

**IN THE JUDICIAL COMMISSION OF INQUIRY  
INTO ALLEGATIONS OF STATE CAPTURE, CORRUPTION AND FRAUD  
IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

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**STATEMENT BY ADVOCATE NGOAKO ABEL RAMATLHODI**

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1. I am a senior member of the African National Congress (ANC). I have over the years been appointed to serve in Government. I was appointed as:
  - 1.1 The 1<sup>st</sup> Premier of Limpopo and served in office from 10 May 1994 to 22 April 2004;
  - 1.2 Deputy Minister of Correctional Services from 1 November 2010 to 25 May 2014;
  - 1.3 Minister of Mineral Resources from 25 May 2014 to 23 September 2015;
  - 1.4 Minister of Public Service and Administration from 23 September 2015 to 31 March 2017.
2. Following my appointment, I received many congratulatory messages including one from Duduzane Zuma.
3. What was peculiar about Duduzane's message was that he asked to meet me and convey his message personally. At the time I responded by saying I was very busy in Cape Town, and that during weekends I would still be busy because of my political appointments.
4. Then after a few months I got a frantic call from Duduzane who was demanding to meet me. I arranged to see him at St Georges Hotel where we were having a National Executive Meeting. In that meeting he said to me he was sorry to meet me under those circumstances where he had to lodge a complaint against me, instead of meeting me in order to congratulate me.

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5. He went on to tell me that he had received information from two sources that reported that I have been going around bad mouthing him and his business associates, saying that they were involved in criminal activities.
6. I asked him who his sources were.
7. He mentioned two names, one from India and other from South Africa.
8. I do not remember those names because he promised to furnish me with the names in writing. That never happened.
9. He also mentioned that he told his father, the President, about these allegations. My response was that he grew up in front of me, so I was one of his uncles, as we were referred to those days by children in exile.
10. I went on to say that as his uncle, I do not need to run around reporting on him doing crime. I would simply summon him and ask him if he was doing crime and if he was, I would order him to stop or report him to the police. I went on to tell him that I will tell his father about our conversation.
11. His response was to ask me to meet Ajay Gupta in order to explain the situation to Ajay Gupta. I told him I don't know Ajay and I owe him nothing. He left the meeting on that note.
12. In the mean time I received a report from Adv. Mahlodi Mofuhe that there was a request from the Gupias to meet me, and that he had told them that he did not think I would agree to meet them. I confirmed that I did not want to meet them. Please see the article attached hereto as **Annexure A** in particular paragraph 1. I confirm the contents of the article.
13. Around the same time the Director General ("DG") of the Department of Mineral Resources ("DMR"), Dr. Ramonija told me that there was a request from Gupias that we increase the order volume of the New Age Newspaper that was supplied to the department. I refused to authorize the request.
14. Dr. Ramonija also told me that during Minister Shabangu's term the Gupias would host the department in their Cape Town home during the Mining

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Indaba. I indicated to the DG that this would not happen under my leadership of the department.

15. A few months later I got a call from Duduzane who wanted to meet me on a Friday. I told him that I would meet him on Monday as he sounded desperate.
16. I then asked the DG Dr. Ramonija to inquire into what the issue could be. It emerged that one of the Gupta owned mines was non-compliant with safety regulations. Mr. Msiza who was then head of Safety confirmed to me that they had closed the mine because of non-compliance.
17. I was shown pictures of people working without protective clothes in that mine.
18. I then decided to meet the President the following Monday instead of meeting Duduzane. In the meeting with the President I advised that the President should tell his son to lodge whatever complaints he might have with the Department and not with me, as that would compromise procedural protocols. The President promised to do so.
19. The next event had to do with Mr. Brian Molefe, who had suspended the Optimum mine contract to supply Hendrina Power Station with coal.
20. The reason as provided by Mr. Molefe (then Eskom Chief Executive Officer) (CEO) was that Eskom was owed ± Two billion Rand by Glencore. Mr. Molefe was refusing to meet with Glencore to resolve the issue. I had a meeting with Mr. Molefe to persuade him to meet with Glencore to resolve the matter.
21. The same evening Mr. Molefe called me to say Dr. Baldwin Ben Ngubane, his Chairperson wanted to meet with me. We then met in the office in the presence of some officials. At that meeting Dr. Ngubane basically instructed me to shut down all Glencore owned mines. He said that he needed a decision to be made in the meeting so that he could report to the President, who was leaving on a foreign mission on that day. I informed him that I was unable to take a decision like that without due processes being followed as these processes would enable me to make an informed decision.

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- 21.1 Please See attached hereto the media report from Independent Media in which I confirmed that I was prepared to tell a judicial inquiry that Mr. Molefe and Dr. Ngubane tried to force me to suspend mining company Glencore's licenses. This appears on paragraph 2 of Annexure B (Hand labeled purely for the purposes of the Commission's ease of reference). I confirm this media report.
22. On paragraph 9 of the same article referred to in paragraph 21.1 herein above I confirmed that I advised that "I am not going to shut the mine". On paragraph 13 of the above mentioned article, I went on to confirm that "I will tell the truth in front of anybody".
23. I then asked them to supply me with the list of Glencore mines that was supplying Eskom with coal. I advised that in the meantime they must engage in negotiations with Glencore as agreed with Mr. Molefe. The meeting ended on that note.
24. When the President returned from his trip he called me to Mahlamba Ndlopfu and thanked me for having served the Department very well. He advised that he has decided to "promote" me to the Department of Public Service and Administration (DPSA).
25. While at the DPSA I received an application from the Department of Mineral Resources (DMR) requesting the DPSA to appoint Mr. Mzwanele Jimmy Manyi as Director General for the DMR. Mr. Manyi did not qualify, and therefore, the application was declined.
26. Mr. Manyi then went to Adv. Mouthe and asked why I had declined his application. Adv. Mouthe told me that his response was that we are bound by the rules of Public Service.
- 26.1 I would like to refer to my response and report to the Sunday Times, regarding the appointment of Mr. Mzwanele Jimmy Manyi. Please see paragraph 4 of Annexure C where I confirmed to the media that "I ***stopped that thing of Manyi***" because he did not meet the requirement of a post graduate degree.

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26.2 I confirm that my other reason for declining his Application was further based on, and in line with, the contents of the Directive on Compulsory Capacity Development, Mandatory Training Days and Minimum Entry Requirements for Members of the Senior Management Services (SMS) which is attached hereto as Annexure D

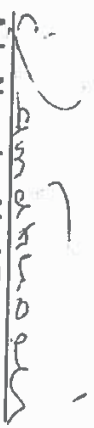
26.3 I further point out that in paragraph 15 of Annexure B, it is recorded that after leaving the public service, Manyi worked for the Gupta's ANN7 TV station.

27. On the 1st of April 2017, I woke up to the news that I was fired as Minister. Ironically in the last Cabinet meeting that I attended I had made a joke about April fool's day.

28. I was never formally (either personally or telephonically) informed of my removal from the cabinet post that I had been appointed to.

29. On the 16<sup>th</sup> May 2017 and at 11h58, during the interview with Lameez Omarjee and Mathew Le Cordeur of the ENCA, which is the 24 hours television news broadcaster owned by e.tv, I confirmed, as recorded in paragraph 5 of Annexure E hereto, that "I did not co-operate with the Gupta family members". Please see the article attached hereto as Annexure E.

Dated at Pretoia this 07 day of November 2018.

  
Adv Ngoako Abel Ramathodi

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EYEWITNESS NEWS



## NGOAKO RAMATLHODI JOINS THE 'GUPTA CONFESSION' CHORUS

He was moved from the position of Mineral Resources Minister and replaced by Mosebenzi Zwane.



Public Service and Administration Minister Ngoako Ramatlhodi. Picture: AFP

Gupta family (<https://ewn.co.za/Topic/Gupta-family>) Mcebisi Jonas (<https://ewn.co.za/Topic/Mcebisi-jonas>)  
Stephen Groote (J) (<https://ewn.co.za/Content/Stephen-groote>) J. A. KOKA (<https://ewn.co.za/Topic/Koka>)

Ngoako Ramatlhodi (<https://ewn.co.za/Topic/Ngoako-Ramatlhodi>)

1 JOHANNESBURG - Public Service and Administration Minister Ngoako Ramatlhodi's (<https://ewn.co.za/Topic/Ngoako-Ramatlhodi>) spokesperson has confirmed that Ramatlhodi was invited to a social engagement by the Gupta family, shortly after he was appointed to his previous job as Mineral Resources Minister.

2 But, the minister's office says he declined the invitation.

3 Ramatlhodi was moved from the position of Mineral Resources Minister by President Jacob Zuma and replaced by Mosebenzi Zwane (<http://ewn.co.za/2015/09/25/Mosebenzi-Zwanes-relation-with-the-Guptas-raises-concerns>).

4 Zwane's office has confirmed that he went on a trip with the Gupta family to help in negotiations around the Optimum Coal mine deal, but the Gupta family have denied that.

5 Ramatlhodi's spokesperson Mahlodi Moathe says, "They sent us an invite for some dinner at some point, but Minister Ramatlhodi was so focused with his work and he was not taking any invites which were social."

6 The Deputy Finance Minister Mcebisi Jonas's revelation yesterday that he was offered Treasury's top job (<http://ewn.co.za/2016/03/16/Mcebisi-Jonas-confirms-job-offer-by-Guptas>) by the Gupta family has prompted calls for both judicial and parliamentary enquiries into the family's influence.

7 African National Congress Secretary General Gwede Mantashe says no one in the ruling party is untouchable (<http://ewn.co.za/2016/03/17/ANC-says-Zuma-is-not-untouchable>), including President Zuma.

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**Busani Mabunda**

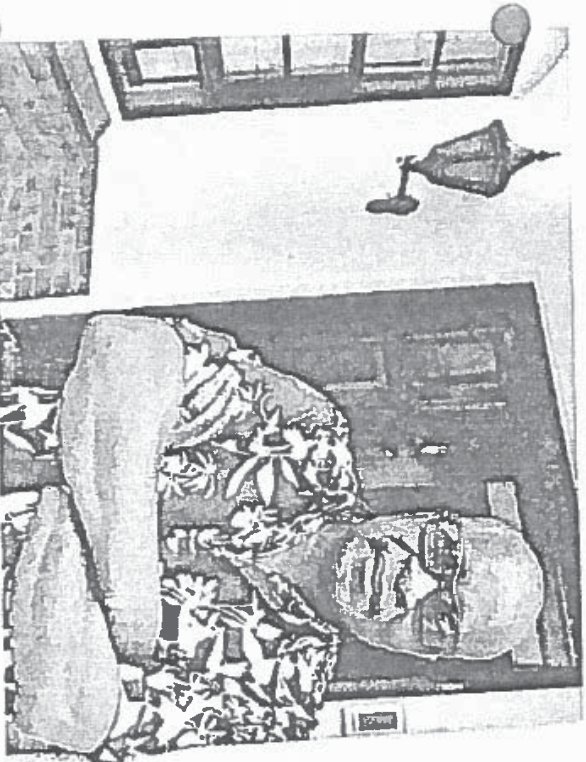
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**From:** Busani Mabunda  
**Sent:** Monday, 03 September 2018 9:57 PM  
**To:** Busani Mabunda  
**Subject:** Ramathodi stands firm on Gupta claims | IOL News

<https://www.iol.co.za/news/politics/ramathodi-stands-firm-on-gupta-claims-9180106>

## Ramathodi stands firm on Gupta claims

Luyolo Mkentane



1 Ngoako Ramathodi File picture: Masi Losi

Johannesburg - Former mineral resources minister Ngoako Ramathodi says he's not afraid to repeat his explosive claims in a judicial commission of inquiry that Eskom chief Brian Molefe and chairperson Dr Ben Ngubane interfered in his work.

2 On Tuesday, Ramathodi told Independent Media he was prepared to tell a judicial inquiry that Molefe and Ngubane tried to force him to suspend mining company Glencore's licences at the time the country was going through load shedding.

3 Ramathodi also claimed President Jacob Zuma's son Duduzane was the messenger used by the Gupta family to try to arrange a meeting with him.

4 The revelation has prompted ANC alliance partners, the SACP and Cosatu, to repeat calls for Zuma to step down.

Ramathodi said he held a meeting with Molefe in 2015 where they discussed Glencore's R2 billion penalty for supplying Eskom with substandard coal.

Read Ramathodi's explosive claims here

5 "Brian (Molefe) was not keen to meet Glencore and therefore I was mediating (in) that matter. He was receptive to my ideas," said Ramathodi. "However, after my meeting with Brian, the chairman (Ngubane) insisted they wanted another meeting with me. That's when I realised that this was going to be a serious meeting, so I brought in my DG (director-general) and DDGs (deputy directors-general). There are witnesses to the meeting."

6 Department of Mineral Resources director-general Dr Thibedi Ramontja resigned in December 2015, citing "personal reasons".

7 At the second meeting, Molefe and Ngubane reportedly insisted Ramathodi suspend all Glencore licences pending the payment of the R2bn fine. A suspension of all its licences would have reportedly brought Glencore's 14 coal operations to a standstill and risked the jobs of its 35 000 employees.

8 Ramathodi reportedly said Ngubane insisted that he suspend Glencore's licences, but he refused. "I said I'm not going to shut the mine."

9 The Eskom board chairperson then reportedly said he would have to report on their meeting to Zuma straightaway as the president needed to be in the know before leaving on a foreign trip.

10 Zuma went to China on September 2, 2015, and on his return, Ramathodi was moved to the Public Service and Administration portfolio. He was replaced by ANC MP Mosebenzi Zwane, who is allegedly linked to the Guptas.

11 Ramathodi said that if asked to repeat his claims in a judicial commission of inquiry, he would.

12 "I will tell the truth in front of anybody," he said.

13 Asked if he was being forced to suspend Glencore to make way for Optimum, which at the time the Guptas were said to be planning to buy, he said: "I prefer to put my views to myself on that matter."

14. Former public protector Thuli Madonsela had recommended a judicial commission be set up to investigate allegations that Molefe favoured the Guptas in the awarding of coal tenders at Eskom.



15. Zuma's spokesperson Bongani Ngqulunga, Molefe and Ramontja couldn't immediately be reached for comment.

16. ANC secretary-general Gwede Mantashe said: "Ngoako has spoken, he is a member of the ANC. What do you want me to say?"

Political Bureau

Kind Regards



## Busani Mabunda

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**From:** Busani Mabunda  
**Sent:** Monday, 03 September 2018 10:13 PM  
**To:** [semamemonono@gmail.com](mailto:semamemonono@gmail.com)  
**Subject:** Fwd: Minister blocked Manyi bid for top minerals job

Dear Advocate Ramathodi. Please find the link. I will hear from you.

Kind Regards

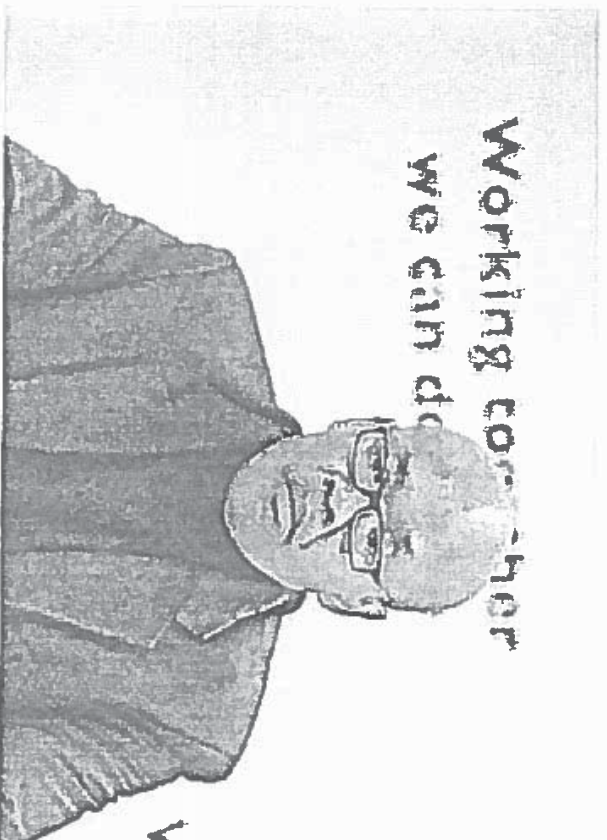


Begin forwarded message:

**From:** Busani Mabunda <[busani@mabundainc.com](mailto:busani@mabundainc.com)>  
**Date:** 12 July 2018 at 11:48:49 SAST  
**To:** Busani Mabunda <[busani@mabundainc.com](mailto:busani@mabundainc.com)>  
**Subject:** Minister blocked Manyi bid for top minerals job

<https://www.timeslive.co.za/sunday-times/news/2017-06-11-minister-blocked-manyi-bid-for-top-minerals-job/>

## Minister blocked Manyi bid for top minerals job



Former public service and administration minister Ngoako Ramathodi blocked Gupta family defender and one-time government spin doctor Mzwanele Manyi from scoring a cushy R1.6-million-a-year government post.

Manyi, who has played a key role in advancing the white monopoly capital narrative, had been earmarked for the director-general post in the Department of Mineral Resources despite lacking the required qualifications, Ramathodi confirmed.

2. He had reportedly already been interviewed for the position when Ramathodi put the brakes on the move.

3. "I stopped that thing of Manyi ... Because he did not meet the requirement of a postgraduate [degree]. We could not allow it," he said.

4. The Times reported last week that Manyi sent his CV to the Gupta family in 2014. Two years later, Gupta-linked Mineral Resources Minister Mosebenzi Zwane reportedly wanted him to replace Thibedi Ramonjha, who had resigned citing personal reasons.

5. Zwane is said to have lobbied Ramathodi to make an exception for Manyi, who did not meet the requirements for the job. Manyi has a national higher diploma in economic geology.

6. Ramathodi, who has since been fired, said he could not relax the requirement and blocked the appointment - a decision he said had made him "unpopular" among his cabinet colleagues.

7. According to the advert for the director-general post, candidates were required to have an appropriate tertiary qualification, a postgraduate qualification and eight to 10 years of senior managerial experience.

8. The requirements included in-depth understanding and knowledge of the mining industry and the regulatory regime affecting it.

9. Asked for comment on the director-general bid, Manyi said: "I do not discuss government-related matters. What is government's final response, that is the response."

10. He described any link between the director-general job and his CV being emailed to the Guptas in 2014 as "absolute rubbish".

11. Questions sent to Zwane went unanswered.

12. Manyi was previously a director-general in two departments - labour and the Government Communication and Information System.

14. He has long had a relationship with the Guptas. A Gupta guard revealed that Manyi visited the family' s compound in Saxonwold, Johannesburg, in 2011, when he was at GCIS.
15. After leaving the public service, Manyi worked for the Guptas' ANN7 TV station, where he claimed he was "head-hunted" for a show that was later canned.
16. Last December, the Sunday Times reported that the Black Business Council rebutted Manyi's attempt to have Gupta company Oakday become a corporate member. Manyi called this "blue lies" .

Kind Regards





**Phoenix Day XVII, PRETORIA, 0000** Tel: (012) 336 1080, Fax: (012) 336 7802  
**Private Day XIX-18, Cape Town, 8000** Tel: (021) 467 5120, Fax (021) 465 3403

**AMENDED DIRECTIVE ON COMPULSORY CAPACITY DEVELOPMENT, MANDATORY TRAINING DAYS AND MINIMUM ENTRY REQUIREMENTS FOR MEMBERS OF THE SENIOR MANAGEMENT SERVICE (SMS)**

- Your co-operation is highly appreciated.**

DIRECTOR-GENERAL  
DATE: 06/03/2017

*Directive on compulsory capacity development, mandatory training days and minimum entry requirements for SMS*



**DIRECTIVE ON COMPULSORY CAPACITY DEVELOPMENT, MANDATORY TRAINING DAYS AND MINIMUM ENTRY REQUIREMENTS FOR SMS**

First issued 1 April 2015  
Amended with effect from 1 April 2017

DETERMINED IN TERMS OF SECTION 3(2) OF THE PSA, 1994 AS AMENDED BY THE MP5A



**Directive on compulsory capacity development, mandatory training days and minimum entry requirements for SMS**

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*Directive on compulsory capacity development, mandatory training days and minimum entry requirements for SMS*

Glossary of Terms

AO	Accounting Officer
CBA	Competency Based Assessment
CNC	Core Management Criteria
CPP	Cognitive Personally Profile
DPSA	Department of Public Service and Administration
EA	Executive Authority
EEA	Employment Equity Act, 1998
EHW	Employee Health and Wellness
ELDP	Executive Management Development Programme
EE	Employment Equity
HEI	Higher Education Institute
HRD	Human Resource Development
HRDS	Human Resource Development Strategy
HRM	Human Resource Management
HRPS	Human Resource Planning Strategy
LDP	Leadership Development Framework
LDH	Leadership Development Management
LDMS	Leadership Development Management Strategy
LDMSF	Leadership Development Management Strategy Framework
LDP	Leadership Development Programme
LMCF	Leadership Management Competency Framework
LRA	Labour Relations Act, 1995
M&E	Monitoring and Evaluation
MACI	Management and Administration of Career Incidents
MTSA	Minister for the Public Service and Administration
MTSF	Medium Term Strategic Framework
MTSP	Medium Term Strategic Plan
NSG	National School of Government
NOF	National Qualifications Framework
PA	Performance Agreement
PAJA	Promotion of Administrative Justice Act, 2000
PAMB	Public Administration and Management Bill, 2007
POI	Previously Disadvantaged Individual
PDP	Personal Development Plan
PMDS	Performance Management and Development System
PMS	Performance Management System
PSA	Public Service Act, 1994 (as amended)
PSETA	Public Sector Education and Training Authority
PSLDP	Presidential Strategic Leadership Development Programme
ROI	Return on Investment
RPL	Recognition for Prior Learning
SAOA	South African Qualifications Authority
SDA	Skills Development Act, 1998
SDLA	Skills Development Levies Act, 1999
SETA	Sector Education and Training Authority
SMS	Senior Management Service
WPPSTE	White Paper on Public Service Training and Education
WPPSP	Workplace Skills Plan

*Directive on compulsory capacity development, mandatory training days and minimum entry requirements for SMS*

1. Background

1.1 In a report of 2000, prior to the establishment of the Senior Management Service (SMS), certain key areas were identified in respect to the skills of senior leadership. Two significant areas identified were:

1.1.1 Poor levels of performance and skills among managers, resulting in inadequate service delivery;

1.1.2 Insufficient attention to training and development and nurturing of a sustainable pool of senior management cadre.

1.2 Against this background the SMS was established and adopted various principles and processes to effectively respond to the findings identified in the 2000 report.

1.3 A review of the SMS was then conducted in 2005 and the following were some of the findings related to training and development:

1.3.1 Compulsory targeted training was identified as a key issue for developing SMS members;

1.3.2 Major identified areas for development were the core competencies for SMS as well as a targeted orientation and induction course

1.4 Following the significant research above, which provided sufficient information to acknowledge the need for Employers to vigorously lead the continuous development of their senior management employees, the Leadership Development Management Strategic (LDMS) Framework was developed in order to create a culture of continuous training and development within the Senior Management Service (SMS) Cadre. The framework emphasizes that:

1.4.1 Targeted training and development remains an imperative to improve the level of competence of members of the SMS.

1.4.2 Creating an environment that is structured towards the promotion of training and development, which is broadly the intention of the Directive.

1.5 In recognizing the importance of promoting professionalization in the Public Service and regulating the quality of individuals who enter the SMS, it is imperative that the Public Service creates minimum standards of entry.

1.5.1 An empirical mechanism to improve the quality of leadership within the Public Service is to promote stricter conditions associated to entry.

1.5.2 The Public Service, as an employer when taking this approach shows intent to advance professionalism by creating the opportunity for individuals who are interested in joining or advancing in the Public Service with the necessary path and pre-conditions to follow.

2. Purpose

2.1 The purpose of this Directive is to instill a culture of continuous development and to promote professionalism in senior managers through compulsory development.

***Directive on compulsory capacity development, mandatory training days and minimum entry requirements for SMS***

2.2 This Directive also provides for pre-entry requirements for entry and movement within the SMS

**3. Objectives**

- 3.1 To promote continuous professional development of members of the SMS
- 3.2 To ensure that training on identified skills gaps is implemented in departments
- 3.3 To ensure that compulsory training programmes aimed at addressing the developmental needs of senior managers within the Public Service have been identified.
- 3.4 To provide and encourage SMS members to be trained in a structured manner.
- 3.5 To provide minimum entry requirements for appointment into the SMS through obtaining a compulsory Public Service specific qualification.
- 3.6 To achieve a highly competent SMS cadre.
- 3.7 To strengthen the recruitment process at SMS level.

**4. Scope of Application**

- 4.1 This Directive is applicable to all members of the Senior Management Service of the Public Service. Departments recruitment as well as training and development policies be aligned to the requirements as stipulated in this Directive.

**5. Performance Management and Development Systems**

- 5.1 Following the identification of developmental needs, such needs must be incorporated into the Performance Agreement and PDP under the PMDS, the supervisor and SMS members must agree on the content thereof.
- 5.2 PDP must include areas of compulsory training for SMS. Compulsory training must be considered over 3 performance cycles.

**6. Competency Based Management**

- 6.1 The Competency Framework for SMS provides an indication of the generic managerial competencies required for SMS members to effectively perform their duties.
- 6.2 The competency assessment tools are used to conduct competency assessments in order to determine:
  - 6.2.1 Strengths
  - 6.2.2 Weaknesses
  - 6.2.3 Learning potential
  - 6.2.4 Current level of work
  - 6.2.5 Developmental gaps

*Directive on compulsory capacity development, mandatory training days and minimum entry requirements for SMS*

8.2.6 Identified training and development in the form of a Personal Development Plan

8.3 The CORE and Process Competencies measured are:

CORE COMPETENCIES: Presents the idea behind the competency, succinctly defines what that means and proposes typical behaviours which illustrate the competency.		PROCESS COMPETENCIES: Explains how the function is performed by employing these competency techniques
Strategic Capability and Leadership;		Knowledge Management
People Management and Empowerment;		Service Delivery Innovation (SDI);
Programme and Project Management;		Problem Solving and Analysis;
Financial Management		Client Definition and Customer Focus;
Change Management;		Communication;

6.4 The competency assessment determines an individual's training and development gaps and expected interventions are reflected in a competency Personal Development Plan (PDP)

6.5 The details of competency PDP must be incorporated into the Performance Agreement and PDP for purposes of training and development in respect to the Performance Management and Development System (PMDS) for the SMS. This promotes a link between Competency Based Assessment, PMDS and training and development.

7. Compulsory capacity development:

7.1 SMS members are expected to be subjected to continuous development in order to remain up to date with developments in their relevant field. All SMS members must undergo relevant training to close identified development gaps as determined by a competency assessment and/or a performance assessment at a specific performer level. Such training must be in generic managerial competencies and/or technical skills. From a generic training perspective, an SMS member is required to complete related courses over a 3 year performance cycle. Technical training which is departmental specific must be included.

7.2 It remains the relevant department's prerogative to determine how prioritization is managed considering aspects like financial and operational implications. It is however important that all SMS members are provided with a fair opportunity for training, noting the need to address deficient skills as a priority

<sup>1</sup> A depiction of how the process competency is covered within the core competency, which form part of training on each core competency

*Directive on compulsory capacity development, mandatory training days and minimum entry*

- 7.3 *Competency based training (excerpts of the generic managerial competences as stipulated in the Competency Framework for SMS). The following provides an understanding of the constitution of training based on the core competences as listed in paragraph 8:*

7.3.1 *Strategic Capability and Leadership:*

Strategic Leadership Capability involves building and sustaining relationships, and managing in the political-cultural context. Leaders and managers create and drive the vision, the strategy and lead people to execute the mandate of government. The following figure illustrates how the core competency is integrated with the process competency and the three dimensions.

*Strategic Planning Frameworks: Organizational Performance, Programme Performance, Financial Performance, Leading People and Task Execution Management: Organizational Management Systems and Individual Performance Management Systems, Annual Performance Reporting: Responsive to MDGs, Micro/micro economics, Globalisation*

7.3.2 *People Management and Empowerment:*

Managers achieve goals through others therefore they must ensure that people perform and are managed and developed in order to achieve the desired results. The following represent the dimensions that form modules for training and development should a gap in this competency be identified

*HR Planning, HR Management and HR Development: Planning, Recruitment, Selection, Career management (Leadership Pipeline), Talent and retention management, Job evaluation, Employee Health and Wellness and Diversity Management, Transformation management, Performance Management and Development, Employee Relations Management: Labour relations management*

7.3.3 *Programme and Project Management:*

Departmental mandates are achieved through programmes and projects designed to address needs of society/citizenry. The assumption is that the manager's work entails managing programmes or projects which are strategic in nature and involves both the management of people, financial/budget and expenditure of the project/programmes. The following dimensions are what will constitute the modules within the core competency



*Directive on compulsory capacity development, mandatory training days and minimum entry requirements for SMS*

*Programme and Project Planning  
Programme and Project Execution,  
Programme and Project Performance: Monitoring and Evaluation.*

#### 7.2.4 Financial Management

The management role includes budgeting and spending and the success of all programmes and projects of government rely on the extent of financial management of these programmes. The following dimensions are what will constitute the modules within the core competency.

*Financial Planning and Performance: (PFMA, MTRF, MTEF, Treasury regulations)  
Financial Execution and Budgeting: (Assets Management, financial accounting, Supply Chain  
management and procurement, Risk Management)  
Financial Reporting: In Year Monitoring, Auditor General's Report.*

#### 7.2.5 Change management:

The diverse nature of the transformation agenda of the South African Public service requires expertise in change management and therefore the expectation from managers to develop and implement turn around strategies to accelerate transformation and possibly change the lives of South Africans. The following dimensions are what will constitute the modules within the core competency.

*Envision Change Strategy, Plans Change and Executes Planned Changes: Transformation  
management  
Organisational Design, Structural Changes and Change Management: Practical change  
models.  
Change Impact: Results have positive impact on the lives of citizens.*

#### 7.4 Computer Literacy:

Computer Literacy is articulated as the knowledge and ability to use computers and related technology efficiently which includes a range of skills covering levels from basic use to programming and advanced use. Computerised technology is continuing to grow at a rapid rate. As the Public Service becomes more dependent on technology (eg. Integrated Financial Management System- IFMS) the value an SMS members has may be measured in terms of his or her technological competency and ability to harness and utilize technology to improve performance.

**Directive on compulsory capacity development, mandatory training days and minimum entry requirements for SMS**

**6. Technical/Professional Capacity Development**

- A.1. SMS members who have a dual career path must ensure that skills related to their occupational classifications are updated within a three (3) year performance cycle. SMS members who require continuous professional development as obliged by their respective professional body must update their skills accordingly.
- B.2. Supervisors must ensure that technical/professional training needs and requirements are also captured in the PDP.
- B.3. This Directive identifies generic managerial training as outlined in the SMS Competency Framework. Technical/professional training and the identification thereof remains the responsibility of the relevant supervisor and employee.

**9. Mandatory training days:**

- 9.1 Every SMS member must spend a minimum of 10 days on training over a 3 year performance cycle. Training can be either generic/technical or a combination of both. Training must be appropriately prioritized for all SMS members.

**10. Minimum entry requirements into SMS and movement within the SMS:**

- 10.1 Minimum qualifications for entry into SMS positions shall be:
- 10.1.1 For a Director and Chief Director – an undergraduate qualification (NQF level 7) as recognized by SAQA.
- 10.1.2 For a Deputy Director-General and Head of Department – an undergraduate qualification and a post graduate qualification (NQF level 8) as recognized by SAQA

**10.2 Minimum years of service:**

Good human resource practice shows that in order for individuals to be operationally successful, it is imperative to consider the length of time necessary for an individual to spend in a position together with the type of exposure in respect to development. Time spent in a post before movement is not the only measure that may be considered to determine whether a person has the necessary requirements.

It is however prudent to have best practice in place to ensure consistency in appointing SMS members in the Public Service. The time an individual spends in a post must be coupled with appropriate developmental opportunities in order to assess an individual's capability to successfully deliver from an operational perspective.

Paragraph 10 shall be also be dependent on the approved Job Evaluation and Grading system for the SMS over and above the set minimum qualification requirement.

**Directive on compulsory capacity development, mandatory training days and minimum entry**

**requirements for SMS**

An SMS member must demonstrate that s/he has validated her/his competencies at their current performance level before progressing to a higher level of SMS.

The table below reflects minimum years of experience as an entry requirement into the SMS:

SMS Level	Minimum experience (until 1 April 2015)
Entry (level 13)	5 years of experience at a mid/senior managerial level
Level 14	5 years of experience at a senior managerial level
Level 15	8-10 years of experience at a senior managerial level <sup>1</sup>
Level 16	8-10 years of experience at a senior managerial level (at least 3 years <sup>2</sup> of which must be with any organ of State as defined in the Constitution, Act 108 of 1995) <sup>3</sup>

Noting that most Heads of Department in Provinces are remunerated at different salary level within the SMS, the years of experience for an individual who is expected to be functioning as an HOD will be 8-10 years of experience at a senior managerial level (at least 3 years of which must be with any organ of State as defined in the Constitution, Act 108 of 1995).

**10.3 Pre-entry certificate into the Senior Management Service**

**10.3.1** In order to ensure that potential SMS members have a background on processes and procedures linked to the SMS, a further requirement for appointment at SMS level will be the successful completion of the Senior Management Pre-entry Programme as endorsed by the National School of Government. This is a Public Service specific training programme which will be applicable for appointments at SMS level.

**10.3.2** With effect from 1 April 2020, an individual may only qualify, if they have successfully completed a Public Service Senior Management Leadership Programme for appointment at SMS level.

**10.3.3** The content of the Public Service Senior Management Leadership Programme pre-entry will be determined by the NSG in conjunction with the DPSA.

**10.4 Strengthening recruitment at SMS level**

**10.4.1** In order to improve the quality of appointments made at the SMS level, all shortlisted candidates for SMS posts must undertake a pre-entry practical exercise as part of the selection process based on the technical or generic requirements<sup>4</sup> of the post.

<sup>1</sup> As amended with effect from 1 April 2017.

<sup>2</sup> Generic requirements as stipulated in the competency framework for the SMS.

*Directive on compulsory capacity development, mandatory training days and minimum entry requirements for SMS*

- 14.2.2 immediately report to the Director General: Department of Public Service and Administration the particulars of such non-compliance; and
- 14.2.3 as soon as possible report to the Director General: Department of Public Service and Administration the particulars of the disciplinary steps taken.

15.

Date of implementation

This Directive shall be implemented as follows:

- 15.1 The compulsory training and mandatory training days as identified in this directive shall be implemented w.e.f 01 April 2018.
- 15.2 The pre-entry certification for SMS shall commence w.e.f 01 April 2020.
- 15.3 All other aspects of this Directive shall commence w.e.f date of approval by the MP/SA.
- 15.4 Any post advertised on or after the date of approval, must comply with all the requirements of the Directive.
- 15.5 The amendments to this Directive become effective on the date of approval

16.

General

Request for deviation in respect to any part of this Directive may only be considered by the Minister for Public Service and Administration provided that such a request, citing the reasons therefor, is in writing and signed by the relevant Executive Authority.

Approved:



Ayo Ogunniyi, (D.R.) (MP)  
Minister for Public Service and Administration  
Date: 03/03/2017

*Directive on compulsory capacity development, mandatory training days and minimum entry requirements for SMS*

- 10.4.2 The practical exercise may take the form of a formal presentation on a topical issue that tests the candidate's ability to successfully performing in the post and/or a written practical exercise. Departments are required to score the practical exercise as another criterion in the interview process.
- 10.4.3 Departments must practice competency based interviewing and competency assessments as prescribed.
- 10.5 Existing SMS members:
- 10.5.1 Existing SMS members will be required to comply with all minimum requirements in order to progress to higher levels within the SMS.
11. Specific Training for Heads of Department:
- 11.1 Compulsory training for HODs should comprise the following:
- 11.1.1 Executive Induction Programme for HODs
- 11.1.2 Structured exchanging/teaching programme
12. Financial Implications
- 12.1 Departments must ensure that sufficient funding is made available for the application of this Directive. Departments shall apply the requirements of personnel budget for training and development in the Public Service.
13. Monitoring, Evaluation, Reporting.
- 13.1 DPSA shall monitor the implementation of this Directive through the annual reporting processes.
- 13.2 A Template for reporting on the implementation of this Directive will be provided to Departments.
- 13.3 Departments will be required to report on the implementation of this Directive on 1 June of every year, well from 2016.
14. Compliance
- 14.1 This Directive is issued in terms of the Public Service Act and as such an Executive Authority shall immediately take appropriate disciplinary steps against a Head of Department who does not comply with the provisions of this Directive and report to the Minister for Public Service and Administration the particulars of the disciplinary steps taken
- 14.2 A Head of Department shall -
- 14.2.1 immediately take appropriate disciplinary steps against an employee of the department who does not comply with the provisions of this Directive

10/31/2018

Ramathodi: I told the Guptas to back off | Fin24

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Not just me

Trade and Industry Minister Rob Davies says while he met with the Guptas so did Helen Zille.



Financial Planning

Financial advisors add value if you know how to and make use of them, says Warren Ingram.

AS data is delayed					
From	Companies	513 M A's	Economy	Millio Budget 2019	History
ZAR/EUR	ZAR/GBP	ZAR/JPY	ZAR/USD	ZAR/AUD	
~ 16.62 (-0.37%)	~ 18.67 (-0.39%)	~ 0.13 (-0.23%)	~ 14.85 (-0.57%)	~ 10.49 (-0.31%)	

Ramathodi: I told the Guptas to back off

May 16 2017 11:38 Luvana Danyaga and Matthew La Grange

1. Johannesburg – During his time as mineral resources minister, Moshale Ramathodi said he was asked to meet with the Guptas, but refused to do so.

2. Ramathodi was speaking to eNCA when he revealed how he was asked by the president's son Duduzane Zuma to meet with Alay Gupta, his business associate at Tegela Exploration and Resources.

3. "Since I became the minister of mineral resources, the Guptas tried to have meetings with me. I refused to have those meetings. I simply told them to back off," Ramathodi told eNCA.

4. He had reported this to President Jacob Zuma, who said it was not a problem. Ramathodi confirmed to eNCA that there was no continued pressure to meet with the family thereafter.

5. "I did not cooperate with the Gupta members," Ramathodi clarified.

6. This comes following a report by amaBhungane where Ramathodi said he was pressurised in 2015 by Eskom CEO Brian Molefe and chairperson Ben Ngubane to help the Guptas take over Glencone's coal mine in 2016.

7. READ: Ramathodi apills beans on how Molefe 'helped' Guptas

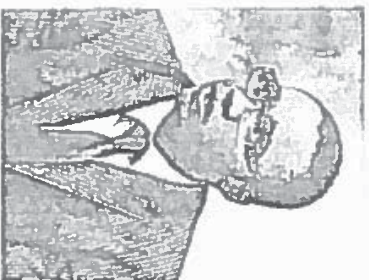
Ramathodi said he was asked to suspend the licences of Glencone mines. He refused to do so and was later removed as mines minister by Zuma and redeployed to public service.

8. The president had told Ramathodi he had done a good job as mines minister, and that with his background he could manage public service. "I accepted those reasons and I did do," said Ramathodi.

9. However, Ramathodi added that he was willing to "share more" on a different platform, such as a judicial commission of inquiry as proposed by former public protector Thuli Madonsela in her State of Capture report.

10. Molefe was implicated in the report over procurement of coal contracts with Optimum Coal Mine linked to Gupta-owned Tegela.

<https://www.fin24.com/Economy/ramathodi-i-told-the-guptas-to-back-off-20170516>



Duduzane Zuma/ Foto: Brendan croft

RELATED ARTICLES

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- WATCH LIVE: Ngubane speaks for Eskom at African Utility Week
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- Court bid to block Molefe begins as parties protest outside Eskom

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COMPANY SNAPSHOT







**MINISTRY  
PUBLIC SERVICE AND ADMINISTRATION  
REPUBLIC OF SOUTH AFRICA**

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**Mr MJ Zwane, MP  
Minister of Mineral Resources  
Private Bag X 59  
ARCADIA  
0007**

**Fax: 012 444 3145**

**Dear Colleague**

**FILLING OF THE VACANT POST OF DIRECTOR-GENERAL: DEPARTMENT  
OF MINERAL RESOURCES**

Your letter and the accompanying Cabinet Memorandum in the above regard, have reference.

I have noted the contents of the Cabinet Memorandum whereby you are recommending the appointment of Mr. MJ Manyi as Director-General of the Department of Mineral Resources.

According to the advertisement aailed, the post of Director-General in your Department was advertised with the educational requirements of "*an appropriate qualification (NQF Level 7) and a post-graduate qualification (NQF Level 8) as recognised by SAQA.*" In this regard, SAQA verified Mr. Manyi's highest qualification to be at NQF Level 7. Although Mr. Manyi's excellent knowledge of mining legislation as well as latest developments in the mining industry and his strategic capability and leadership skills as reflected in the Cabinet Memorandum have been duly noted, he however does not meet the educational requirements as clearly articulated in the advertisement for the post.

Furthermore, it is acknowledged that Mr. Manyi previously served as a Director General in 2 departments, i.e. the Department of Labour and Government Communication Information Systems; this was prior to the introduction of new entry requirements as outlined in the Directive endorsed by Cabinet.


Your Department's recommendation that Mr. Manyi be appointed as Director-General: Mineral Resources does not comply with the requirements of the post as advertised and with the provisions of the Directive on compulsory capacity development, mandatory training days and minimum entry requirements for the

Senior Management Service, issued on 1 April 2015 (as amended). Amongst the requirements of the said Directive are specific entry requirements regarding the minimum educational qualifications for the appointment of a Head of Department, which are ***"an undergraduate qualification and a postgraduate qualification (NQF level 8) as recognized by SAQA."***

Against the above background, I am not in a position to table this appointment before Cabinet for concurrence due to the fact that the process as noted above does not comply with relevant prescripts, which will be regarded as irregular when subjected to audit processes.

As a way forward your Department may revisit the candidature of the other shortlisted candidates in order to determine their suitability or not for appointment to the post concerned. In the event that none of those candidates are being found suitable for appointment, the post will have to be re-advertised nationally in order to attract a new pool of candidates for consideration. In order to broaden the potential pool of candidates to be generated through such an advertisement, your Department may request identified potential candidates to submit their candidature for the post prior to the closing date of the advertisement. Applications received from such identified potential candidates must then be considered together with all other applications and all the normal selection processes will apply.

Kind regards

  
 ADV. NGOAKO. A. RAMATLHODI, (DR.) (MP)  
 MINISTER FOR PUBLIC SERVICE AND ADMINISTRATION  
 DATE: 05/06/2016



**MINISTER  
MINERAL RESOURCES  
REPUBLIC OF SOUTH AFRICA**

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From: Director: Human Resources Administration and Practices

Tel: (012) 444 3360 Fax: 086 734 3223 E-mail: [Nywanabanna.Maleka@dmr.gov.za](mailto:Nywanabanna.Maleka@dmr.gov.za)

Enquiries: Mr N Maleka Ref: SP S4/ 1/ 5

Adv. N Ramatlhodi

The Minister of the Public Service and Administration

Private Bag X 884

PRETORIA

0001

Dear Colleague

**FILLING OF THE VACANT POST OF DIRECTOR-GENERAL: MINERAL  
RESOURCES, DEPARTMENT OF MINERAL RESOURCES**

1. The post mentioned above was advertised nationally during 10 January 2016 to 24 January 2016. After assessment of the applications against the key performance areas and the requirements attached to the post as advertised, candidates were shortlisted.
2. The selection committee conducted interviews with all the shortlisted candidates. Mr Tumelo Mahuma, the Acting Director: Human Resource Administration and Practices acted as scribe to assist the committee.
3. After thorough consideration of the candidature of the individuals against the background of the particular requirements and circumstances of the post, Mr MJ Manyi was found to be the most suitable candidate for the post.
4. The following documents regarding the filling of the post are attached:

- (a) Copy of advertisement.
- (b) List of the candidates who applied for the post.
- (c) Cabinet Memorandum for submission to Cabinet.
- (d) Copy of letter from NIA regarding security vetting.
- (e) Documentary proof of the outcome of personnel suitability checks.
- (f) Exposition of representivity profile at SMS level.
- (g) Copy of curriculum vitae/resume.
- (h) Copy of ID.
- (i) Copy of competency assessment report

5. In view of the aforementioned, it will be appreciated if you can obtain Cabinet's concurrence with the appointment of Mr MJ Manyi to the post of Director-General: Mineral Resources on salary level 16, (R 1,866,183 all-inclusive packages).

Thank you for your co-operation and assistance.




Kind regards



MR MJ ZWANE, MP

MINISTER: MINERAL RESOURCES

*(The following information was obtained from the records of the Department of Health, Education and Welfare, Office of the Assistant Secretary for Health Policy and Statistics, Division of Health Statistics, Bureau of Vital Statistics, Washington, D.C.)*

	<p><b>MPV</b></p> <p>2016 Mercedes-Benz B200 AT            Price: RM 1735 pm            Outgoings: R2804</p>
	<p><b>Sedan</b></p> <p>2016 Toyota Corolla Quest 1.6            Price: RM 1459 pm            Outgoings: R1759</p>
	<p><b>Bakkie</b></p> <p>2016 VW Amarok 1422V Highline 4x4            Price: RM 1859 pm            Outgoings: R3281</p>

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1900

CLOSING DATE: 24 JANUARY 2016

# WITS VACANCIES

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**THE MINE CLOSURE PROCESS IS REGULATED IN TERMS OF SECTION 43 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 AND ITS ASSOCIATED REGULATIONS.**

A mining right / mining permit holder or prospecting right holder must in terms of

Section 43 lodge a closure application with the Regional Manager in whose region the land in question is situated within 180 days of the occurrence of the lapsing, abandonment, cancellation, cessation, relinquishment or completion contemplated in subsection (3) and must be accompanied by the [prescribed environmental risk report] required information, programmes, plans and reports prescribed in terms of this Act and the National Environmental Management Act, 1998.’

In terms of NEMA, 1998 this will also trigger a Basic Assessment Process as applying in terms of Section 43 of the MPRDA, 2002 is a trigger in Listing Notice 1 of the EIA Regulations, 2014 (as amended)

Upon receipt of the requisite closure documentation, the Regional Office will consult other organs of state (specifically Department of Water and Sanitation and the Directorate: Mine Health and Safety) and request comments within 60 days.

An inspection is conducted and the Holder of the permit / right will be directed to undertake any further rehabilitation or aftercare and maintenance based on the findings of the inspection.

Comments from other organs of state are sent to the holder to address and implement any recommendations / requirements from these organs of state. Other organs of state may conduct inspections of the site prior to commenting.

Upon receipt of comments from Department of Water and Sanitation and the Directorate Mine Health and Safety, recommendation and submission is drafted for granting of closure and issuing of a closure certificate and release of all or a portion of the financial provision held by the Regional Office. The issuing of closure certificates has been delegated to the Chief Director.



#NB - No closure certificate may be issued unless the Chief Inspector and each government department charged with the administration of any law which relates to any matter affecting the environment have confirmed in writing that the provisions pertaining to health and safety and management pollution to water resources, the pumping and treatment of extraneous water and compliance to the conditions of the environmental authorisation have been addressed.”

**43. Issuing of a closure certificate.**—(1) The holder of a prospecting right, mining right, retention permit, mining permit, or previous holder of an old order right or previous owner of works that has ceased to exist, remains responsible for any environmental liability, pollution, ecological degradation, the pumping and treatment of extraneous water, compliance to the conditions of the environmental authorisation and the management and sustainable closure thereof, until the Minister has issued a closure certificate in terms of this Act to the holder or owner concerned.

[Sub-s. (1) substituted by s. 34 (a) of Act No. 49 of 2008.]

(2) On the written application in the prescribed manner by the holder of a prospecting right, mining right, retention permit, mining permit or previous holder of an old order right or previous owner of works that has ceased to exist, the Minister may transfer such environmental liabilities and responsibilities as may be identified in the environmental management report and any prescribed closure plan to a person with such qualifications as may be prescribed.

[Sub-s. (2) substituted by s. 34 (b) of Act No. 49 of 2008.]

(3) The holder of a prospecting right, mining right, retention permit, mining permit, or previous holder of an old order right or previous owner of works that has ceased to exist, or the person contemplated in subsection (2), as the case may be, must apply for a closure certificate upon—

- (a) the lapsing, abandonment or cancellation of the right or permit in question;
- (b) cessation of the prospecting or mining operation;
- (c) the relinquishment of any portion of the prospecting of the land to which a right, permit or permission relate; or
- (d) completion of the prescribed closing plan to which a right, permit or permission relate.

[Sub-s. (3) amended by s. 34 (c) of Act No. 49 of 2008.]

(4) An application for a closure certificate must be made to the Regional Manager in whose region the land in question is situated within 180 days of the occurrence of the lapsing, abandonment, cancellation, cessation, relinquishment or completion contemplated in subsection (3) and must be accompanied by the required information, programmes, plans and reports prescribed in terms of this Act and the National Environmental Management Act, 1998.

[Sub-s. (4) substituted by s. 34 (d) of Act No. 49 of 2008 with effect from 8 December, 2014.]

(5) No closure certificate may be issued unless the Chief Inspector and each government department charged with the administration of any law which relates to any matter affecting the environment have confirmed in writing that the provisions pertaining to health and safety and management pollution to water resources, the pumping and treatment of extraneous water and compliance to the conditions of the environmental authorisation have been addressed.

[Sub-s. (5) substituted by s. 34 (e) of Act No. 49 of 2008.]

(5A) Confirmation from the Chief Inspector and each government department contemplated in subsection (5) must be received within 60 days from the date on which the Minister informs such Chief Inspector or government department, in writing, to do so.

[Sub-s. (5A) inserted by s. 34 (f) of Act No. 49 of 2008.]

(6) When the Minister issues a certificate he or she must return such portion of the financial provision contemplated in section 41 of the National Environmental Management Act, 1998, as the Minister may deem appropriate, to the holder of the prospecting right, mining right, retention permit or mining permit, previous holder of an old order right or previous owner of works or the person contemplated in subsection (2), but may retain any portion of such financial provision for latent and residual safety, health or environmental impact which may become known in the future.

[Sub-s. (6) substituted by s. 34 (g) of Act No. 49 of 2008 with effect from 8 December, 2014.]

(7) The holder of a prospecting right, mining right, retention permit, mining permit, or previous holder of an old order right or previous owner of works that has ceased to exist, or the person contemplated in subsection (2), as the case may be, must plan for, manage and implement such procedures and such requirements on mine closure as may be prescribed.

[Sub-s. (7) added by s. 34 (h) of Act No. 49 of 2008.]

(8) Procedures and requirements on mine closure as it relates to the compliance of the conditions of an environmental authorisation, are prescribed in terms of the National Environmental Management Act, 1998.

[Sub-s. (8) added by s. 34 (h) of Act No. 49 of 2008.]

(9) The Minister, in consultation with the Minister of Environmental Affairs and Tourism, may identify areas by notice in the Gazette, where mines are interconnected or their safety, health, social or environmental impacts are integrated which results in a cumulative impact.

[Sub-s. (9) added by s. 34 (h) of Act No. 49 of 2008.]

(10) The Minister may, in consultation with the Minister of Environmental Affairs and Tourism, publish by notice in the Gazette, strategies to facilitate mine closure where mines are interconnected, have an integrated

impact or pose a cumulative impact.

[Sub-s. (10) added by s. 34 (h) of Act No. 49 of 2008.]

(11) The holder of a prospecting right, mining right, retention permit, mining permit, or previous holder of an old order right or previous owner of works that has ceased to exist, or the person contemplated in subsection (2), as the case may be, operating or who has operated within an area identified in subsection (9), must amend their programmes, plans or environmental authorisations accordingly or submit a closure plan, subject to the approval of the Minister, which is aligned with the closure strategies contemplated in subsection (10).

[Sub-s. (11) added by s. 34 (h) of Act No. 49 of 2008.]

(12) In relation to mines with an interconnected or integrated health, safety, social or environmental impact, the Minister may, in consultation with the Minister of Environmental Affairs and Tourism, determine the apportionment of liability for mine closure as prescribed.

[Sub-s. (12) added by s. 34 (h) of Act No. 49 of 2008.]

(13) No closure certificate may be issued unless—

- (a) the Council for Geoscience has confirmed in writing that complete and correct prospecting reports in terms of section 21 (1) have been submitted to the Council for Geoscience;
- (b) the complete and correct records, borehole core data or core-log data that the Council of Geoscience may deem relevant, have been lodged with the Council for Geoscience; or
- (c) in the case of the holder a permit or right in terms of this Act, the complete and correct surface and the relevant underground geological plans have been lodged with the Council for Geoscience.

[Sub-s. (13) added by s. 34 (h) of Act No. 49 of 2008.]

**93. Orders, suspensions and instructions.**—(1) If an authorised person finds that a contravention or suspected contravention of, or failure to comply with—

- (a) any provision of this Act; or
  - (b) any term or condition of any right, permit or permission or any other law granted or issued or an environmental authorisation issued, has occurred or is occurring on the relevant reconnaissance, exploration, production, prospecting, mining or retention area or place where prospecting operations or mining operations or processing operations are being conducted, such a person may—
    - (i) order the holder of the relevant right permit or permission, or the person in charge of such area, any person carrying out or in charge of the carrying out of such activities or operations or the manager, official, employee or agent of such holder or person to, take immediate rectifying steps; or
    - (ii) order that the reconnaissance, prospecting, exploration, mining, production or processing operations or part thereof be suspended or terminated, and give such other instructions in connection therewith as may be necessary.
- [Para. (b) amended by s. 67 of Act No. 49 of 2008 with effect from 8 December, 2014.]
- (2) The Director General must confirm or set aside any order contemplated in subsection (1) (a) or (b).
  - (3) The Director-General must notify the relevant holder or other person contemplated in subsection (1) in writing within 60 days after the order referred to in subsection (1) (a) or (b) has been set aside or confirmed, failing which such order shall lapse.

**54. Inspector's power to deal with dangerous conditions.**—(1) If an inspector has reason to believe that any occurrence, practice or condition at a mine endangers or may endanger the health or safety of any person at the mine, the inspector may give any instruction necessary to protect the health or safety of persons at the mine, including but not limited to an instruction that—

- (a) operations at the mine or a part of the mine be halted;
- (b) the performance of any act or practice at the mine or a part of the mine be suspended or halted, and may place conditions on the performance of that act or practice;
- (c) the employer must take the steps set out in the instruction, within the specified period, to rectify the occurrence, practice or condition; or
- (d) all affected persons, other than those who are required to assist in taking steps referred to in paragraph (c), be moved to safety.

[Sub-s. (1) amended by s. 23 of Act No. 72 of 1997.]

(2) An instruction under subsection (1) must be given to the employer or a person designated by the employer or, in their absence, the most senior employee available at the mine to whom the instruction can be issued.

(3) An inspector may issue an instruction under subsection (1) either orally or in writing. If it is issued orally, the inspector must confirm it in writing and give it to the person concerned at the earliest opportunity.

(4) If an instruction issued under subsection (1) is not issued to the employer, the inspector must give a copy of the instruction to the employer at the earliest opportunity.

(5) Any instruction issued under subsection (1) (a) must either be confirmed, varied or set aside by the Chief Inspector of Mines as soon as practicable.

(6) Any instruction issued under subsection (1) (a) is effective from the time fixed by the inspector and remains in force until set aside by the Chief Inspector or until the inspector's instructions have been complied with.

(7) . . . . .

[Sub-s. (7) deleted by s. 17 of Act No. 74 of 2008.]

(8) . . . . .

[Sub-s. (8) deleted by s. 17 of Act No. 74 of 2008.]

(9) . . . . .

[Sub-s. (9) deleted by s. 17 of Act No. 74 of 2008.]

(10) . . . . .

[Sub-s. (10) deleted by s. 17 of Act No. 74 of 2008.]

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**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE  
CAPTURE CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING  
ORGANS OF STATE**

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**STATEMENT OF ADVOCATE MAHLODI SAM MUOFHE**

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**1 INTRODUCTION**

1.1 I, Mahlodi Sam Muofhe, am an adult person with full legal capacity.

1.2 I live in Sharonlea suburb, Randburg, Johannesburg.

**2 EMPLOYMENT**

2.1 My current employer is the Special Investigating Unit (SIU).

2.2 My designation is Chief Governance Officer.

2.3 In 2014 at the commencement of this current 2014-2019 Government Administration, former State President, Mr JG Zuma appointed Adv Ngoako Ramathodi as Minister: Department of Mineral Resources ("the DMR").

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2.4 After his appointment Adv Ngoako Ramathodi appointed me as his Special Advisor.

2.5 I remained Special Advisor to Adv Ngoako Ramathodi throughout his deployment period from the DMR to the Department of Public Service and Administration ("the DPSA").

2.6 My employment as Special Advisor to former Minister Ramathodi, terminated by operation of the law, as my contract of employment was linked to his term of office, when former State President, Mr Zuma dismissed him from his Cabinet post on 31 March 2017.

### 3 GUPTA FAMILY

3.1 After my appointment in 2014 as Special Advisor to former Minister Ramathodi, I received a letter from the Gupta business, I cannot remember which one since they traded using different companies, directing that former Minister Ramathodi and I had to go to Saxonwold, i.e. the Gupta family residence, for dinner with the Guptas.

3.2 The purpose of the dinner was to discuss 'business' and a 'working relationship with them'.

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3.3 Before I could respond to the directive, I received a telephone call, purportedly from one of the Gupta brothers. I cannot remember who, among them, it was, since to date I do not remember their names properly nor am I able to attach names to each one of them.

3.4 The telephone discussion centred on reminding me that 'there was a dinner date' the Minister and I had to honour with the Guptas. I responded to the caller in the negative in that I said I would not honour the directive personally, as I was not keen to meet the Gupta family. I however assured the caller that in reality it was not so much the two of us they wanted but probably former Minister Ramathodi. I said I would oblige and pass the directive to Minister Ramathodi.

3.5 I informed former Minister Ramathodi that the Gupta family directed us to report for dinner at their compound in Saxonwold. I informed him that I, for my part, told the caller that I was not interested in dining with or meeting them for that matter.

3.6 Former Minister Ramathodi said he was not available to meet or dine with them. He told me to decline the directive as well because he too was not keen to meet the Gupta family.



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3.7 At the commencement of former Minister Ramathodi's term as Minister: Mineral Resources, the AMCU platinum belt strike which had been running for almost five (5) months and was unresolved, was at its peak. Under the guidance of former Minister Ramathodi we became engrossed in it and focussed on resolving it. We had no time for meetings or dining with people who had no bearing in resolving the strike. Thankfully former Minister Ramathodi, working collaboratively with all the affected stakeholders, succeeded in resolving that strike.

3.8 Former Minister Ramathodi, to the best of my recollection, never met with the Guptas or any member of their family.

4 **MR DUDUZANE ZUMA**

4.1 Former Minister Ramathodi informed me that Mr Duduzane Zuma called and wanted to meet him purpose of which was to 'congratulate him' on his appointment as Minister: Mineral Resources. I cannot remember the date since it was not essential that I record it.

5 **MR BRIAN MOLEFE AND DR NGUBANE**

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5.1 Former Minister Ramatlhodi informed me about his engagements with Mr. Molefe and Dr. Ngubane, where they wanted to influence him to take decisions in his Ministry against a certain mining house. He told me that he declined to execute their instruction.

## 6 FORMER MINISTER RAMATLHODI'S VIEWS AND MINE DURING OUR STAY AT DMR

6.1 We refused to go to Saxonwold for 'a working relationship dinner' with the Guptas. Former Minister's refusal to do what he told me Mr. Molefe and Dr. Ngubane wanted him to do, led us to conclude that our stay at the Department of Mineral Resources will not last for too long.

6.2 We both resolved that we would rather be out 'begging on the streets' than allow anyone, the former President included, to corrupt us.

## 7 FORMER STATE PRESIDENT MR. ZUMA RESHUFFLES MINISTER RAMATLHODI

7.1 As anticipated by former Minister Ramatlhodi and I, former President Mr. Zuma on Tuesday 22 September 2015 reshuffled

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his Cabinet and moved former Minister Ramathodi from the DMR to the DPSA.

## 8 OUR FEELINGS ABOUT THE RESHUFFLE

- 8.1 Former Minister Ramathodi was displeased by the decision, albeit long overdue in our view, in that it impacted heavily on the rhythm of the DMR, which he had put so much effort into, and service delivery. The mineral resources sector is one of the key drivers of our economy. Not only that, it is one of the biggest employers of labour in our country. It requires stable political leadership at all times.

## 9 MR NATHI NHLEKO

- 9.1 Mr Nathi Nhleko at the commencement of the current 2014-19 Administration was appointed by the former President Mr. Zuma as Minister: South African Police Service (SAPS).
- 9.2 Sometime in September 2014, former Minister Ramathodi informed me that he received a request from then Minister of SAPS, Mr Nathi Nhleko, that I serve as a member of a 'REFERENCE GROUP' which he was going to set up at SAPS.

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- 9.3 My area of focus on the 'REFERENCE GROUP' was going to be advising the then Minister: SAPS on various matters not limited to, but including matters relating to the NKANDLA PROJECT.

- 9.4 On 30 September 2014 I received a letter of appointment to serve on the 'REFERENCE GROUP' from Minister Nathi Nhleko.

- 9.5 By the time I accepted the appointment, I had already started working in the 'REFERENCE GROUP'.

- 9.6 Attached herewith is (a) my letter of appointment; (b) a legal opinion I wrote on THE NKANDLA PUBLIC PROTECTOR FINDINGS AND REMEDIAL ACTION and (c) a memorandum I authored on THE VARIOUS REPORTS CONCERNING THE NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICES. Inclusion of these documents serves to highlight some of the work I did during the period I served in the REFERENCE GROUP set by former SAPS Minister, Mr Nathi Mthethwa.

- 9.7 On Thursday 26 February 2015, former Minister Nathi Nhleko requested me to meet him in Cape Town.

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9.8 I flew down to Cape Town and held a meeting with former Minister Nhleko in his Cape Town office.

9.9 Former Minister Nathi Nhleko informed me to ready myself any time for an audience with the former President, Mr. Zuma because he wanted to appoint me as the Director of the troubled NPA.

#### 10 MEETING FORMER STATE PRESIDENT MR ZUMA

10.1 I cannot remember the exact date in March 2015 when my meeting with the former President took place.

10.2 On numerous occasions I would be called by former Minister Nhleko's PA to be around Pretoria either at Sheraton Hotel or at former Minister Nhleko's official Pretoria residence.

10.3 After all these postponements, one evening at the former President's residence in Mahlambandlopfu Pretoria, the meeting finally took place.

10.4 By the time this meeting took place it was already in the air that I was the 'incoming' Director: NPA.

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10.5 I had even given up in trying to rebut that rumour as senior journalists close to me at the time kept on requesting me to give them the earliest first bite for obvious reasons about my imminent appointment.

10.6 In attendance at the meeting were (a) former President Zuma; (b) former Minister Nhleko and (c) myself.

10.7 We discussed various matters of interest especially the ANC in general, since what bound us together in reality was the ANC.

10.8 I was keen to hear the real reason for the call to meet the former President. The former President, at a personal level, is such a personable person and protocol constrained me from asking him what the real purpose of the meeting was until he himself got to the point.

10.9 Former President opened the discussion on the real reason for the meeting. He wanted me to go and direct the NPA.

10.10 During question time, amongst a few that I asked him was (a) Why me? (b) What wrong did the person, Mr Nxasana, I was going to replace do as Director: NPA so that I do not 'commit' the same

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wrongs? and (c) Mr President what will happen if I were to charge you personally as President for criminal offences?

On why me, the former President said he needed an excellent experienced senior disciplined government official like me who will not cow down to undue pressure.

On Nxasana, the former President said Nxasana charged Ms. Jiba unnecessarily and his reckless act unsettled the NPA in no small measure.

On criminally prosecuting the former President, he assured me that he will not interfere with my prosecutorial independence.

10.11 I then informed the former President that I thought, much as I probably possessed the requisite skills he saw in me, maybe it will be better for him to look for a Director from within the NPA itself. He warmed up to it greatly.

10.12 Within me as I came up with that proposition which he himself also told me that there was another stream of thought which expressed the same sentiment to him, that it would be better to appoint someone from within, I was already disturbed by the reason he gave me on why Mr Nxasana was fired. I felt that the

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former President, much as he assured me that he would not interfere with my prosecutorial independence, simply wanted me to be the de jure Director of the NPA with Ms Jiba as the de facto Director and that I was not going to accept.

11    **DMR**

11.1    Over and above refusing to meet with the Guptas and refusing to bow to pressure which Mr. Brian Molefe and Dr. Ben Ngubane wanted to exert on former DMR Minister Ramatlhodi, our quest to regulate the mining industry in a just manner affected some mines' bottom line adversely.

11.2    On 3 August 2015 DMR issued Optimum Mine, then a subsidiary of Glencore Global Resources, with a Section 93(b) notice in terms of the MPRDA.

11.3    We suspended their trading licence for non-compliance.

11.4    Our action legally correct as it was irked some people.

11.5    We only lifted revocation after they had given us a satisfactory plan on how they were going to cure their non-compliance problems.



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**12 DPSA**

12.1 On Tuesday 22 September 2015 former President, Mr Zuma, reshuffled Cabinet and moved former Minister Ramathodi from the DMR to the DPSA.

12.2 Former Minister Ramathodi, once at DPSA, restarted the process of reviewing the Ministerial Handbook.

12.3 Former Minister Ramathodi drastically altered the manner in which public servants in particular used to be employed to senior positions in government. Some who were appointed were often ill qualified for senior positions.

12.4 Former Minister Ramathodi came up with a stringent employment directive which stipulated requirements needed especially for senior positions in government e.g. DGs and DDGs.

**13 DMR FORMER MINISTER MOSEBENZI ZWANE**

13.1 Dr Thibedi Ramonjha, a distinguished scientist who was the Director-General: DMR resigned.

13.2 DGs and DDGs are appointed by Cabinet.

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- 13.3 The Minister of the Department of Public Service and Administration processes the appointment by Cabinet of DGs and DDGs after satisfying himself or herself that the candidates brought to him or her for processing, meet the requirements as set out in the advertisement.

- 13.4 During our period at DPSA with former Minister Ramathodi, a submission from former DMR Minister Zwane was brought in 2016 to process the appointment of Mr. Mzwanele Manyi as DG: DMR. Former Minister Ramathodi, on perusing the advert and Mr. Mzwanele Manyi's curriculum vitae, concluded that the panel of ministers who interviewed Mr. Mzwanele Manyi erred in proposing that Mr Mzwanele Manyi be appointed as DG: DMR because Mr. Mzwanele Manyi did not possess the qualifications which were stipulated in the advert for the post. The former Minister thus rejected the submission.

- 13.5 Mr. Mzwanele Manyi failed to make it as the DG simply because he did not have the qualifications needed for the post.

- 13.6 Failure to get the appointment which Mr Manyi felt he deserved did not go down well with him.

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13.7 During that time in 2016 my late wife, may her soul rest in peace, was in hospital at Olivedale Clinic diagnosed with stage 4 cancer and I spent time in hospital. I received a call from Mr Mzwanele Manyi during one of my visits to the hospital.

13.8 Mr Mzwanele Manyi and I know each other well and I thought perhaps he had heard that my late wife was terminal in hospital hence the call.

13.9 The call was completely unrelated to what I thought Mr. Mzwanele Manyi wanted to come and see me about urgently, even though by then I had told him that I was at Olivedale Hospital. He insisted that he had to come and see me for a very urgent message he needed to convey, and said that it was not going to take time.

13.10 I obliged and Mr. Manyi came and met me at Olivedale Clinic.

13.11 He told me that the former President was extremely perturbed with me and former Minister Ramathodi because we did not support and process his (Mr. Manyi's) appointment as DG.

13.12 I was lumped in because of my position as Special Advisor to former Minister Ramathodi,

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13.13 I told Mr Manyi that much as the former President was angry with former Minister Ramathodi. In particular, because I was not the Minister, I advised him that former Minister Ramathodi was not going to deviate from the requirements clearly stated in the advert simply to appease the former President by appointing Mr. Manyi as DG, DMR, a position he was clearly not suitable for.

14 **MR THEMBA MASEKO AND “RETIRED FORMER DGs”**

14.1 Mr Themba Maseko testified at this Commission that attempts by the “retired DGs” to meet with the former Minister Ramathodi failed.

14.2 True, they addressed a letter to former Minister Ramathodi in which they directly wanted him to “reign in the former State President for mismanaging the country”.

14.3 I engaged personally with some of the retired DGs on their letter as we know each other very well.

14.4 I informed them that former Minister Ramathodi comprehended fully their concerns on the mismanagement of the resources of

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government as a consequence of the lack of quality ethical leadership on the part of the former President.

14.5 Fact of the matter was, they shopped at a wrong forum, wanting former Minister Ramathodi to intervene and reign in the former President.

14.6 Former Minister Ramathodi simply did not have any jurisdiction over the former President.

14.7 Former Minister Ramathodi himself was a victim of former President's irrational reshufflings.

15 **FORMER STATE PRESIDENT ZUMA DISMISSES FORMER MINISTER  
RAMATLHODI**

15.1 Former State President Zuma subsequently dismissed former Minister Ramathodi as Minister: DPSA.


15.2 Former Minister Ramathodi and I anticipated here as well that by not appointing Mr. Manyi, the former President was once more going to use his sharp axe to chop former Minister Ramathodi completely from his Cabinet.

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**16 CONCLUSION**

SA lost a professional Cabinet Minister in Advocate Ramathodi, simply because he at all material times refused to execute irrational instructions either from former President himself or by extension, those who purported to have been sent by him with dubious mandates.

Signed on the 16<sup>th</sup> day of November 2018 at SIU offices, PRETORIA.

  
.....  
Signed by: Advocate MS Muofhe

(A)



MINISTRY OF POLICE  
REPUBLIC OF SOUTH AFRICA

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Our Ref: Mh R Fourie

Adv. Mahodi Muofhe  
19 Rooiels Street  
Sharonlea  
Northridge  
21581

Dear Adv Muofhe

**APPOINTMENT AS REFERENCE GROUP MEMBER**

It gives me pleasure to inform you that I have appointed you as a member of a Reference Group that will focus on specific matters as directed in a meeting on 12 September 2014. The Reference Group will be required to execute the following roles and responsibilities:

- Gather all necessary background information and material;
- Invite inputs on the specified matters from the police management and directly or indirectly affected and/or involved individuals within the Service;
- Interview any relevant persons who may provide any information in connection with the specified matters;
- Research, examine and analyse any written material, documents or media articles relevant to each specified matter;
- Research and analyse the implications of the legal, regulatory or governance environment pertaining to the specified matters;
- Compile report(s) in respect of each specified matter in accordance with prioritised and agreed upon deadlines, and shall further compile a comprehensive final report

In the execution of its roles and responsibilities, the Reference Group will be required to comply with following operational conditions:

- Report, through the Secretary of Police, any impediments in relation to access to information from the National Commissioner of the South African Police Services and its Administration and/or any other entity from which information is required, and
- Treat all information disclosed to it as confidential; in this regard each member of the Reference Group will be required to enter into a binding non-disclosure agreement and subject him/herself to security clearance.
- The Reference Group as and when it deems fit and proper, is permitted to interact with other government agencies and any relevant person outside of government to assist in expediting its work.

The Reference Group is given three (3) months to conclude its work and provide me with a written report with recommendations. The scope, duration and terms of reference of the Reference Group may be revised to accommodate new matters arising. The Civilian Secretariat for Police will be responsible for all costs related to the work of the Reference Group.

May I take this opportunity in congratulating you on your appointment and in wishing you well in executing the important tasks that are entrusted to the Reference Group.

Kind regards,



Mr N P T NHLEKO, MP  
MINISTER OF POLICE

Date: 30/09/2014