3158:17 3162:5 3176:4 3178:11,16,18,19,22 3178:24,25 3179:4 excuse 3090:20 3160:3 EXCUSED 3143:11 3180:5 3214:5 exec 3091:24 3092:20 3092:20,21 3093:4,9 3158:6 execs 3066:13 3067:3,3 3067:11 3091:19 3093:5 execute 3150:2 3153:18 3161:24,25 3162:8 3186:9 3191:18 executed 3161:20 3166:13 3198:11 executing 3147:7 3152:14 execution 3161:21 executive 3057:1,11</p>	<p>3089:20 3091:5,16,22 3091:25 3092:24,25 3093:7 3095:17,19,21 3144:18,19 3152:13 3153:21 3155:10 3157:18 3163:25 3164:4 3181:6,9,11 3182:8,10 3185:5 3191:18,18 3194:17 3194:19 3197:11 3198:10 3206:23 3212:1 executives 3148:24,25 3152:24 3162:5,5 3203:21 exercise 3103:1 3120:17,20 exist 3092:16,18 3204:5 3204:8 3210:16 existence 3155:5 existing 3060:16 3068:24 3072:15,16 3073:7 3129:9 exists 3147:10,11,12 3162:8 expand 3169:21,23 expanse 3150:9 expect 3208:8 expectation 3124:12 3208:10,14 expectations 3179:8 expected 3208:13 expenditure 3077:7 3120:9 3127:12 3130:2 3167:6 3174:2 3174:3 3205:2 expense 3076:24 3077:6 expensive 3077:14,20 3116:3,4 experience 3097:3 3100:11,13 3122:1 3124:2,10 3126:9 3131:4 3137:10 3208:8 3210:3 experienced 3100:19 3100:19 3101:12 expert 3109:13 3190:21 3191:2 expertise 3122:7 3196:14 3199:2,5,6 explain 3057:21 3058:19 3059:12 3060:9 3063:18 3067:24 3075:8 3079:14 3100:5 3124:18 3131:14 3139:17 3150:21 3151:21 3153:15 3155:1,21 3163:5,9 3166:23 3170:14 3172:18 3206:23 3207:3 explained 3060:18 3080:25 3128:2 3132:25 3166:19,25</p>	<p>3175:7 3209:14 explaining 3175:22 3177:4 explanation 3191:24 express 3092:25 expressed 3128:18 expression 3147:9 extend 3132:13,16 extended 3078:3 extensive 3137:5 extensively 3121:13,25 extent 3136:16,17 3148:7,9 external 3084:21,22 3120:7 3135:23 3147:20 3151:11 externally 3106:8 3159:16 extraordinary 3141:21 3212:23 eyeball 3105:20 E-filing 3063:7 3078:20 3181:13</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>face 3209:15 3211:8 faced 3140:12 facets 3195:23 facilitate 3069:20 3070:19,20 3072:10 3136:22 3140:25 3182:23 3183:24 3192:3 3199:7,16 3200:13,14 3203:12 3204:2 3210:8 facilitated 3130:18 3141:5 3185:6 facilitates 3182:2 facilitating 3184:14 3185:2,17 facilities 3063:17 3064:4,13 3083:19,21 facility 3064:15 fact 3088:3 3112:17 3118:4 3130:20 3150:17 3152:8 3159:4 3190:10 3193:21 3195:19,23 3197:16 3205:6 3207:7 3212:13,13,14 factor 3105:24 factors 3076:24 3151:8 3151:10 facts 3102:13 factually 3103:23 fails 3078:8 failure 3075:21 fair 3129:17 3161:14 3161:15 3174:25 3175:23,23 3176:7 3200:5 3204:22 fairly 3064:7 fall 3076:16 3173:23 3175:17 falling 3065:2 falls 3109:6 3111:14</p>	<p>false 3119:2 familiar 3065:7 3124:21 3137:9 3139:16 families 3192:23 far 3078:7 3171:16,16 3201:9 fascinating 3147:18 3171:11 fault 3199:24,25 fear 3123:13 fears 3187:20 feedback 3067:8 3089:8,10 3204:3 feel 3098:22 3117:21 3158:4 feeling 3088:21,24 3100:21 feet 3125:25 fell 3089:7,18 3091:7 3111:5 felt 3085:4 3100:8 fewer 3115:4 Fibre 3115:25 field 3154:6 figured 3160:15 figures 3111:7 file 3063:7 3078:20 filed 3180:23 filing 3132:2 3182:25 filled 3095:13 3101:7 3102:3,4 3197:15 final 3107:14 3131:11 finally 3089:5 3107:21 3108:8 finance 3070:7,12,17 3071:22 3084:17 3085:12,20 3134:19 3170:1 3182:16 financial 3110:1,1,3,3,7 3125:3 3127:4,7,11 3127:14 3128:1 3198:18,21 3208:25 3210:18 find 3059:5 3077:4 3206:20 3210:12 finding 3100:2 3111:5 3125:25 3140:4 3185:1 3192:19 fine 3062:5 fingerprint 3106:1 finished 3212:18 firmware 3075:18,23 first 3076:9 3079:23 3087:4 3089:2,2 3091:15 3093:4 3096:4 3098:4 3099:6 3099:16 3106:13 3111:12 3113:1,14 3117:24 3124:22 3125:4 3131:14,18 3132:22 3133:5,19 3135:5,16,21 3138:4 3138:21,22 3139:2 3140:8,20 3149:21,24 3153:16 3163:21,21</p>	<p>3172:10,11 3178:4 3181:6 3197:10,12 3209:4 3213:1 firstly 3080:18,22 3195:12 fit 3087:20 fits 3158:12,13 fitted 3092:14 five 3072:14 3132:12 3132:22 3151:3 fix 3076:2 3131:7,8 3141:9,15 3142:3 3189:16 3199:18 3205:9 fixed 3189:17,18 fixes 3062:16,16 3064:4 3079:7,8,10 fixing 3140:18 flash 3187:2 flexibility 3120:22 flow 3116:17 3162:11 3162:13 3175:15 flowing 3162:15 focus 3104:21 3111:19 3195:20,25 3196:2 focused 3108:16 focusing 3103:14 folks 3187:24 follow 3068:23 3138:21 3155:9 3170:8 followed 3059:19 3060:6 3117:25 3157:6 following 3110:8,12 3189:7 3196:7 follows 3114:6 3175:24 footprint 3113:6,8 3115:11 3118:7,11,13 3119:15 3121:5 forecast 3127:11 Forget 3092:17 forgive 3158:2 3205:15 forgot 3082:9 3181:24 form 3059:8 3103:19 format 3109:5 format 3210:20 formed 3123:24 former 3096:20 3097:1 3130:19 formulation 3168:16 3168:19 forth 3125:6 3199:2 fortunately 3078:5 forum 3202:24 forward 3122:11 3124:25 3127:15 3140:13 3155:25 3161:11,14 3170:20 3193:20 3196:15 3211:10,13 3212:7 Foster 3109:18 found 3093:20 3096:10 3124:16,22 3126:11 3146:11 foundational 3109:12 four 3064:6 3089:20</p>
---	--	--	---	--

<p>3127:12,16,18 fragmented 3142:18 framework 3058:23 3072:9 3074:4 3108:23 3109:2 3198:4 frank 3213:18 frankly 3141:23 fraud 3104:23,25 3105:7 free 3058:16 3158:4 3205:5,15 freeze 3123:4 frequent 3109:3 friend 3079:19 3164:21 front 3080:13 3109:24 3186:23 fruitless 3167:5 3205:2 frustrated 3210:11,15 frustrating 3124:16,22 3125:8 frustration 3210:9 fulfil 3096:13 3114:3 3131:13 fulfilled 3152:23 fulfilling 3061:8 3196:18 fulfilment 3083:4 full 3062:15 3097:23 3105:20 3112:16 3119:17,18 3196:18 fully 3113:24 3114:25 3197:5 3200:21 fun 3158:15 3171:15 function 3058:4 3070:17 3116:13,19 3137:19 3160:3 3182:5 3196:18 3199:21 functioning 3064:17 3117:2 3142:17 functions 3057:6 3090:5 3094:12 3136:19 3199:9 fund 3058:16 fundamental 3150:14 funding 3170:7 3200:15 3210:7 further 3103:19 3121:15 3132:13,14 3132:16 3143:11 3179:25 3180:5 3212:19 3214:5 future 3079:7 3211:22 3211:22 FYI 3088:18</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gaps 3105:11 Gartner's 3087:5 3097:14 3101:7,15 3121:20 3122:2,7 3123:5 3145:18 3189:14,15 3197:5,7 Gartner's 3134:22,23 gate 3140:23</p>	<p>gates 3059:20 gathering 3196:2 GE 3091:8 3094:16 3095:13 3096:24,25 3158:16 geek 3171:14 geeks 3171:14 general 3069:8 3162:18 3184:18 generally 3141:11 generate 3069:25 3153:19 GEs 3066:18 3067:9 getting 3073:9,24 3084:13,24 3161:1 3167:4 3190:20 3203:13 3208:24 Gijima 3120:8 gilding 3122:19 give 3056:10 3061:25 3062:5 3067:7 3072:24 3073:2 3074:1 3079:20 3097:18 3102:17 3105:18 3107:4,9 3122:5 3134:20 3137:8 3144:4,11,25 3170:20 3177:11,15 3187:16 3199:24,25 3200:1 3203:4 3205:7 3207:6 3211:12 given 3068:20 3082:18 3099:13 3101:15 3104:21 3106:22 3133:11 3136:23 3142:14 3165:15,19 3172:5 3190:10 3191:13,24 3194:18 3197:24 3204:3 3209:12 gives 3131:24 giving 3097:12 3102:12 3143:6 3196:4 3205:5 global 3110:18 go 3060:5 3068:17,19 3068:19,25 3069:1,1 3069:2,3,7 3071:19 3073:7,16,21 3074:20 3077:5,21 3080:10,15 3080:15,15 3081:9 3091:4 3098:8 3101:13 3113:21 3114:9 3118:7 3121:15 3122:12 3124:7 3125:13 3130:13 3132:19 3133:23 3136:23 3137:10,11 3139:5,5 3139:22 3141:6 3148:11 3155:25 3169:2 3170:3 3173:8 3174:4,9,14,17 3185:1 3186:20 3194:8 3195:18 3200:2 3202:8,22 3203:13 3209:2</p>	<p>3210:16 3211:4 3212:25 3213:3 goal 3150:14 goes 3063:6,8 3139:22 3186:6 good 3056:6 3069:17 3080:13 3082:1 3091:12 3096:6 3105:3 3108:24 3109:3,19 3111:13,14 3122:20 3123:13 3128:19 3133:16 3136:17 3143:25 3145:11 3146:19 3149:9,22 3173:2 3180:9,11,22 3193:16 3199:19 3205:6,25 Gordhan 3213:2 governance 3059:8 3065:10 3072:6 3083:12,15 3097:14 3111:19 3121:8,12 3123:20 3126:17,18 3126:18,20 3139:23 3140:20 3156:4,5,14 3156:15 3169:9,10,16 3170:5 3199:7 3210:15 government 3073:20 grade 3150:4 3156:21 3175:22 gradual 3150:15 graduates 3163:3,7 granting 3168:6 greatest 3211:25 grinding 3086:22 ground 3203:8 3206:16 3207:10 3211:21 group 3066:13 3067:3 3067:3,11 3091:16,19 3091:23 3092:20,20 3092:20,25 3093:4,5 3093:9 3117:25 3118:3 3119:8 3148:24,25 3152:24 3162:5 3163:24 3194:17 3203:21 guess 3138:7,8 guide 3151:6 guided 3156:24 guideline 3152:8 guides 3058:25</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>halt 3086:22 3129:13 3130:23 hamstrung 3168:25 handed 3127:8 hands 3062:19 3169:4 happen 3065:24 3068:12 3069:24,24 3081:4 3087:2 3113:7 3125:22 3131:3 3132:7 3152:18,20 3154:18 3166:24 3168:10,10 3169:14</p>	<p>3170:2,4,7,12 3178:10,11 3186:2 3188:1,2 3193:12 3194:19 3198:14 3210:11 happened 3069:23 3081:1 3091:15 3093:3 3095:16,24 3096:2,4 3119:12 3126:24 3127:2 3128:7,13 3130:19 3157:17 3196:17 3204:10 happening 3062:21 3111:20 3129:3 3130:10 3134:21 3136:12 3146:10 3157:14,16 3159:10 3159:13,21 3164:2 3170:17,19 3175:25 3176:4 3187:24 3206:24 3211:21 happens 3178:9 happy 3057:17 3084:13 3084:19 3096:5 3099:21 3192:20 harbour 3112:24 hard 3076:19 3077:25 3124:24 3125:17 3192:22 harder 3186:7,8 hardware 3058:13 3059:2 3070:4 3074:6 3075:8,10,15,20 3076:3,5,22 3077:2 3077:14,18 3124:20 3125:3 3126:23,24 3127:1,7,18 3128:6 3128:10,11 3141:1 hasn't 3197:19 haven't 3149:25 head 3057:5 3090:3 3118:21 headed 3057:7 3070:18 3187:8 heading 3057:9 3112:11 3123:16 3127:23 healthy 3107:11 3124:9 3124:23 hear 3084:23 3085:3 3087:4 3137:16 3189:2 heard 3059:10 3070:6 3075:13 3085:1 3086:4,6 3113:14 3118:24 3129:19,25 3141:20 3142:13 3179:5 3194:14 3206:15,16 3212:22 hearing 3141:22 3213:5 held 3097:7 3164:11 3177:22,23,24 hell 3117:2 helm 3206:4</p>	<p>help 3070:21 3090:8 3101:13 3135:8 3192:17 3193:13 3197:1 helped 3070:18,20 3072:9 3132:21 helpful 3065:18 helping 3147:20 here's 3191:22 3198:5 3198:5 3199:15 hi 3187:24 high 3061:11 3063:2 3099:25 3111:8 3117:2 3120:19 3131:15 3190:14 higher 3081:13,15 3093:2 3110:20,21 3126:7 highlight 3118:11 highlighted 3169:20 hire 3170:4 hiring 3178:9,9 history 3096:6 hitting 3203:8 hold 3056:23 3083:14 3164:13 3192:15 3200:13,24 3204:12 holding 3100:25 honest 3095:3 honour 3214:4 hoops 3075:3 hopeful 3211:9 Hore 3167:21 hospital 3136:25 host 3174:7 hosted 3174:6 3175:14 hosting 3063:22 3083:24 3110:17,17 3132:1 house 3120:10,15 3199:6 HR 3084:12 3085:12,17 3094:19 3169:9,16,22 3170:3,4 hub 3196:23 huge 3062:20 3077:7 3114:24 3189:4 3206:24 human 3094:25 3095:10 3182:15 3184:22 3203:21 humble 3147:25 3160:12 hundreds 3121:1 hurry 3062:4 hymn 3164:10</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>ICP 3144:18 idea 3145:11 3146:19 3150:16 3173:2 3179:7 3189:11 ideally 3156:12 ideas 3171:5 identified 3150:6 3168:4 3169:7 3184:5</p>
--	--	--	--	---

<p>3190:10,21 3209:7 idle 3210:13 illustrate 3155:22 illustrating 3155:22 IM 3206:12 imagine 3139:25 3152:4 3157:4,5 3159:11 3160:9,20 3189:1 3206:23 immediately 3157:3 3163:13 3185:23 immersed 3175:8 imminent 3173:23 impact 3060:1,25 3061:4,13,13 3062:23 3063:1,5 3066:22 3078:1,15,16 3086:15 3087:2 3115:4 3123:4 3183:5 3185:23 3187:21 3188:4 3204:1 3207:5 3210:14 3212:2 impasse 3173:25 implement 3121:23 3128:2 3151:23 3152:6,8 3161:17 3162:1,1 3165:5 3173:12 3194:6 3197:5 3198:19 3200:19 3207:9 implementable 3152:6 implementation 3066:1 3087:23 3093:14 3105:3 3108:20 3109:10,20 3123:5 3151:25 3155:18 3161:3 3177:14 3197:10 3202:3 3207:14 implementations 3202:22 implemented 3064:11 3085:3 3126:2 3130:17 3147:13 3151:16 3154:22 3155:1 3166:12 3167:5 3197:8,9,12 3200:22 3201:16,17 3204:24 implementing 3105:4 3147:5,7 3152:15 3153:3 3155:12,14,18 3189:4 3202:8 3206:19 implications 3183:8 3186:3 3190:24 3208:25 3209:1 important 3076:3,15 3076:22,24 3157:6 3160:13,16,18,20 3163:14,15,17,19,20 3165:12 3172:21 3177:6,8 3181:22 3185:16 3193:24 3214:1 imposed 3086:8</p>	<p>impossible 3057:19 3076:20 impression 3147:19 3179:14 improve 3070:1 3104:19 3122:15 3133:1 3170:18 3183:21 improved 3120:1,1 improvement 3082:20 3082:24 3083:1,10,15 3083:16 3184:16,18 improvements 3083:25 3150:15 improving 3171:1 inadequate 3105:14,16 inaudible 3148:21 3171:18,20 incidents 3059:1 incomplete 3191:14 3196:16 3199:16 3203:4 incompleteness 3202:11 inconsistency 3111:19 inconsistent 3111:6 incorporate 3132:22 incorporated 3133:4 incorrectly 3090:15 increase 3083:11,20 3183:23 3186:6 increases 3075:21,21 indicate 3138:13 indicated 3138:24 3182:17 3183:24 3184:1 3185:12 3192:9,20 3193:23 3194:17,24 3201:23 3209:9 indications 3194:23 individual 3188:17 individuals 3100:16 industry 3058:22 3075:12 3081:18 3100:20 3115:13 inexperienced 3100:17 influenced 3070:8 inform 3187:19 information 3088:19 3098:20 3099:8,23 3102:22 3103:19 3104:18 3183:3 3188:22 3190:21 informed 3086:7 3091:17 3102:17 3189:13 informing 3069:10 3088:20 infrastructure 3057:1 3057:8,11,22 3059:13 3060:14 3061:17 3062:13 3063:15,16 3063:16,17,23,24 3064:14,14,22 3065:1 3065:15 3066:20 3068:2,3 3072:16</p>	<p>3075:7 3078:6,11,12 3112:13,20 3113:9,9 3114:3,5,8,17 3115:13 3116:7,25 3117:3,13 3120:7 3124:20 3128:8 3130:22 3191:16 initial 3100:24 initiated 3084:21 initiative 3121:22 3166:21,22,23 3170:8 initiatives 3083:10,17 3083:18,19 3117:21 3130:6 3152:19 3161:22 3166:13 3172:10 3187:18 innovation 3144:19 3145:3,9 3153:21 3155:11 3158:6 3159:9 3162:25 3163:16 3170:1,14,15 3170:23 3171:6,8 3172:1,12 3173:1,6 3173:16 3175:25 3176:8 3177:12,15 3179:9,11 3184:15 3196:23 3203:11 innovative 3171:5 input 3090:2 3097:12 3107:4,9 3167:12,14 3167:18 3185:17 3187:4 inputs 3149:2 inquiry 3108:4,4 3143:21,21 3156:20 3214:9 ins 3166:23 inside 3126:3 3178:3 insofar 3150:10 3164:18 3167:14,15 3168:7,24 3172:5 3174:7 3175:25 3177:14 install 3080:2 installed 3064:12 3073:10 installing 3120:8 instance 3118:17 3147:21 3156:19 3199:4 3203:10 instances 3200:3,6,12 3201:23 3203:9 institution 3192:8 institutions 3159:15 instructing 3187:7 instruction 3139:12 3187:14 instructions 3188:19 3193:13 integration 3082:12 intelligence 3170:21 3171:21 intended 3105:13 3150:12 3151:3 3171:15 3176:25 3177:5</p>	<p>intending 3172:25 intensive 3183:19 intention 3173:12 interact 3100:9 interaction 3100:16 interest 3067:7 interesting 3148:16 3149:6 interface 3182:22 interim 3178:5 internal 3083:11 3126:10 3135:21 3156:1,7,12,14,16,17 3196:5 internally 3159:16 international 3058:25 3112:25 Internet 3131:25 interpreted 3102:23 intervention 3164:7 3180:25 3189:10,12 3189:14 3200:7 introducing 3210:20 investment 3193:1,2 investments 3058:17 3130:6 invite 3067:10,13 3107:9 invited 3066:12,17 3106:18 3107:8 invitee 3067:17 invitees 3067:3 involve 3134:24 3168:8 involved 3081:25 3110:16 3131:15 3148:2,3,4 3172:13 3172:17,17 3173:20 3174:21 3175:3,4,7 3175:10,13 3187:17 3188:18 3189:13,18 3199:4 3205:7 3207:14 involvement 3134:22 3134:24 3135:1 3172:19 3175:9 3208:23 involving 3173:6 in-point 3105:6 in-source 3139:18 IP 3195:7 irrelevant 3146:11 isn't 3160:14,24 3161:2 isolated 3080:4 ISO2000 3058:24 ISP 3131:24 3133:13 issue 3060:8 3073:17 3105:9 3111:20 3179:9 3188:20 issued 3133:8,9 3139:12,24 3140:10 issues 3135:17 3140:16 3142:4 3150:6 3158:18 3169:6 3180:23 3190:1 issuing 3187:22 3193:13</p>	<p>item 3159:22 3170:9 3172:23 items 3152:19 3166:12 3166:14 ITIL 3058:23 3108:20 3108:23 3109:1,6,8 3109:10,12,17,20 3111:6 3112:2 ITSM 3109:8,11 it's 3077:23,25 3078:3 3079:2,18 3080:2 3081:2,19 3086:23 3098:14 3102:3 3103:10 3111:19 3121:8 3125:14 3147:13 3150:14 3151:13,20 3152:7,7 3153:22 3154:8,25 3155:20 3156:19 3158:14 3159:8,22 3160:9,19 3161:19 3163:13,19,20,20 3165:6,16,25 3166:1 3167:4,5 3168:15 3169:3 3171:23 3187:25 3188:1 3189:8,8 3192:21 3194:2,2,21 3197:20 3198:23,23 3199:16 I'd 3091:3 3147:10 3155:21 I'll 3079:23 3119:16 3197:10 I'm 3080:10 3088:10 3090:4 3095:2,23 3098:12,14 3102:1,8 3102:14 3103:8,14,15 3103:17 3107:11 3121:9,10 3144:18,23 3145:14 3146:16 3153:1 3154:1,23 3155:13,18,22 3156:4 3158:14 3160:25 3161:7 3162:19 3164:21,25 3165:16 3166:20 3167:4,13 3172:8 3186:25 3191:1 3196:24 3197:22 3199:22 I've 3144:15,17,18 3155:21 3163:1 3165:8 3166:19 3167:18 3194:14</p> <hr/> <p style="text-align: center;">J</p> <p>ja 3085:10 3095:21 3096:25 3111:3 3121:16 3123:17 3134:19 3136:24 3142:23,25 3151:1 3155:17,20 3160:11 3162:3 3164:20 3171:6 3175:6 3176:2 3177:2 3181:24 3195:14 3200:4 3206:20</p>
---	---	---	--	--

<p>jam 3210:10,10,13 Java 3171:22 job 3057:16 3089:18,23 3090:16 3091:9 3092:3,5,21 3093:2 3093:21,23 3094:5,5 3094:8,12,12 3096:9 3096:20 3097:2 3136:25 3157:2 3160:10 3162:19 3178:3,3 3194:20 3200:6 3212:23 jobs 3085:6 3093:16 John 3070:18 joined 3056:16 3181:8 joining 3159:14 jokes 3186:24 journey 3100:6 3146:18 Judge 3056:3,6,15 3090:20 3096:1 3108:1,5 3128:17,25 3131:1 3141:19 3143:8,12,23 3144:9 3153:22 3174:20,24 3180:1,6,11 3186:19 3193:10 3194:2,10,22 3198:23 3200:3 3213:10,19 3214:3,7 judge's 3155:10 July 3125:4 jump 3075:2 junior 3088:9 3100:10 3100:10 jurisdictions 3183:2 justifies 3169:15</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>KAHLA 3090:8 3092:23 3094:18 3099:18 3100:7 3102:1 3103:14 3104:1 3105:9,14 3135:8 3136:2 3139:8 3143:19 3148:22,25 3151:24 3160:7,17,24 3177:4,9 3178:15,21 3178:25 3179:7,14,21 3206:11,14 3207:18 3207:21 3208:13 3210:19 KATZ 3092:12 3096:19,22 3097:3 3129:18,25 3130:8 3131:1 3148:14 3155:9 3158:2,5,8,11 3199:12,22 3200:18 3200:21 3201:6,8,12 3201:15 3202:2,5,7 3205:14,19,21,23 3206:8 3212:8 keep 3058:3,5 3075:20 3076:15 3077:22 3106:21 3123:16 3157:23 3158:21 keeping 3151:14</p>	<p>3157:24 3159:10,13 3160:21 3161:12 3165:20 3170:16 3177:7 kept 3130:21 3146:1 key 3108:24 3151:8,10 3183:3 Khumalo 3094:22 3095:4 kicked 3084:18 3093:4 3109:10 kilometres 3121:1 kind 3066:16 3067:24 3071:25 3136:11 3154:18 3168:25 3178:6 3211:22 kinds 3066:25 3074:6 knew 3100:17 3187:8 know 3056:8 3071:14 3082:16 3083:13 3084:12,16 3085:18 3086:10,14 3087:10 3091:14 3097:18 3101:23 3103:10 3114:11 3115:8 3118:2,12 3119:21 3125:25 3126:12 3131:4 3133:17 3137:2,7 3138:1,3 3140:2,4,22 3141:17 3141:19,21,22 3142:12,16 3146:19 3146:21 3148:19 3149:10,18 3150:13 3162:21,23 3164:1 3165:11 3172:15,17 3173:3,17,21 3176:19 3178:20,20 3182:2 3183:21 3185:9 3186:9,13 3193:13 3194:24 3195:11 3196:22 3200:14 3208:16,17,19,23 3212:17,21 3213:16 3213:23 Knowing 3208:10 knowledge 3100:11,20 3102:13 3106:10 3133:10 3145:24 3147:14 known 3084:15 3100:21 knows 3194:25</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>lab 3171:10 lack 3134:14 3149:6 lackadaisical 3211:18 lacking 3150:10 laid 3149:24 land 3112:25 3113:3 landscape 3058:13 3059:25 3062:8,12 3064:1 3065:1,7,21 3065:23,25 3076:6 3078:6 3081:20,22</p>	<p>3097:15 3102:25 3105:17 3110:22 3112:17 3113:24 3119:19 3120:12,16 3127:22 3132:24 3139:17 3141:3 laptop 3068:8 3172:22 laptops 3076:9 large 3064:7 3074:10 3136:16,17 3207:17 larger 3070:24 3120:18 lay 3077:5 3102:5 layers 3083:23,23 3126:20 LBC 3066:15 lead 3176:8 leaders 3211:20,23 leadership 3131:7 3141:10 3157:5 3160:8,9,19 3161:1,5 3161:6 3163:24 3165:1,3 3168:15 3172:2,5 3180:25 3185:5 3188:24 3193:23,24 3194:3 3198:10 3199:2 3201:3,18 3202:17 3211:14,15,17 3212:9 3212:12 learning 3170:21 learnings 3132:22,25 3171:21 lease 3077:3 leave 3103:4 3128:14 3147:24 leaves 3199:17 3209:3 led 3169:21 left 3056:24,25 3057:10 3057:14 3078:8 3082:5 3095:13 3105:11 3128:13 3131:10 3140:12 3142:19 3194:5 leg 3089:3,24 3118:5,7 legal 3134:6,19 3135:20 3135:21,23 3138:9 3140:7 3190:1 3205:15 legislation 3069:23 3081:1 3082:7 lesser 3130:6 let's 3120:25 3152:16 3155:24 3164:7,8 3170:14 let's 3079:23 3115:3,20 3136:9 3138:23 3175:9 3205:19 level 3061:10,11 3062:9 3068:4 3081:13,15 3084:23 3086:1 3089:25 3091:5,8,15 3091:16,20,20,23,25 3092:10,20,20 3093:7 3093:9 3094:16 3105:7 3108:24 3109:2,12,13 3110:20</p>	<p>3111:8,8,13,14 3112:2 3115:19,20 3131:15 3152:23,25 3154:18 3156:16,17 3165:1,3 3169:11 3172:18,24,24 3173:4 3173:5 3175:9 3176:4 3190:14 3191:15 3192:24 3194:17 levels 3108:25 levity 3205:15 licence 3079:2 license 3070:3,15,24 3078:23,24 3079:1,1 3079:6,9 life 3152:10 3174:1 lifecycle 3059:19 3075:9 3076:5 3077:15 lifespan 3075:11,11 light 3198:4 lights 3157:23,24 3158:21 3160:21 3161:12 3165:20 3177:7 3207:11 likes 3164:7,9 lily 3122:19 limitation 3116:2 limitations 3188:19 limited 3092:8,9 3113:11 3114:15 3118:15 3181:23 line 3063:7 3073:6,7,10 3115:25 3159:7,22 3193:25 3201:9 3204:18 3210:17 lines 3116:1 3117:10 3129:21 3131:22 3159:22 link 3116:16 links 3114:22 list 3115:3 3160:22 3179:22 listening 3130:20 3140:15 3191:8 little 3091:14 3158:14 3171:15 3204:20 locally 3082:8 long 3072:13 3095:2 3096:3 3126:12 3132:6 3138:3 3194:5 3206:5 3210:10 longer 3075:23 3115:8 3188:25 3200:15 3210:9 look 3059:21 3060:24 3064:13 3067:7 3068:14 3071:8 3074:14 3077:20 3083:25 3084:1 3099:24 3103:23 3108:12 3113:13 3114:20,20 3136:14 3139:6 3141:14 3159:22 3165:10 3170:23,24 3171:18</p>	<p>3174:2 3184:21 3190:6,17 3193:18 3194:4 3197:2 3208:7 looked 3058:14 3064:4 3073:11 3103:17 3104:24 3105:1 3120:21 3133:1 looking 3096:17 3127:15,16 3171:19 3171:20 3173:24 3190:19 looks 3117:18,19 3181:13,15,25 3197:3 lose 3186:4,5 lot 3078:5 3082:15 3104:21 3116:8 3121:8,11 3123:11,12 3123:12 3125:8 3128:16 3129:7,19 3130:2 3156:4 3158:10 3160:14 3168:9 3177:17 3192:12 3194:14 3200:13 3201:23 3206:16,18 loud 3178:11,16 3179:1 3179:3,4 love 3212:3 lovely 3153:22 3164:23 3164:24 low 3099:23 3103:6 3104:10,14 lower 3110:4 3111:24 loyal 3097:22 lunch 3143:13</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>machine 3142:17 3170:21 3171:21 machinery 3163:18 main 3064:6 3106:19 3181:17 mainframe 3115:10 maintain 3058:12 3076:3 3077:10,14,18 3079:4,6 3080:23 3127:18 3141:2 3192:10 maintainable 3082:5 maintained 3066:8 3075:24 3079:9 3192:11 maintaining 3070:5 3075:18 3078:24 maintenance 3062:16 3075:7,23 3080:17 3081:8 3082:10 3129:12 3130:20 3192:5 major 3065:22 3066:20 3066:20 3068:1,2 3127:10,21 3128:6 majority 3136:3 making 3067:25 3070:3 3082:11 3119:5 3124:3 3126:15,18</p>
--	--	--	---	--

<p>3154:3 3159:3,5,9 3176:14 3181:17 3204:14,14 3210:20 3210:22 manage 3059:1,2,17 3061:2 3064:18 3065:8 3077:21 3105:6,7 3112:20 3145:2,3 managed 3070:19 3073:11 3110:9 3131:20 3132:4,11,17 3136:17 3137:13 3191:3 management 3058:20 3058:21,23 3059:4,15 3059:17,23 3060:2,9 3060:10,12,13,23,25 3061:13,24 3063:15 3064:23,24 3065:5,15 3066:1,1,4,6 3067:4 3070:23 3083:24,25 3109:11,16 3110:6,9 3121:25 3122:17 3124:1 3126:10 3132:4 3168:12 3191:15 manager 3097:8 3144:16,18 3194:16 3198:2 managerial 3197:13 managers 3067:5 3101:11 3188:23 3194:19 managing 3060:21 3109:15 3132:23 3159:23 3195:21 Manco 3065:15,19 3066:3 3067:24 3068:22 3069:3,9 3070:7,12 3071:3,13 3071:13,24 3074:13 3075:1 3123:21 3124:8,8,8,17 3126:3 mandate 3058:20 3061:8 3069:19 3090:5 3114:3,4 3131:13 3171:12,17 3183:18 3194:1 3197:22,22,23,23 3198:5,6 3206:5 3209:12 3211:11 mandates 3121:14 manifest 3151:5 3154:16 manifesto 3149:24 3152:2,7,17,17,18 3174:1 manner 3150:18 3151:6 manual 3183:19 Manufacturer 3075:14 March 3127:19 marked 3139:3 market 3068:13,14 3073:16 3131:16</p>	<p>3132:19 3133:6,22 3136:24 3137:11,20 3138:5 marking 3139:2 MASILO 3095:12 3138:9,13 3139:25 3142:11 3143:4 3156:9,22 3157:17 3158:16 3165:21 3166:8,17,25 3208:16 massive 3208:25 material 3137:24 materialises 3182:18 matter 3073:24 3124:18 3134:5 3137:8 3139:4 3191:18,24 3193:22 3194:2 3200:9,11 matters 3125:13,16,16 3174:19 mature 3112:2 3122:18 3126:13,14 maturity 3098:13 3108:24,25 3109:2 3111:13,14 3122:13 3122:14 mean 3062:10 3067:9 3074:24 3077:17 3078:17 3080:6 3090:18,21,25 3096:24 3101:22 3115:22 3117:7 3129:2,3,9 3141:6,20 3142:12,16 3145:10 3151:17 3154:1 3175:7 3182:16 3202:10 3206:15 3207:25 3213:16 meaning 3131:21 means 3077:20 3173:18 3173:22 3177:25 3185:2,2 3186:9 3192:25 3196:1 3198:12 3199:15 meant 3072:14 3074:4 3075:8 3117:1 3168:14 3170:15 3181:25,25 3185:24 3190:16,25 3196:11 3198:1 3203:11 3209:24 measure 3062:7 3083:5 3103:23 3109:3 3118:22 measured 3061:10,14 3062:7,9 3105:5 3108:25 3110:2,7,24 3119:21 measurement 3105:10 measuring 3105:6,12 3111:25 3119:6 media 3172:10 medical 3136:25 meeting 3066:2,17 3067:4,7,10,14,18,20 3068:6,10 3070:9,12</p>	<p>3125:12 3203:23 meetings 3066:23,24 3067:1,24 3070:7 3101:1,19,22,23 3126:10 3135:16,23 3203:24 Megawatt 3066:2,24 member 3066:11 3073:23 3158:17 3178:19 members 3109:13 3124:6 3125:10 3134:2 3141:19 3182:23 memo 3197:25 memory 3062:6 3132:10 men 3211:8 mention 3082:10 3213:2 mentioned 3061:5 3062:8 3066:24 3076:21 3109:19 3169:19,22 3172:10 3173:10,15 3190:14 3193:11 3202:11,11 mentioning 3108:11 mere 3205:6 3212:13 3212:13,14 merely 3173:11 mess 3137:1 3146:10 met 3065:16,19 3082:4 3088:8 method 3173:23 methodology 3117:25 methods 3109:6 metrics 3129:23 metropolitan 3120:18 micro 3171:20 Microsoft 3109:15 middle 3092:3 3094:24 3182:20 midterm 3157:13 Milieu 3109:18 million 3122:23 3127:17 3130:3 3167:3 3169:25 3175:10 millions 3153:9 mind 3103:11 3104:24 3114:25 3150:19 3155:23 3156:14 3187:5 3190:23 3199:18 3207:8 3208:22 3212:22 mine 3058:12 3125:13 3131:7 Minister 3154:16 3186:1 minor 3133:11 3137:23 minute 3082:24 minutes 3108:2 misnomer 3167:19 mitigate 3192:17 mitigating 3077:20 model 3075:15 3088:5</p>	<p>3091:18 3092:1 3093:15 3113:6 3157:1 3167:11 3181:22 3182:7 3184:10,12 3190:12 3191:6 3196:8,23 3202:17,20 3203:2,16 3205:16 3209:11 model's 3184:1 3202:23 modernisation 3057:3 3057:23 3058:11,17 3059:11 3064:17 3066:10 3069:15 3071:1,2 3072:6,10 3072:12 3079:15 3084:8 3086:7,19 3097:12 3104:21 3105:17 3117:20 3123:4 3129:11 3136:18 3168:11 3180:24 3183:11,14 3183:16 3184:7 3185:8,15,20 3186:15 3187:13,18 3188:7,9 3188:16 3189:1,3 3197:24 3200:23 3201:10,20 3202:8 3205:25 3206:3 modernisations 3058:8 3058:9 modernising 3067:12 moment 3204:9 money 3069:14 3074:11,13,15 3076:10,16 3082:15 3122:23 3127:8,9 3130:5 3152:20 3153:13 3158:20 3166:3 3170:7,9,11 3175:21 3177:24 3198:12 3199:1,24,25 3200:7,9,11,11,18 3201:5 3202:3 3205:7 months 3127:19 3130:12 3132:13,14 3132:17 3192:21 3210:17,17 moot 3159:24 moratorium 3086:6,8 3086:13,16 3185:20 3186:17,18 3188:8 3189:2 morning 3056:3,5,6 3092:13 move 3057:20 3075:6 3093:15,22 3096:12 3096:14 3104:5 3106:11 3108:6 3112:6 3117:14 3124:25 3126:22 3130:24,25 3145:17 3167:10 3170:13 3189:7 3196:15 3197:4 moved 3057:8 3091:8</p>	<p>3115:12,13 moving 3063:14 3064:16 3079:12 3086:5 3106:7 3110:25 3119:3 3120:3 3121:18 3123:3 3126:1 3157:25 3161:11,13 3162:20 3178:13 Moyane 3094:23,25 3095:5 Mtshali's 3198:8 Mtshali's 3203:10</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>name 3097:10 3188:7 3188:10,13 3213:2 names 3073:3 3133:12 naming 3131:18 narrowed 3196:2 National 3154:15 3175:20 3176:5 nature 3085:16 3112:13 3114:4 3160:3,3 3162:19 3170:22 3201:25 3208:25 NBAG 3140:4 necessarily 3102:4 3113:18,19 3124:7 3163:14 3190:7 necessary 3073:2 3074:5 3122:20 necessitated 3189:9,12 3197:4 need 3057:9 3065:6 3068:6 3072:4 3073:21 3076:10,10 3077:18 3078:1 3079:3,11 3080:12,12 3080:14 3081:3 3082:11 3083:4,5 3090:5 3092:4 3098:12 3102:23 3113:2,4,4,17,22 3115:22 3116:8,19,20 3116:22 3118:11 3120:7 3121:3 3122:12 3125:11 3128:2 3137:3 3140:17 3150:13 3157:14 3165:21 3170:7 3174:13 3185:7,22 3187:16 3188:20 3191:2 3193:16 3194:20 3195:10 3199:5 3200:17 3206:19 3209:4 3213:11 needed 3058:10 3072:12 3074:6 3085:20 3097:23 3103:4 3113:3 3124:19,25 3129:21 3132:7 3134:10 3168:2 3184:17</p>
---	---	---	---	--

<p>3188:4,5 3189:17,25 3194:7 3195:20,24,24 3196:12 3198:4,4 3199:6 3200:7 3201:4 3201:22 3203:12,13 3204:20 3206:7 3207:9,10 3208:23 needs 3081:20 3098:13 3113:21 3114:2 3119:7 3120:8 3125:12 3178:5,11 3191:3 3192:10 3194:1,4 3206:6 3211:14 negative 3185:23 3207:4 negatively 3212:2 negligible 3184:21 negotiations 3110:16 3110:17 Neither 3110:18 3191:24 nervousness 3123:12 net 3203:15 3210:14 network 3073:10,11,12 3073:13 3076:7 3113:10,11 3114:21 3114:22 3116:12,16 3116:18 3117:10 3131:20,22 3132:11 3196:4 networks 3063:22 never 3085:1 3088:4 3120:24 3127:2 3130:4 3133:7 3152:12 3184:23 3196:16,17 3203:5 new 3060:15 3061:21 3073:6 3074:5,5,21 3087:23 3089:18,19 3090:16 3091:18 3092:14,16,18 3093:15,16 3094:14 3095:7 3096:23 3115:9 3120:22 3126:16,17 3132:23 3133:12 3136:12 3137:3 3161:4 3164:6 3164:17 3165:4 3167:11 3168:4,17 3170:17 3182:7 3184:24,24 3187:21 3188:10 3189:20,21 3190:11 3191:6,12,13 3191:15 3192:3 3196:23 3197:11,13 3203:2 news 3187:2 newsflash 3186:15 NG 3067:17 night 3092:3 3145:5 3182:20 3192:2 nightmare 3178:2 nobody's 3177:4 noise 3176:14,18 non 3202:2</p>	<p>non-implementation 3202:5 normal 3068:23 north 3069:18,19 Northern 3120:25 3139:18 note 3157:7 nothingness 3164:18 nothing's 3162:15 Nowadays 3115:14 number 3062:14,17 3065:7,7 3072:12,16 3074:18 3075:15 3076:19 3087:17 3091:24 3097:19 3098:6,6,8 3099:5 3102:21 3110:10 3114:20,21,21 3116:10 3118:21 3125:6 3157:13 3159:21 3166:14 3173:6 3193:20 numbers 3062:6,20 3074:12 3110:13 3111:16</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>objection 3085:18 objections 3088:16 3089:6 3148:10 3182:5 3202:20 3204:15 objective 3183:22 3184:1 3202:18 3203:24 objectively 3103:24 objectives 3151:4 3183:9 3202:23,25 obliged 3056:9 observation 3117:24 3119:20 3120:11 observations 3108:19 3121:16 obvious 3167:7 obviously 3061:12 3067:7 3068:23 3076:12 3077:1 3086:25 3104:10 3107:8 3132:24 3139:20 3140:16 3186:3 3190:14 3209:13 occupy 3195:13 occurrence 3163:4 October 3056:1 3193:19 OEM 3075:12 3077:14 3077:16 office 3063:6 3064:9,9 3064:24 3067:4 3070:23 3071:1,6 3072:10 3073:6,7 3078:19 3094:23 3112:21,22,23 3113:21 3114:13 3115:19 3117:6</p>	<p>3165:2 3188:17,21 3209:11 3213:21 officer 3073:22 3094:15,18,23 3095:1 3095:5,7 3134:4 3150:1,2 3153:2,3,17 3158:17 3161:2 3163:25 3167:22,25 3170:10 3172:9,15 3178:6,7,8,16,18,21 3178:23 3179:8,12,23 officers 3148:23 3152:25 offices 3066:6 3113:15 3113:15,22 3115:24 3116:9 3118:14 3131:23 offline 3116:15 Oh 3099:1 3117:11 3167:17 okay 3060:21 3074:22 3085:25 3108:3 3117:15 3121:15 3143:19 3144:20 3152:13 3155:3,8 3169:24 3175:9 3176:13 3177:3,9 3180:8 3189:23 old 3092:16 3093:2 3123:21 3124:16 ombud 3193:19 omelette 3193:16,17 once 3068:22 3139:23 3149:15 3174:5 3211:23 ones 3144:23 3181:17 ongoing 3058:12 3071:4 3080:17 3081:7,8 3082:7,10 3083:17,17,19 online 3078:20 onwards 3199:8 oops 3209:2 open 3091:20 operate 3096:11,13 3116:13,17 3131:9 operating 3088:5 3091:18 3092:1 3093:15 3109:15 3157:1 3167:11,21 3169:10 3177:13 3181:22 3182:7 3184:1,10,12 3190:12 3191:6 3196:8,23 3202:17,20,23 3203:2 3203:16 3209:11 operation 3057:25 3096:8 3098:14 3102:24 3117:19 3122:16 3123:14 3129:9 operational 3084:3 3097:6 3117:22,22 3131:8 3174:3,18,25 operations 3057:1,9,23 3057:24,25 3059:13</p>	<p>3072:13 3083:18,21 3098:21 3099:22 3167:25 3169:23 3183:6 opinion 3135:20,22 3140:1,5,7 3147:25 3151:18 3154:11 3160:12 opinions 3134:6 3135:23 3136:2,5,6,8 3138:10 opportunities 3058:14 3096:18 opportunity 3149:15 3186:5,6 opposed 3094:15 3140:5 ops 3108:23 3111:13 OPSCO 3066:10,17 optimisation 3150:16 optimise 3150:12 option 3120:23 3132:13 3132:16 3175:12,12 3175:13 optional 3207:8 order 3058:16 3059:23 3060:25 3069:21 3073:10,25 3077:10 3079:6,10 3080:1 3083:19 3090:6 3098:9 3106:1 3114:3 3119:7 3124:25 3126:5,6 3127:5,18 3132:18 3141:2 3152:17 3167:3 3198:18 3204:2 orders 3127:6 Ordinarily 3152:1 organisation 3058:3 3081:15 3084:11 3085:8 3098:13 3104:20 3118:22 3119:6,7,9,23 3129:10,20 3130:21 3140:17 3141:1,2,12 3154:4,17 3155:23 3156:6 3159:7 3160:14 3163:15 3177:21 3194:24 3206:25 3211:10,13 3211:20 organisational 3087:24 3088:5,22 3092:5 3094:11 3126:1 3141:8 3142:4 organisations 3081:16 3081:16 3118:2 3159:15 organogram 3158:5 original 3075:13 3133:14 ostensibly 3177:7 ought 3158:23 3159:1 3159:21 3160:2 3161:13 outage 3063:5 3110:6</p>	<p>outcome 3072:1 3098:4 3099:7,22 3103:7 3104:6,8 3110:24 3126:21 3140:8 3191:23 outcomes 3111:21 3151:3 3170:24 output 3204:19 outside 3077:15 3111:18 3123:6 3124:15 3169:10 outsource 3138:20,25 overall 3078:13 3117:23 3154:4 overarching 3069:12 overcome 3140:13 oversight 3068:4 3071:22 3075:4 3152:25 owned 3164:6 o'clock 3108:2</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>pace 3061:21,21 3072:5 3085:4,8 3159:12 pack 3179:22 package 3070:21 packaged 3080:1 3136:23 packages 3079:22 3080:8 page 3187:11 3189:8,24 3191:5 3195:3 3211:2 paid 3130:1,4 3148:1 3198:12 3205:16 pain 3186:24 painful 3207:7 3210:4 pains 3176:2 painted 3212:16 painting 3184:2 panel 3073:19,19,23,25 panel's 3128:4 paper 3062:2 3109:24 3114:20 3125:12 3144:23 3145:11 3149:22 3155:15 3157:10 3164:24 parachute 3078:8 paragraph 3187:11 3189:24 3190:5 3191:5 3195:3,12,14 pardon 3158:25 park 3066:2,24 3205:21,22 parliament 3157:7 part 3057:23 3075:7 3089:20 3090:16,18 3090:21,23,25 3104:6 3105:4,17 3106:3,4 3110:22 3111:11,12 3117:4 3135:20 3136:19 3138:24 3142:25 3159:8 3168:18 3172:25 3192:14 3195:20 3199:21 3212:6</p>
--	--	---	--	--

<p>partially 3197:9 participated 3148:8 participating 3150:20 participation 3148:9 particular 3057:13 3084:7 3087:9 3196:18 3199:21 3200:10 particularly 3057:18 3067:22 3167:10 parties 3135:11 partners 3066:7 3196:5 parts 3106:17 3107:7 3120:23 party 3168:19 3183:1 pass 3166:22 3169:14 3171:13,14,17 3176:6 passage 3141:18 passed 3086:4 passengers 3178:12 passion 3212:3 passionate 3179:13 3211:11 pat 3082:24 patch 3076:1 patches 3064:3 3079:10 Paul 3195:8,12 3196:21 3196:22 3197:3 pause 3111:2 3114:1 3118:8 pay 3150:4 3156:21 3175:22 paying 3071:10 3205:13 PC 3068:8 peer 3117:25 3118:3 3119:8 peers 3118:9,12 3119:1 people 3063:10,10,12 3065:6 3066:3,24,25 3079:25 3085:4,4 3088:8 3093:13,20,22 3097:25 3098:6 3100:9,13,19 3113:21 3121:2 3124:17,21 3128:14,16,19,20 3132:21 3134:14,16 3134:18 3135:15,19 3136:13 3142:4,6,18 3142:19 3145:4,4 3157:25 3159:21 3164:12 3170:4 3184:25 3191:16 3194:3,20 3195:10 3199:7 3203:4,11 3206:16 3207:1,10 3211:10,11 3212:23 3213:14,22 people's 3085:6 3148:23 people's 3212:2,2 percentage 3117:23 perception 3211:17 perform 3057:19 performance 3157:12 performed 3099:4</p>	<p>performing 3111:7 period 3057:3 3062:21 3064:18 3072:18,22 3073:2 3075:15,17,20 3075:24 3078:3 3079:15 3083:1 3085:9 3091:13 3095:2 3097:7 3125:25 3127:19 3194:5 permanently 3181:9 perpetual 3079:1,6 perpetuated 3211:19 person 3063:6,7 3078:20 3097:11 3105:21 3167:23,24 3177:21,22 3193:14 3194:2 3206:21,22 3207:13,14 personal 3141:10 3193:1 3208:22 personally 3154:1 persons 3102:5 perspective 3058:9 3104:25 3105:2 3113:17 3150:17 3170:5 3183:18,25 3184:9,20 3185:22 3201:2 3203:22 3204:3 perspectives 3184:22 3185:13 pertaining 3088:17 3096:9 phase 3106:25 3107:1,7 3107:20 3121:19,21 phenomenal 3159:11 picked 3121:11 3135:18 picture 3082:18 3087:20 3184:3 3185:22 3212:16 piece 3060:15,16 3075:17,19 3114:20 3123:2 3125:11 3129:10 3130:5 3137:5 3157:9 3164:24 pieces 3145:11 pile 3213:20 Pink 3109:19 pipeline 3059:23 3210:5 place 3058:10 3059:21 3071:8 3072:15,25 3074:4,8,24 3082:25 3096:10 3123:13 3124:15 3127:5 3137:14 3152:4 3154:25 3163:21,22 3185:4,24 3191:3 3196:17 3209:5 placed 3072:19 3086:6 3188:19 places 3113:13 placing 3073:9,25</p>	<p>3140:22 plan 3077:11,12 3152:9 3152:9,12,19 3156:24 3157:12 3161:22,22 3165:24,25 3166:5,6 3166:9,11,13 3170:8 3170:9 3171:1 plans 3185:24 platform 3070:5 3080:17 3081:8 3082:3 3182:25 play 3081:5 3082:14,14 3171:23 played 3185:16 3187:19 playhouse 3158:14 playing 3116:6 3171:18 3171:24 playpen 3172:22 plays 3183:4 please 3090:8 3145:20 3151:9 3155:2 3163:5 3169:21,23 3177:18 3181:3 3211:4 pleasure 3143:8 3180:15 3214:3 pockets 3120:6 3196:9 3196:12 point 3057:5 3064:5 3067:13 3070:14 3071:18 3074:13,16 3076:8 3077:24 3078:1 3081:25 3083:1 3085:9 3086:19 3088:8 3089:19 3091:24 3093:5 3098:3,23 3104:18,20 3105:7 3106:9 3109:24 3111:5 3112:18 3115:23 3117:14 3119:5,14 3120:4,13 3121:10 3122:20 3123:14 3127:13,15 3128:24 3132:25 3134:10 3136:20 3146:18,23 3148:20 3148:21 3149:1 3160:15 3162:9 3167:22 3171:24 3174:25 3179:17 3193:3 3194:22 3196:14 3205:11 3210:19 pointed 3108:13 police 3188:10 policing 3202:24 policy 3152:15 3172:11 3173:15 poor 3061:12 3098:5 port 3064:10 3112:24 3112:24 portfolio 3075:8 3096:22 3097:4 3159:8 portion 3161:17</p>	<p>3187:12 position 3056:23 3057:8 3061:16 3085:23 3088:12,16 3089:15,19 3091:23 3091:24 3092:7,16 3093:9,13,14,16,22 3095:13,17,20 3096:24 3097:7 3100:5 3136:3 3158:24 3159:2 3195:13 3212:9 positions 3089:20 3090:11,13 3091:17 3091:19,25 3092:7,9 3093:6,10 3128:20 3142:5 post 3064:10 3078:20 3095:2 3114:19 3115:18 3116:18 3188:8 3209:10 posts 3116:14 3118:14 3197:15 posture 3104:19,20 potentially 3193:6 3201:1 power 3064:14 3194:18 3194:19 practically 3184:18 3196:19 practice 3109:3,6 3111:5,15 3112:3,3 practises 3178:9 pre 3096:23 precise 3188:6 precisely 3169:16 prepared 3071:17 3110:19 3134:4 present 3068:6,18,21 3125:6 3126:7 3150:20 presentations 3126:5 presented 3071:17 3125:2,4 3150:3 presenting 3124:14 presume 3096:24 presuppose 3154:13 pretty 3089:7 3147:21 prevent 3061:17 3076:23 previous 3071:9,11,15 3182:17,22 3184:1 3185:11 3189:19 3190:11 3192:9 3201:23 3209:9 previously 3062:8 3070:16 3119:14 3124:8 3136:24 3139:17 3209:1 price 3078:1 primarily 3066:17 3079:15 primary 3061:15 3151:3 principles 3069:9,13 3071:25 3196:8</p>	<p>Print 3132:5,17 prior 3057:2 3134:22 3134:23 3140:5 priorities 3070:2 3074:15 3076:13 3083:6,6 3124:10 3157:20,21 3165:13 prioritisation 3170:11 prioritised 3085:16 3122:21 3164:17 3166:14 priority 3069:21,21 3071:18 3153:7 3157:22 3158:20,20 3159:25 3160:6,9 private 3077:4 3174:6 privy 3146:12 3154:13 3157:21 probably 3081:18 3118:18 3149:5 3185:14 3201:3 3204:16 3206:3 3210:1,3 problem 3075:22 3083:15 3105:1 3127:23 3134:1 3146:11 3150:10 3161:3 3162:23 3185:1 3189:16 3190:23 3191:1,21,22 3194:3 3199:17 3205:13 problematic 3062:18 3120:9 problems 3059:1 3114:12 3150:6 3154:12 3182:21 3185:3 3201:1 3212:14 procedures 3111:6 PROCEEDINGS 3056:1 processes 3059:8 3060:6 3071:23 3072:4 3084:1 3104:23,24 3105:4 3108:24,24 3111:13 3112:2 3126:14,17 3128:21 3131:8 3157:5 3170:23 3197:1 processing 3182:4 procure 3073:12 3136:13 3137:11 3141:1 procurement 3068:5,9 3068:23,24 3069:1,2 3069:5,10 3070:14,15 3070:17,21,22 3071:4 3071:20,23 3072:9,11 3072:15,17,19 3073:17,22 3074:2,4 3074:5,11,14,23 3125:19,19 3127:3,5 3134:4,9,14,18 3136:13,16,19,21,23</p>
--	---	---	--	---

<p>3137:9,15,17 3140:21 3169:8,10,16,22 3178:7 3182:16 3185:3,4 3190:1,11 3190:22 3191:2 3200:12 3210:4 procurements 3069:4 3069:10 procuring 3136:25 produced 3106:14 3108:9 product 3183:7 production 3059:25 3062:16 3110:11 3182:19 3187:18 3192:4 PROF 3092:12 3096:19 3096:22 3097:3 3129:18,25 3130:8 3131:1 3148:14 3155:9 3158:2,5,8,11 3199:12,22 3200:18 3200:21 3201:6,8,12 3201:15 3202:2,5,7 3205:14,19,21,23 3206:8 3212:8 professional 3122:4 3123:17 professionally 3098:1 Professor 3200:25 3212:11 program 3067:4,5 3070:23 3071:3 3072:12 3086:19 3180:24 3183:11,14 3183:16 3184:5,6,7 3185:9,10 3188:17 programme 3057:23 3058:3,8,9,11,18 3066:1 3104:21 3105:18 3117:20 3188:21 3200:23 3201:10 3205:25 3209:11 progress 3072:5 3082:19 3089:4 3130:24 3157:16 3204:5 progression 3095:10 prohibitively 3116:4 project 3064:22,23 3065:5 3066:1,4,5 3071:25 3084:18,20 3085:20,23 3121:23 3149:12 3188:7,23 3198:2,3,3 projects 3064:18 3065:1,9 3085:15,24 3086:7 3121:19,20 3173:10,14 3182:17 3182:18 3185:18 3192:4,15 3209:13,23 3210:22 promises 3185:25 proof 3116:21 proper 3145:9</p>	<p>properly 3072:7 3114:10 3200:6 proposal 3145:3 3159:17 proposed 3191:13 proposing 3098:23 provide 3058:6 3103:19,21 3140:1 3168:15 3183:22 3185:6,7 3192:1 3195:24 3199:6 3208:6,7 provided 3084:19,22 3085:13 3086:2 3097:10 3098:10 3103:5 3107:14 3132:1 3166:5 provider 3058:4 3073:11 3075:12 3138:22 providers 3073:3,19 3119:3 3120:3,5 3121:4 provides 3131:22 3132:1 providing 3103:18 3104:4 3109:17 3184:14 3185:16 3197:18 3200:15 public 3174:6 3213:23 3214:1 published 3088:7 purely 3113:16 3183:18 3195:20,25 3196:2 purposes 3144:9 pursuing 3158:3 put 3058:10 3072:25 3085:13 3099:10 3101:3 3110:13 3112:11 3114:17 3120:25 3125:8 3152:4 3163:24 3175:9 3176:13 3185:20 3186:16 3189:1 3190:16 3191:3 3192:15 3200:12,24 3204:12 putting 3188:23 puzzled 3153:15 Python 3171:22</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>qualification 3109:12 3109:13 qualifications 3122:6 qualify 3079:6 quality 3085:14 3110:24 3111:24 3126:21 quantity 3137:6 quarter 3095:20 3143:14,16,18 question 3062:25 3069:17 3071:9 3079:18 3084:3</p>	<p>3088:12 3091:13 3092:12 3093:18 3099:9 3100:24 3101:19 3102:23 3115:17 3130:23 3133:16 3138:19,21 3138:22,23 3141:7,9 3141:23 3142:22 3149:10,21 3151:20 3154:12,22 3155:10 3158:3 3167:14 3174:21 3175:3,6,21 3177:10 3186:11,23 3189:9 3196:21 3198:14 3199:22 3201:8 3210:11 3213:8 questioned 3098:7 3118:2,3,8 questionnaire 3098:9 3099:4,6,11,11 3101:13,15 3102:3,10 3102:15,20,20,21 3103:16,19 3138:16 3138:18 questions 3068:20 3071:12 3088:13,13 3088:15 3102:8,9 3104:12 3126:6 3138:21 3139:1,3 3142:9 3143:11 3148:10 3156:11,15 3156:20 3163:24 3179:25 3180:5 3195:11 3199:17 3203:8 3209:21 3212:20 3214:5 queues 3063:10 quick 3114:22 quickly 3178:9 3187:9 quite 3095:2 3106:22 3137:4 quorum 3204:14 quote 3108:22 3120:6 3131:6 3193:14 quotes 3073:24</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>Rabie 3173:23 3182:18 raise 3088:1 raised 3089:7 3135:18 3135:19,19 3153:16 3158:18 3165:1,3,6,8 3172:5 3209:21 ran 3132:7 rand 3127:20,25 3200:1 ranks 3144:15 rapid 3072:5 rate 3062:13,17 3063:2 3071:11 3110:12 rational 3154:13 3157:21 3190:9 rationalise 3058:15 RDO 3202:16 reach 3077:24 3134:8</p>	<p>3176:4,5 read 3108:22 3109:1 3111:12 3119:21,24 3146:17 3187:12 reading 3108:10 3118:22 3146:5 reads 3120:5 ready 3056:2 3080:3 3090:12 3143:22 reaffirm 3103:2 real 3102:12 3161:21 realise 3211:23 reality 3111:20,25 3145:12 3191:19 really 3102:14,23 3103:2,7 3113:13 3114:10 3115:15 3117:17 3119:5,7 3137:14 3139:16 3145:10 3152:6,12 3157:22 3162:1 3171:15 3173:24 3174:16 3199:4,22 3207:12 3209:3 reapply 3089:17 3092:4 3093:23 reason 3057:14 3064:24 3084:15 3103:12 3110:5 3112:15 3113:1,25 3118:8 3127:12 3146:17 3163:17,19 3165:22 3189:15,16 3190:13 3192:13 reasonable 3085:7 reasons 3076:22 3086:12 3190:10 rebuild 3141:25 rebuilding 3141:20 rebuttal 3103:20 recall 3121:22 3193:14 received 3109:14 3149:3,4 3184:17 reclassified 3093:2 recognised 3086:21 recollection 3127:9 3134:1 3135:22,25 3138:18 3165:22 recommend 3169:25 recommendation 3114:6 3115:2 3133:23,24 3134:5 3136:8 3178:4 3196:7 3197:5 3198:11 3199:15,19 3205:4 3211:6 recommendations 3088:17 3106:19 3107:5,10,15 3121:24 3123:5 3177:11,15 3181:1 3197:8 3198:17 3204:23 3211:1,5 recommended 3109:17 3145:11 3163:6 3170:3 3195:19</p>	<p>reconcile 3111:15,16 record 3144:10 recover 3193:7 reduce 3074:18 3078:14 reduces 3078:13 reducing 3151:11 redundancy 3062:11 redundant 3117:4,7 3176:9,11,20,22 reengineering 3104:22 3105:5 refer 3112:19,19 3187:10 3189:23 3190:6 3191:7 3195:2 reference 3087:12,18 3109:19 3121:12 3136:4 3154:3 3179:9 3187:13 3188:25 referred 3109:17 3191:4,5 3202:16 referring 3110:14 3144:22 3190:4 3197:22 refers 3119:24 reflected 3158:6 reflection 3176:3 refresh 3058:13 3070:4 3076:5,22 3077:6,9 3124:19,20 3125:2 3126:23 3127:2,10,21 3128:6 3129:12 3173:13 refreshed 3078:12 3174:14 refreshes 3126:24 3127:22 3128:7 regard 3166:20 3177:16 regardless 3061:20 3206:4 region 3127:17 regional 3064:7,8 3112:22 3115:20 3120:24 registration 3182:3 registry 3059:3 regress 3186:4 regressed 3193:3 regular 3076:22 3101:25 3126:24 3159:24 regularly 3067:1 3074:7 3078:12 3108:25 relate 3083:10,11 3131:12 related 3060:8 3126:23 3138:21 relates 3172:12 3195:4 3211:1 relating 3102:22 3180:24 relation 3100:7,12 3102:2,2,10 3210:21 relations 3095:1,10</p>
---	---	---	---	--

<p>3181:6 3182:9,12,21 3183:4,17 3184:9 3185:21 3189:21 3191:11 3197:12 3209:15 3210:12 3212:1 relationship 3195:21 relative 3208:14 relatively 3079:13 release 3059:18,22,25 3060:18,22 3061:12 3061:21 3065:13 3110:6 released 3195:24 releases 3059:1,11,17 3062:15,15,17,21 3064:2 3080:25 relevant 3067:23 3126:6 3146:3 3159:14,15 3170:6 3173:24 3174:4 reliance 3151:11 relies 3118:1 rely 3208:9 remains 3205:16 remediate 3128:1 remember 3062:14 3072:21 3084:10,18 3089:2 3095:4,5,6,8 3103:8 3123:25 3125:1 3127:6 3132:15,20 3139:6 3186:16 3188:15 3202:16 3209:23 remind 3110:9 3174:20 remote 3113:10,12 3114:13 3115:24 3116:12 3118:15 3121:5 remove 3078:7 3114:16 3196:9,12 renamed 3189:20 rendering 3171:19 renew 3079:3 3132:18 renewal 3070:3,15 renewals 3078:22,24 renewed 3133:8 renovating 3151:11 reorganisation 3057:18 repair 3078:2 repaired 3078:9 repeat 3062:24 3093:17 3109:25 3121:9 repeated 3091:22 3093:7 rephrase 3089:17 3201:8 replace 3074:18,19 3076:9,18 3078:3 3124:20 3136:20 3174:13 3178:2 replaced 3123:22 replacement 3123:23 3168:13 replacing 3178:1 report 3106:20 3107:7</p>	<p>3108:15,17,20,21,22 3108:22 3109:4,22 3110:14 3111:12 3112:12 3117:18 3118:5,23 3119:18,21 3119:24 3120:5 3121:11 3135:5 3157:8 3158:16 3182:9 reported 3097:7 reporting 3059:16 3094:12 3199:8 reports 3094:15 3112:10 3158:17 3189:13 3190:6,7 3193:18 represent 3067:6 3203:23 representation 3204:14 representative 3066:14 representatives 3066:5 3070:7,11 representing 3157:7 request 3107:22 requested 3203:22 requesting 3073:22 3146:20 requests 3204:16 require 3122:7 3188:2 required 3058:11 3065:4 3066:12 3068:4 3069:23 3074:2 3075:18 3081:1 3082:6,7 3113:15 3116:6 3193:9 requirement 3081:8 3093:1 3136:22 requirements 3060:24 3082:4 3196:3,3 requires 3152:24 3170:7,9,10 research 3150:19 3159:12 3173:1 residing 3195:16 resilience 3062:11 3078:4,5,7,13,15 3083:20 3113:11 3114:11,17 3116:24 resilient 3082:3 3116:11 3117:1 resource 3076:12 resources 3058:16 3152:21 3163:18 3182:15 3184:23,24 3197:4,21 3198:5,18 3198:22 3201:17 3203:12,13,21 respect 3145:20 3173:9 3177:12 respects 3192:13 responded 3103:1 3133:6 responding 3187:15 response 3097:15,19 3100:24 3101:1</p>	<p>3135:18 3141:9 3149:5,6,11 3150:1 3158:18 3165:9 responses 3101:3,15 3133:21 responsibilities 3144:21,23 3145:1 3181:20,21,23 3199:10 responsibility 3058:12 3064:12 3091:1 3096:10,14 3098:12 3100:18 3101:12 3125:15 3140:18 3152:14 3187:22 3207:15,15 responsible 3059:16 3060:21 3063:25 3066:21 3067:12 3070:4 3089:16 3090:19,22 3098:14 3099:25 3108:18 3117:18 3151:24 3166:11 3192:5 3196:22 rest 3062:16 3089:23 3125:18 3127:4 3139:1 restored 3116:18 restructure 3057:11 3093:6 3190:3 restructured 3063:21 3123:15 result 3107:12 3119:25 3122:14 3146:22 3198:13 3200:22 3201:18 resulted 3102:11 3103:5 3169:20 results 3184:2 3190:19 3210:18 resume 3143:17 RESUMES 3108:4 3143:21 retain 3093:15 3185:2 retaining 3184:24 retired 3094:24 3095:7 retirement 3130:15 retiring 3095:6 return 3130:12 3192:20 returns 3182:4 revealed 3089:1,5 revenue 3069:20,25 3083:11 3085:1 3119:23,25 3120:1 3122:17 3159:16 3160:21 3182:14 3210:18 reverse 3186:7 3193:12 revert 3125:16 review 3088:5 3117:25 3118:10 3135:4,6,6 3139:13 3140:8 3189:25 3203:14 3208:17,20,21</p>	<p>reviewed 3134:11 3137:21 3140:1,2,3 reviewing 3203:1 revise 3164:8 revisit 3159:6 rewrite 3120:20 rewriting 3133:4 rewritten 3146:25 re-established 3126:2 re-issue 3134:24 3135:2 3139:21 re-issued 3134:10,12 3135:4,7 3139:11 rhythm 3126:12 right 3059:7 3061:18 3068:13 3069:16 3074:16 3079:20 3081:23,24 3095:4 3098:15 3100:4 3101:7 3103:3 3109:23 3115:16 3129:23 3141:15 3142:4,5 3144:12 3148:19 3156:15 3164:18 3166:24 3176:20,22 3181:3 3185:4 3189:13 3193:22 3194:7 rigorous 3124:9 rise 3213:5,9,11,12 risk 3060:3 3061:1,6,7 3061:7 3075:21,21,24 3075:25 3077:21 3149:24 3153:16,18 3168:12 3175:17,18 3181:14,16 3190:12 3190:24 risks 3190:20 3194:24 3194:25 riveting 3207:7 roadmap 3152:23 3197:17,18,18 role 3057:21 3058:19 3059:13 3081:5 3082:14,14 3091:4,5 3092:13,18 3094:13 3094:14 3121:14 3131:14 3144:21 3147:1,16 3181:5 3182:10 3183:3 3185:16 3187:19 3197:11,17 3199:9 roles 3061:15 3092:24 3092:25 3148:23 3191:15 3197:13,13 roll 3076:11 3128:3 rolled 3062:18 rolling 3064:1 3076:5 3077:6,9 3128:6 room 3064:11 3082:20 3082:23 3083:10,15 3083:16 3114:18,24 3148:5 roughly 3062:12 round 3098:4 3099:6 3099:16,19,20</p>	<p>3131:18 3133:5 3139:2 route 3068:25 3069:1,3 3080:11 3210:16,16 rubber 3068:17 run 3168:6,7 running 3058:4,6 3072:13 3129:9 3131:5 3153:18 3167:19,24 3193:6 runs 3057:25 R10 3167:3 R250 3127:17 R4.25 3122:23 R500 3174:13 3175:10</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>sacrificing 3192:23 sake 3158:15 salaried 3130:15 SAP 3085:20 3144:16 SARS's 3061:7 3111:21 3112:1 3115:5 3116:24 3177:12 satellite 3116:3 satisfaction 3057:16 satisfied 3099:14,15,15 3104:8,10,12 satisfy 3068:19 3099:12 savings 3058:15 3084:2 saw 3089:2 3106:17 3108:15 saying 3074:23 3103:24 3114:2 3146:16 3161:10,12 3162:9,16 3162:20 3163:11 3164:13 3169:4 3171:25 3172:2,7,8 3173:10 3175:11,17 3176:14 3184:12,21 3186:15 3191:21 3193:18 3194:22 3199:20 says 3108:23 3109:1,4 3111:12 3114:23 3156:2 3161:7 3166:2 3169:25 3170:4 3172:23 3174:11,11 3174:12 3175:3 3189:3 3193:14,15 3212:15 3214:1 scenario 3116:6 3175:15 scheme 3179:16 scope 3112:14 3196:24 score 3103:6 3104:10 3104:13,14,15 3122:14 3139:3 scored 3099:22,23,25 3105:2 se 3188:3 second 3099:19,20 3104:6 3105:24 3109:22 3111:16 3118:8 3131:15 3172:11 3205:21</p>
---	---	---	---	---

<p>3213:1,2 secondly 3191:20 3197:12 second-hand 3086:4 secret 3146:1,22 3213:24 section 3117:15 3119:18 sector 3077:4 secure 3104:25 security 3075:25 3076:23 3079:8,10 3083:18,21,22,23 3098:3,18,19,20,21 3099:8,22,23 3100:1 3101:2 3102:6,13,22 3104:7,19,19,23 3105:4,6,12 3106:3,8 see 3087:11,18 3106:13 3107:21 3108:8 3111:7 3145:13 3149:15 3157:15 3159:6 3162:20 3166:11 3170:25 3173:7 3177:22,24 3184:15,18 3198:3,11 3198:13 3207:8 3211:12 3212:1,4 seeing 3174:12 3212:5 3212:14,15 seeks 3151:4 seen 3102:24 3112:5 3169:9,11 3213:23 segregation 3105:19 selection 3181:15 Sello 3143:23 3144:6 3198:8 Sello's 3196:14 semantics 3161:20 sending 3188:4 senior 3101:11 3144:17 sense 3058:4 3070:20 3097:13 3098:11 3118:4,6 3120:11,25 3146:13,15 3147:23 3151:22 3153:8,11 3161:8,8 3164:14,22 3168:20 3169:1 3174:1 3175:16 3190:12 3191:12,14 3192:15 3197:13 3199:19 3201:2 3202:21 3210:13 sensitive 3105:23 sent 3092:2 sentiments 3128:18 separate 3060:17 3064:23 3079:13 3110:16,16 separation 3167:11,15 3168:5 September 3056:18 3125:5 serious 3127:23 3128:8 3186:25 server 3063:24 3064:10</p>	<p>3073:14 3083:24 3114:18 3125:2 3127:6 3132:3,4,12 3172:22 servers 3076:7 3114:18 3114:21 3115:4 3117:12 3173:25 3174:13,17 3175:10 3175:14,17 service 3057:1,8,22 3058:4,6,20,21,23 3059:4,13,15 3061:10 3062:9,10 3063:5 3070:1 3073:3 3092:21 3096:25 3109:11 3110:19 3116:18 3119:3 3120:3,5 3121:2,4,25 3122:17 3133:1,3,3 3137:25 3138:20,22 3138:25 3174:5 3183:22 3184:17 3185:6 3192:1 3205:12 services 3057:12 3063:9,22 3073:11 3083:24 3110:17,18 3116:3,5,11,21 3131:20,21,24,25 3132:1,5,11,18,23 3133:13 3135:5 3136:10 3137:11 3171:20 3181:15 3182:23 3184:14 3195:24 3200:15 servicing 3120:8 sessions 3190:7 set 3058:22 3123:20 3130:9 3138:4 3195:18 3200:14 SETA 3073:15,15,22 sets 3195:16 seven 3072:14 3132:8 3132:22 3163:3,7 Shaik 3118:24 3128:18 3140:15 3183:24 shared 3106:20 3107:7 shedding 3125:14 shelf 3079:17,22,25 3080:11,15,20 3081:2 3081:17 3082:16 shock 3086:18 shocked 3185:12,13,14 3185:21 short 3057:25 3109:6 3111:5,15 shortage 3171:22 shortcomings 3202:13 shots 3168:1,1 showed 3099:7 shown 3089:19,24 3090:1,16,23 shrink-wrapped 3080:2 shutdown 3190:3 side 3106:8 3141:5</p>	<p>sign 3134:4 signatures 3125:11 signed 3155:4 significant 3066:21 3068:9 3074:12 3083:7 3086:20,25 3087:2 3096:8,9 3099:8 3106:2 3117:23 3129:10 3139:13,20 significantly 3110:4 3123:10 SILO 3187:10 similar 3060:13,22 3100:12 3118:1,13 3120:13 3131:23 3189:19 3197:23 3204:12 simple 3130:14 simplifying 3139:4 simply 3073:8 3136:6 3183:18 3204:23 single 3062:9 3064:8 3128:1 3130:17 sinister 3098:11 Sir 3180:15,22 3181:2 3184:6 3186:12 3189:11 3198:24 3200:20 sit 3125:9 3210:13 site 3064:9 3109:19 3112:20 3116:21 sites 3112:19,19,25 3113:10 3121:1 sitting 3127:23 3165:2 3186:14 3195:8 situation 3093:21 3211:13 size 3064:25,25 3129:10 3156:6 skill 3195:16,18 3200:14 skills 3081:6 3082:8,10 3184:25 3185:2 3195:6 3196:14,19 3200:16 3209:22 slide 3089:4 slightly 3127:14 slow 3129:12 3160:4 slowed 3123:10 3209:13 smaller 3080:3 3081:16 3118:19 3128:7 smash 3202:7 smooth 3077:7 software 3059:3,3 3060:17 3062:15 3064:1,2,3 3066:7 3072:11 3074:7 3075:18,23 3078:22 3078:23,24,25 3079:8 3080:1,19,24 3109:16 3117:20 solution 3080:1 3082:16 3178:5 solutions 3079:17</p>	<p>3081:17 3174:9 3182:19 3185:18 3212:15,15 somebody 3146:20 3178:1 3185:22 3206:5 soon 3148:10 sorry 3057:9 3060:18 3062:1,24 3089:17 3090:14,18 3094:3 3095:16 3104:11 3108:10 3111:1 3129:18 3151:17 3155:9 3156:9,10 3158:2 3159:19 3180:7 3182:13 3191:9 3200:18 3201:6 3205:14 3208:22 3212:17 sort 3168:25 3195:4 3203:1 sought 3136:5 3150:9 sounds 3129:15 3161:11 3176:16 3199:1 source 3203:12 sourcing 3070:23 3133:2,2 South 3080:8 3109:18 3159:16 space 3068:5 3099:8 3101:12 3102:14 3105:13 3113:2 3134:15,17,19 3137:17 3140:20 3144:18 3191:11 3193:6 3206:12 span 3145:4,4 spares 3075:16,22 3077:22,24 3078:9 speak 3133:9 3156:1 3157:23 3161:7 3164:10 3173:3,5 3174:8,15 3175:7,19 3179:3 speaks 3151:5 spec 3133:19 specialised 3136:18 specialists 3163:1,7 3194:20 specialities 3065:5 specific 3071:2 3072:18 3074:25 3075:17 3080:9,20 3081:18 3084:17 3085:19,23 3087:19 3088:13,15 3089:24 3104:17 3125:1,19 3135:18 3137:18 3138:16 3156:24 3199:17 specifically 3081:17 3084:14 3088:10 3089:1,16 3107:8 3134:3 specification 3140:9 specifications 3196:4</p>	<p>speculate 3143:2 speculating 3103:8 3161:7 spend 3069:14 3071:9 3071:15 3074:15 3076:17 3127:8,9,16 3127:24,24 3153:9 spending 3199:4 3205:7 spent 3123:2 3127:4 3129:7 3130:5 3153:13 3167:2 3202:3 spikes 3077:8 spoke 3064:2 3070:16 3076:14 3078:4 3080:24 3085:2 3109:9 3114:11 3121:8 3137:5,6 spoken 3121:25 3123:6 3126:25 sponsor 3148:18,20 sponsors 3149:2,12 3202:18 3203:20 stability 3061:17 3062:22 3076:13,14 3078:16 3083:20 3111:9 stable 3070:5 staff 3086:24 3102:16 3109:11,13 3159:12 3159:18,20 3170:11 3171:23 3177:25 3178:1 3182:23 staffing 3163:18 stage 3060:11 3088:21 stages 3189:14 stamp 3125:13 stamping 3068:17 standard 3058:25 3192:24 standing 3063:10 3067:3,10 stands 3202:16 start 3068:21 3087:7 3127:3 3141:20 3170:13,14 3193:22 3211:14 started 3084:11 3096:17 3104:18 3120:20 3132:19 3181:6 starters 3206:2,25 3209:21 starts 3141:10 3163:11 3210:10 state 3074:17 3082:19 3144:10 statement 3109:21,22 3111:17 3112:15 3113:22 3114:4 3129:17 3143:1 statements 3108:21 3119:15 states 3109:25 statistics 3062:1</p>
---	---	---	---	--

<p>3109:23 stats 3184:2 status 3157:8 stay 3096:12 Steerco 3065:15 3066:2 3066:4 STEINBERG 3108:1 step 3070:13 3149:18 3174:11,12 3182:11 3183:10 steps 3153:3 sticks 3202:25 stood 3208:10 stop 3065:2 3079:3,5 3131:7 3141:6 3198:14 stopped 3129:5 3168:11 3189:2 3201:12,20 store 3077:23 story 3141:23 3178:17 3212:13 strange 3106:22 3169:3 strategic 3070:22 3071:1 3092:13,18 3152:9,9,12,18 3161:21,22 3166:9,11 3170:8,9 3172:23 3174:25 3175:11 strategies 3077:21 3147:1 3161:20 strategy's 3164:18 stream 3116:2 3122:2 3122:10,24 strike 3213:4 strong 3064:21 3153:14 3162:18 structural 3123:6 structure 3087:24 3088:6,17,23,25 3089:1,2,5,18,21,24 3089:25 3090:2,17,19 3090:22,23 3091:1 3092:6,15,16,17,18 3094:11,11 3123:7 3124:4 3136:19 3152:21 3167:10 3168:4,17,22,24 3170:3 3189:21 3191:12,14,21 3196:16 3203:4 3207:2 structured 3102:16,21 structures 3121:8,12 3197:14 struggling 3161:1 stuff 3171:15 3177:24 stumbling 3140:19 subcontract 3138:25 subcontracted 3168:22 subcontractors 3138:20 subject 3124:18 3137:8 subjective 3160:10 subjects 3173:6 submissions 3125:9</p>	<p>3157:13 submit 3068:10 3071:4 3074:9 3098:12 submitted 3074:20 3202:19,20 subpoenaed 3144:10 subscription 3079:2,4 subsequent 3118:22 3127:22 substantial 3172:25 substantially 3094:9 sub-committee 3069:5 3134:9 success 3062:13,17 3063:2 3110:7,12 successes 3082:19 successful 3089:22,23 3090:9,12,13,15 3095:21 3097:2 3141:12 3177:21 successfully 3096:23 3129:23 sufficient 3086:2 3114:10 3115:22 3116:9 3201:5 suggest 3120:13,14,15 3121:5 suggested 3100:7 suggesting 3092:23 suggests 3110:23 3111:23 3112:12 summarise 3175:24 sums 3074:10 Sunday 3158:19 superficial 3139:7 supplier 3073:13 3084:21,22 suppliers 3073:25 support 3057:5,6 3063:17,23,24 3064:13 3075:7,15 3077:14,18 3081:6,7 3084:13,19,22,24 3085:13,20,21,23 3086:2 3097:23 3132:2,3,3 3139:18 3145:12 3154:18,18 3172:1,5 3173:7 3175:20 3182:15 3185:5 3194:6 3201:4 supported 3136:7,8 supporting 3191:16 3197:14 suppose 3125:24 3187:4 3189:1 3210:19 supposed 3165:24,25 3177:1 3195:8,9 3196:19 3197:21 3198:7 3203:10 sure 3059:18,20 3060:25 3061:5 3069:11,18 3095:2 3099:12 3101:14 3103:3,7 3105:24 3111:25 3116:10,15</p>	<p>3116:20,20 3117:1 3130:19 3145:16 3152:5 3159:3,5,9 3167:13 3188:25 3192:24 3196:24 3213:13 Surely 3090:6 3156:5 surmise 3163:10 surmising 3165:17 surprise 3086:23 surprised 3130:17 3207:13 survey 3073:17 3101:3 3101:7 surveyors 3137:6 surveys 3189:19 suspect 3100:10 sustainable 3150:19 switch 3079:5 system 3059:19,22 3060:17 3061:10,11 3062:8,12 3069:23 3076:14 3080:5,5 3081:1,4,20,22 3085:19 3105:17 3106:3 3115:5 3117:1 3117:5 3141:2 3187:21 systems 3058:1,6 3061:17 3062:22 3063:2,8 3066:9 3067:12 3078:17 3079:16 3082:12 3111:9 3116:24 3130:18 3181:8,9,10 3181:14,18,24 3182:1 3182:10,11,13,15 3183:3,17 3184:9,13 3184:13,20 3185:16 3185:17,21 3187:16 3189:21 3191:11 3192:2,3,4,6,7,10,14 3195:4,5,19 3204:1 3204:23 3205:9 3209:15 system's 3078:13</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>t 3101:14 table 3065:22 3068:9 3124:17 3149:24 tabled 3068:4 3071:6 3071:13 3125:1 tactic 3173:24 tactics 3179:16 tail 3167:20 take 3062:3 3065:21 3070:13,13 3080:2 3081:19 3107:25 3108:18 3110:22 3130:13 3138:7 3143:13 3145:20 3146:8 3149:19 3175:17,18 3182:11 3183:10 3193:4 3197:20 3211:9,24</p>	<p>taken 3071:18 3079:17 3106:4 3153:3 3193:15 3195:25 3197:19 takes 3151:2,2 3170:19 3211:12 talent 3131:4 talented 3142:6 talk 3061:6 3065:20 3075:12 3076:4 3079:21 3080:21 3081:22 3084:25 3085:11 3097:5 3100:10 3105:18 3106:18 3112:10 3113:5 3115:8,14 3117:16,17 3130:11 3137:18 3151:8 3179:6 talked 3161:10 talking 3064:2 3068:8,8 3074:10 3076:6 3078:18 3079:24,24 3088:10 3094:1 3106:25 3107:1 3110:15 3113:13,16 3130:2,19 3154:1 3179:1 3210:10 talks 3108:20 3111:13 3111:14 3118:5 3120:2 Tama 3097:1 task 3076:15,25 3088:9 tasked 3152:14 tasks 3057:19 tax 3080:5,7,21 3110:7 3112:21 3113:14 3118:5,17 3119:23 3130:12,14,14,16 3159:16 3181:23 3193:19 taxes 3181:9,11 3182:8 taxpayer 3063:6 3070:1 3078:18 3113:17 3115:5 3118:20 3130:12 3142:20 3143:2 3183:22 3205:7,10,12 taxpayers 3062:23 3063:3 3182:24,24 3183:23 3184:16,17 3186:1,5 3192:12,18 3205:8 3207:16 3212:4,15 taxpayer's 3105:22 team 3064:12,17,21,23 3066:6 3082:25 3084:9,20,20 3085:21 3085:24 3086:16 3101:11 3122:6,6,10 3123:8 3132:20 3162:25 3164:1 3176:8 3177:13 teams 3196:6 3197:15 technical 3057:5,6 3106:8 3134:5</p>	<p>3135:17 technological 3192:25 technology 3058:1,9,16 3059:11 3060:14,15 3060:17 3064:11 3065:7,21,21,22,23 3065:24,25 3068:3,13 3069:22 3070:15,25 3071:19 3072:18 3073:18 3074:17 3075:10,11,19 3076:1 3083:22 3084:9,20 3088:14 3090:3 3097:12 3105:2,3,13 3106:5 3113:19 3114:14 3118:15,21 3124:1,9,12,19 3125:2 3127:10,22 3128:3 3130:21 3134:15,17,18 3139:15 3168:8 3188:16 3190:21 3191:6 telephone 3058:7 telephony 3131:24 tell 3056:16 3070:8 3078:21 3079:23 3092:3 3109:8 3115:23 3121:7 3126:13 3129:1 3132:6 3137:1 3160:20 3171:9,11 3173:22 3181:4 3193:8 3197:10 3213:18 tells 3112:16 3119:16 3119:16 3120:12 3162:4 tend 3079:25 tender 3069:2 3073:17 3074:21 3120:22,23 3131:14 3133:7,19,20 3135:18 3139:5,22 3140:9 tenders 3070:25 3072:13 3120:21,21 3131:12,17 3132:21 3132:23 3133:4,14 3134:1,9,10,24 3135:4,7 3137:19,20 3138:5,6,16 3139:10 3139:13 tension 3136:15,15 3137:12 tenure 3109:14 term 3105:19 termed 3101:1 terms 3058:2,8 3071:22 3082:14 3087:11,18 3100:10 3110:6,8 3111:6 3183:6,21 3184:19,23 3185:3 3187:20 3191:2,21 3193:19 3196:24 3198:17 3200:7 3201:3 3204:1 3212:5</p>
---	---	---	---	--

<p>test 3068:13 testified 3091:7 testimonies 3191:9 thank 3056:7,14,15 3108:3,5 3112:6,8 3117:14 3121:18 3142:8 3143:4,5,9,10 3143:20,25 3144:2,8 3144:12 3180:2,4,13 3180:21 3213:17 3214:1,4,8 that's 3082:13,13 3086:23 3089:3 3091:6 3092:11 3094:17 3108:2 3118:16 3119:19 3121:16 3123:17 3148:19 3150:3 3159:24 3163:2,24 3164:14 3170:17 3172:8 3187:24 3188:4 3189:4,24 3190:24 3191:4 3194:12 3195:3 3197:12 3198:20 theme 3191:10 theory 3173:11 thereof 3208:18 there'd 3105:8 there're 3171:14 there's 3121:11 3156:6 3158:20 3161:2 3164:18 3165:23 3171:12,13,22 3187:24 3198:17 they're 3103:23 3148:12 3171:10 3188:22 thin 3115:11 thing 3071:10 3078:8 3082:11 3115:15 3124:7 3136:16,17 3139:7 3156:18 3162:4,18 3174:10 3187:2 3189:4 3191:12 3205:24 3206:4 3213:17 things 3072:7 3074:12 3082:21 3085:3,22 3105:23 3114:12 3115:12 3122:21 3123:10 3129:3 3151:5,14 3152:4,8 3152:10,19,23 3157:3 3157:14,15 3159:13 3159:24 3160:15,18 3162:8,8,10 3165:12 3166:10 3168:8,9 3169:9,12,20 3170:17 3170:22,25 3171:10 3171:11,13,22 3173:2 3173:4,7 3174:7 3187:13 3197:3 3199:1 3207:3 3209:20 3210:6 3211:21 3213:3</p>	<p>thingy 3190:22 thinking 3203:5 thinks 3163:15 third 3183:1 3205:11 thought 3170:23 3174:18 threaten 3085:6 threatened 3085:5 three 3072:13 3121:2 3132:15 3134:6 3136:5 3146:2 3169:25 3181:17 3184:22 throw 3155:24 3164:8 3186:22 3211:17 thrown 3192:25 3193:1 Thursday 3066:2,5 thwart 3097:13 ticked 3061:1 tied 3169:5 timeframe 3095:6 timeline 3134:21 times 3091:13 3093:4 3108:2 3125:7 timing 3084:11 title 3153:22 3195:4 today 3069:24 3115:19 3116:11 3126:14,15 3131:3,8 3142:6,14 3144:11 3162:22 3182:7,12 3199:8 3204:13 3210:18 3211:8,23 3212:10 3214:7 told 3127:20 3142:1 3157:25 3160:1 3188:8,12 3195:23 3203:5 tomorrow 3137:16 tool 3105:10 top 3058:7 3083:2 3104:23 3141:14 3146:1,22 3160:21 3161:1,5 3179:22 3193:22 3194:7,9 3211:14 topic 3079:13 3104:17 3112:9 3123:3 3124:21 3126:23 3131:11,11 3189:6 topics 3087:19 3102:22 total 3064:8 3096:22 totality 3092:14,15 totally 3097:17 touches 3108:17 touching 3067:13 tower 3073:5 3120:21 3131:12,14,17,19,19 3131:24 3132:2,3,4 3132:14,17 3133:12 3133:12,13 3137:19 towers 3132:11 3133:15 trade 3069:20 trader 3063:7 3070:2 3078:19</p>	<p>traders 3205:12 traffic 3210:10 train 3178:12 3186:23 3194:11,12 3202:7 training 3109:18 trajectory 3190:17 3206:1 transact 3063:11 3113:20 transaction 3105:22 3106:1,2 transactions 3105:24 transfer 3183:2 transform 3183:19 transformation 3183:8 3188:10 transformative 3150:11,16,18 transition 3125:24 3185:18 3187:17 3192:3 3199:7 3203:14 transitioned 3182:19 translate 3210:16 translated 3136:23 3212:4 translator 3137:14 transpired 3167:11 transversal 3073:15 treading 3129:15 3161:11,13 3162:20 Treasury 3154:15 3162:6 3175:20 3176:5 3200:1 Treasury's 3199:25 3200:7 treated 3057:17 3096:5 trivial 3076:15 3125:13 3125:16 trouble 3078:10 3127:25 true 3069:18,19 3099:9 3211:15 3212:5 truly 3201:24 3207:13 truth 3056:10,10,11 3144:4,4,5 3180:17 3180:17,18 truthful 3099:13 3101:16 truthfully 3104:12 try 3163:10 3186:8 3190:6,8 3194:6 trying 3080:10 3094:1 3097:13 3102:1,8,15 3103:15 3127:4 3131:13 3136:13 3140:25,25 3153:9 3159:7 3190:18 3191:22 3199:18 3203:16 Tsigu 3097:1 turn 3071:6 3118:25 3193:12 3211:13 Twice 3158:19 twisted 3149:7 two 3062:19 3063:15</p>	<p>3063:18,20 3085:12 3085:12 3100:16 3109:12 3110:16,16 3111:15 3114:17,19 3117:9,9,12 3121:2 3130:12,13 3132:14 3132:16 3134:6 3135:22 3137:22 3145:4 3163:1,7 3171:23 3172:10 3173:9,14 3191:23 3192:21 3194:2 3203:11 3210:8 type 3070:24 3071:5 3163:23 types 3078:25 typically 3113:10 tyre 3203:8</p> <hr/> <p style="text-align: center;">U</p> <p>ultimate 3072:1 3150:13 ultimately 3137:20 3138:5 ultimatum 3187:8 unavailable 3062:10 uncertainty 3123:12 underneath 3094:11 understand 3060:23 3069:11 3071:21 3074:3,22 3079:24 3080:14 3086:24 3087:8 3090:4,9 3094:14,25 3102:1,3 3102:8,8,15 3103:15 3119:5,7 3120:10,16 3134:13 3135:8 3145:18 3148:3 3150:22 3153:12 3161:1,9 3167:14 3175:21 3176:15,20 3181:22 3183:8 3186:2,13 3187:21 3188:24 3190:9 3194:13 3200:6 3201:25 3206:21,22 3208:12 3209:16 3210:14 3213:11 understanding 3091:17 3102:6,6 3103:17 3104:1 3112:16,17 3119:17,18 3152:22 3166:2 3168:23 3174:8 3179:10 3183:13 3195:22 3210:2 understands 3183:5,5 3206:6 understood 3086:13 3113:23,24 3114:25 3120:12 3124:17 3185:23 3201:22 3207:13 undertaken 3064:18 under-estimated 3082:13</p>	<p>undo 3211:24 unfair 3142:22,24 3176:3 unfortunate 3167:21 unfortunately 3202:3 3212:11 unhappy 3084:8 3085:13,14,15 3096:12 unique 3118:4,6 unit 3112:23 3163:21 3173:5 3182:20 3195:25 3196:1 units 3188:17 unpack 3114:10 unsatisfied 3098:17 unsettling 3086:25 updates 3116:17 upfront 3210:8 upgrades 3079:7 upstairs 3207:23 use 3068:25 3073:4,14 3073:23 3077:21 3080:3 3105:19 3113:19 3116:5 3118:21 3120:25 3170:18 3172:12 3174:11,12 3185:19 3187:12 3188:9,13 3191:25 3192:14 3197:24,25 3209:10 3209:12,12 useful 3146:17 user 3058:7 3105:25 3115:11 users 3192:13 3207:16 uses 3192:7 usual 3071:5 3077:15 3084:4 utilise 3073:1 utilised 3165:23</p> <hr/> <p style="text-align: center;">V</p> <p>V 3133:12 valid 3072:18 value 3069:6 3072:20 3072:23 3118:10,17 3122:23 3126:21 3129:22 3130:9,23 3199:12,14 3206:17 3206:18 3212:6 vantage 3167:22 various 3066:25 3182:3 3203:19 vehicle 3068:24 3074:23 3171:17 vehicles 3185:4 3200:12 vendors 3066:7 3072:11 3151:12 versatile 3183:6 versus 3079:22 3105:7 3174:3 view 3069:17 3079:20 3081:4 3082:1 3083:13,14 3084:21</p>
---	---	---	--	--

<p>3086:18 3094:8 3097:25 3100:3 3102:11 3105:15 3111:4 3112:1 3113:22 3115:1 3119:11 3122:15,17 3126:16 3128:19 3129:24,25 3130:25 3137:12 3141:10 3146:14 3149:23 3208:22 views 3097:11 visible 3211:22 vision 3157:10 visiting 3078:18 voice 3131:20,23 3133:13 3178:11,16 3178:17,25 3179:2,4 vrot 3193:17 vulnerabilities 3076:23 3079:9 vulnerability 3064:4 3075:25</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wade 3178:13,14 wading 3178:14 wagging 3167:20 wait 3210:17 waiting 3168:11,14 3210:6 wakes 3182:20 walking 3141:18 want 3059:24 3065:16 3079:9 3090:4 3117:16 3118:7 3119:20 3120:3,15 3126:7 3128:17 3141:1,24,25 3142:1 3144:10 3145:17 3148:3 3152:20 3153:12 3167:9 3170:5,8,13 3175:10 3183:10 3187:10,11 3189:7,23 3194:21 3195:2 3198:11,13 3208:21 3213:22,22 wanted 3074:21,25 3083:3 3168:25 3195:5,18 3196:9 3201:17 3204:18 3205:8 wants 3063:7 3078:20 3189:16 3203:14 3210:17 wasn't 3119:11 3191:20,23 wasn't 3176:17 3185:1 3200:11 3201:4 3212:12 wasted 3198:12 wasteful 3130:2 3167:5 3205:2 wat 3092:15 water 3117:2 3129:15 3161:11,13 3162:20</p>	<p>3178:14,14,14 way 3057:17 3060:2 3068:15 3077:1,5 3080:15 3081:9,10 3084:9 3085:2 3096:5 3096:9,9 3101:6 3102:9,16 3109:1 3116:17,25 3117:5,6 3128:8 3140:13 3149:18 3152:25 3155:22 3170:19,25 3174:14 3175:9 3190:16,23 3191:1 3207:2 ways 3171:19 3178:8 3187:3 weak 3098:22 3099:2 weakness 3099:8 websites 3171:19 week 3079:14 3191:10 weekend 3187:24 weekends 3141:4 weekly 3059:12 3065:16,20,25 3066:9 weigh 3074:14 welcome 3095:25 3097:24 3146:21 well-functioning 3201:13 well-managed 3122:18 well-recognised 3086:21 well-structured 3109:5 went 3070:21 3085:9 3098:7 3099:6,11,21 3101:10,14 3103:1 3120:16,19 3125:5 3131:16 3133:5 3135:15 3137:2,20 3138:5 3168:25 weren't 3082:21 3099:15 weren't 3060:6 3129:14 we'll 3145:13 we're 3078:18 3079:24 3089:8 3157:11,11 3161:12,13 3162:20 3165:20 3166:15,16 3168:14 3171:19,20 3187:8 3189:3 3192:4 3195:21 we've 3121:25 3123:5 3148:1 3170:3 3171:10 3192:25 3193:1,1,2 3194:23 We'll 3205:22 we're 3056:8 3064:1 3074:10 3130:2 3141:22 3174:11 3179:18 3182:25 3183:2 3211:10 3212:3 we've 3086:6 3129:18 3141:20 3142:13 3211:24 3212:22 3213:20</p>	<p>whatsoever 3145:25 3191:16 what's 3144:13 3146:8 3149:19 3158:18 3162:24 3165:9,18 3171:24 3186:21 3188:1,2 3191:23 3194:25 wherewithal 3159:12 where's 3198:6 whichever 3080:14 3081:9 wholly 3175:8 who's 3147:23 3151:24 3195:12 wide 3192:6 widely 3086:21 willing 3140:24 3211:12 wisdom 3208:8 wise 3172:24,24 3187:2 wish 3145:12 wished 3067:20 witness 3142:24 3143:11,13 3144:10 3161:10 3180:5 3213:1,1,2 3214:5 witnesses 3137:18 3141:21 3212:22,23 women 3192:22 3211:9 wonder 3087:1 3143:12 3208:21 won't 3121:15 word 3092:2 3147:7 3148:17,19 3149:5,6 3153:14 3164:9 3165:11 3176:21,23 3186:16 3187:13 3188:9 3191:25 words 3170:20 3183:14 3198:15 work 3056:20 3084:4,8 3084:9 3085:14,24 3089:4 3105:3,16 3108:16 3116:15 3118:25 3120:17 3122:2,2,7,10,13,20 3122:22,24 3123:2 3129:11 3130:5 3137:5 3140:24 3142:15 3150:4 3156:25 3170:1 3186:14 3194:13 3195:20 3196:2,25 3199:24 3204:20 3207:6 3208:17,20 workable 3154:9 worked 3060:10,10 3070:10 3102:10 3128:17 3188:15 3192:22 working 3067:16 3082:21 3083:12 3097:11 3123:7 3128:15 3210:23 works 3150:3 3192:2</p>	<p>workshops 3106:18 3129:7 workstation 3132:2,12 world 3149:23 3150:3 3159:10,13 world-wide 3080:7 worried 3156:5 worth 3205:16 wouldn't 3080:20 3122:25 3123:1,2,3 3147:6 3167:17 3199:10 wouldn't 3076:1 3176:10,18 would've 3122:21 3127:10 write 3073:22 3120:22 3132:21 3133:20 3148:12,13 3164:5,21 3164:22 3197:1 3209:22,22 3210:1,1 writer 3119:17 writing 3132:23 3147:22 3149:7 3196:3 written 3149:22 3198:9 wrong 3060:5 3062:1 3079:21 3092:2 3100:4 3110:25 3115:16 3121:6,8 3128:20 3138:17 3164:9 3203:6,6 3207:23 3211:16 wrongly 3103:17 wrote 3146:11 3147:4</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>year 3062:1,6,12 3069:24 3071:11,11 3071:15 3074:18,19 3076:17,18,18 3110:1 3110:2,3,3,4,7,8,12 3123:11 3125:3,3,4 3125:18 3127:4,7,11 3127:14 3128:1 3130:12 3138:8 3140:5 3146:2 3157:12 3175:18 3192:21 3209:24 3210:8,18 years 3072:14,19,21 3073:16 3075:16 3076:19 3115:8,9 3127:12,16 3132:8,12 3132:14,15,16,22 3137:10 3146:3 3156:13,13 3169:25 3174:14 3210:8 year's 3071:9 3139:8 yesterday 3059:10 3070:6 3118:24 3128:18 3130:1 3140:16 3142:13 3182:18 3183:24 3194:17 you'd 3106:12 3150:13</p>	<p>3152:9 you're 3090:2,3 3092:23 3095:25 3119:5 3150:12 3151:22 3153:18 3154:3,12,24 3155:10 3155:14,18 3157:24 3157:25 3158:5 3160:25 3162:6,7 3163:25 3171:25 3172:2,6 3188:8 3189:7 3190:19 3199:8 you've 3082:18 3092:17 3146:24,25 3146:25 3160:1 3165:18 3169:19,19 3169:22 3199:1</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>zero 3100:5 3139:3 3170:2 Zulu 3148:20</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p>000 3062:13 3076:8 3110:10,11 3182:23 09:05 3056:2 09:25 3067:2 09:45 3077:13</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 3062:14 3065:7 3100:5 3106:25 3107:1,7,20 3131:19 3131:19 3132:11 3143:14,18 3172:25 3175:12 1st 3056:18 10 3169:25 10:05 3088:8 10:25 3100:2 100 3130:3 100% 3061:19 1000 3076:17 1000s 3074:12 3076:6,7 11 3108:2 3187:11 11:04 3108:5 11:24 3118:11 11:44 3127:15 12 3063:21 3076:8 3132:13,14,16 3143:16 12:04 3137:12 13 3137:2 13:17 3143:22 13:37 3158:16 13:57 3172:9 14 3189:24 14:17 3186:22 14:37 3199:22 15 3057:16 3182:22,23 16 3056:1 3064:8 17 3191:5 170 3112:18 18 3210:16</p>
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<p>19 3195:3</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 3065:8 3116:10 3121:19,21 3131:19 3131:20 3132:14 3172:25 3175:12</p> <p>20 3108:2 3137:10</p> <p>2000 3056:18</p> <p>2004 3109:10</p> <p>2007 3057:4 3131:14 3181:7</p> <p>2009 3181:8</p> <p>2010 3057:8</p> <p>2012 3137:2</p> <p>2013 3120:17,20 3132:20 3133:5 3193:19</p> <p>2014 3057:16 3083:3 3086:5 3110:2,7,10 3127:21 3128:7 3129:3,20 3131:16 3134:22 3136:13 3185:9</p> <p>2014/15 3062:1,6 3109:25 3127:11</p> <p>2015 3087:7,7 3094:24 3096:17 3106:15 3109:10 3110:3,5 3123:8,11 3125:1 3126:25 3127:1,2,11 3127:14 3129:4 3133:9 3134:22</p> <p>2015/16 3110:1 3125:3</p> <p>2016 3096:17</p> <p>2018 3056:1</p> <p>2019 3127:19</p> <p>24 3210:17</p> <p>25 3115:9</p> <p>250 3062:15</p> <p>27 3145:4 3159:18,21 3163:6 3170:4</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 3110:11 3131:19,20 3132:14 3172:25 3175:13 3187:11 3189:8,24</p> <p>30 3115:8 3137:10</p> <p>300 3062:14</p> <p>365 3209:23,25</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 3110:11 3131:19,24 3132:14 3191:5 3195:3</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 3131:19 3132:2,2,11</p> <p>5000 3076:9</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 3131:19 3132:2,3,11</p> <p>60 3141:21 3212:22</p> <p>600 3110:11</p>	<hr/> <p style="text-align: center;">7</p> <hr/> <p>7 3131:19 3132:4,17</p> <p>70 3141:21 3212:22</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8 3211:2</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9 3062:13 3110:10</p> <p>99.4 3062:13 3110:8</p> <p>99.5 3110:8</p> <p>99.65 3110:12</p> <p>99.67 3062:17</p> <p>99.7 3110:20 3192:10</p> <p>99.72 3110:13</p> <p>99.85 3062:7 3110:4</p> <p>99.97 3110:3</p>			
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